

# Complaints Policy

<b>Committee ownership for this policy:</b>	F&R
<b>Must be approved by FGB:</b>	Y
<b>Required by: 1 / 2</b> <ul style="list-style-type: none"> <li>Where 1 is indicated, the requirement is statutory</li> <li>Where 2 is indicated, the requirement is recommended</li> </ul>	1
<b>Frequency of review:</b>	Bi-annually
<b>Date last reviewed:</b>	26 <sup>th</sup> May 2016
<b>Date of next review:</b>	May 2018
<b>Display on website:</b>	Y
<b>Purpose:</b>	The purpose of this policy is to set out the values and procedures in dealing fairly, speedily and effectively with any complaint raised
<b>Consultation:</b>	All staff and governors
<b>Links with other policies:</b>	<ul style="list-style-type: none"> <li>Whole school vision statement</li> <li>Inclusion Policy</li> </ul>

## **Complaints Policy**

The school's governors and Head Teacher are committed to providing the best educational experience they can for every pupil attending this school. They recognise the value to everyone concerned of dealing fairly, speedily and effectively with any complaint against their decisions, actions or omissions, which a pupil or parent or other aggrieved person may have. To this end, they have adopted the underlying principles and procedures set out in this document.

### **Framework of principles**

Our complaints procedure:

- encourages resolution of problems by informal means wherever possible;
- is easily accessible and publicised;
- is simple to understand and use;
- is impartial;
- is non-adversarial;
- allows swift handling with established time-limits for action and keeping people informed of the progress;
- ensures a full and fair investigation by an independent person where necessary;
- respects people's desire for confidentiality;
- addresses all the issues and provides an effective response and appropriate redress, where necessary; and
- provides information to the school's senior management team so that services can be improved
- ensures the procedure is without prejudice, with all equality and disability rights being respected.

### **Definition of complaint**

A school complaint is any communication received by a person or persons with a legitimate interest in the school that expresses dissatisfaction about the standard of teaching of members of the teaching staff, or about the conduct, actions or omissions of members of the teaching or non-teaching staff employed at the school.

Where a complainant is a pupil, the complaint may be pursued only by, or on behalf of, the child's parent or carer. Where someone other than a pupil or a parent or carer is pursuing a complaint on their behalf, this can be done only with the express consent of the pupil or parent concerned.

## **Part A**

### **Complaining about the actions of a member of staff other than the Head Teacher**

#### **STAGE 1 - Formal: complaint heard by Head Teacher**

This may be by letter, email, telephone, or in person by appointment.

Most concerns can be resolved by simple clarification or the provision of information and it is anticipated that the majority of complaints will be resolved at this first stage.

In the case of serious concerns it would be appropriate to address the complainant directly to the Chair of the governing body who will convene a panel of three governors to address the complaint: **Part A - stage 2** of the procedures.

#### **STAGE 2 - Formal: complaint heard by panel of three (3) governors**

If the complaint is not resolved at stage 1 (or stage 1 does not apply), the complainant must put the complaint in writing and pass it to the Chair of the governing body (or designated governor responsible for investigating complaints) who will convene a panel of three governors (including the Chair) who will be responsible for its investigation.

The governors sitting on any panel are decided according to availability and suitability (ref. published register of interests).

The complainant may be referred back to the informal stage of the procedure, or if the complaint is judged to be vexatious, then the complainant will be informed that their complaint will not be accepted and will not be investigated.

The complainant should include details that might help the investigation, such as names of potential witnesses, dates and times of events, and copies of relevant documents.

The panel of three governors may meet with the complainant to clarify the complaint. It may be appropriate to offer the complainant the opportunity to be accompanied by a friend at any such meeting.

The panel of three governors will collect all other evidence that they think is necessary. Where this involves an interview with a member of staff who is the subject of the complaint, a friend or representative may accompany that member of staff if they wish.

The investigation will begin as soon as possible and when it has been concluded, the complainant and the member of staff concerned will be informed in writing of the outcome.

This may be to the effect that:

- There is insufficient evidence to reach a conclusion, so the complaint cannot be upheld
- The concern is not substantiated by the evidence
- The concern was substantiated in part or in full. Some details may then be given of action the school may be taking to review procedures, but details of the investigation or of any disciplinary procedures will not be released
- The matter has been fully investigated and appropriate procedures are being followed which are strictly confidential (for example, where staff disciplinary procedures are being followed)

The complainant will be formally advised that consideration of their complaint by the panel of three governors is now concluded.

At no point will details around any actions taken following the investigation into the complaint be divulged to the complainant. If the complainant is unhappy with the outcome of the investigation, they may take the matter to the Local Authority although there is no obligation for them to investigate further.

## **Part B**

### **Complaining about the actions of the Head Teacher**

#### **STAGE 1 - Formal: complaint heard by Head Teacher**

This may be by letter, email, telephone, or in person by appointment.

Most concerns can be resolved by simple clarification or the provision of information and it is anticipated that the majority of complaints will be resolved at this first stage.

In the case of serious concerns it would be appropriate to raise them directly with the Chair of the governing body: **Part B – stage 2** of the procedures.

#### **STAGE 2 – Formal: complaint heard by panel of three (3) governors**

If the complaint is not resolved at stage 1 (or stage 1 does not apply), the complainant must put the complaint in writing and pass it to the Chair of the governing body (or designated governor responsible for investigating complaints) who will convene a panel of three members of the governing body (including the Chair) who will be responsible for its investigation.

The panel can:

- a. dismiss the complaint in whole or in part;
- b. uphold the complaint in whole or in part;
- c. decide on the appropriate action to be taken to resolve the complaint, or;

- d. recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not recur

Process:

- The review will normally be conducted by considering written submissions, but reasonable requests to make oral representations should also be considered
- The panel will first receive written evidence from the complainant
- The panel will then invite the Head Teacher to make a response to the complaint
- The panel may also have access to the records kept of the process followed (to eliminate doubt or ambiguity, it is helpful to specify to all parties the persons who are allowed access to records)
- The complainant is not entitled to access any details of the investigation except for any statements that may have been provided by their child
- Any information relating to the application of disciplinary procedures is strictly confidential
- The complainant, and the Head Teacher, will be informed in writing of the outcome

This may be to the effect that:

- There is insufficient evidence to reach a conclusion, so the complaint cannot be upheld
- The concern is not substantiated by the evidence
- The concern was substantiated in part or in full but that the procedural failure did not affect the outcome significantly so the matter is now closed
- The concern was substantiated in part or in full and the governing body will take steps to prevent a recurrence or to rectify the situation (where this is possible)

The complainant will be told that consideration of their complaint by the panel is now concluded.

### **Further stages**

Complaints about individual governors, including the Chair, should be made by writing to the clerk to the governing body.

Complaints about governors should be managed by the Chair, or the Vice-chair in the case of complaints about the Chair.

If the complainant still remains dissatisfied they can complain directly to the Secretary of State.

### **Referral to the Secretary of State**

Complainants do not have a general right of appeal should they disagree with the governors' decision. They may, however, raise the matter with the Secretary of State for Children, Families and Schools, if they consider the governing body is acting 'unreasonably', or is failing to carry out its statutory duties properly. If the governors have followed a proper procedure and considered the complaint reasonably the Secretary of State cannot overturn the decision.

The governing body must give full consideration to any recommendations or directions the Secretary of State may make.

### **Complaining to Ofsted**

As well as inspecting schools and monitoring how they perform, Ofsted also consider complaints if they affect the school as a whole. For example:

- the school is not providing a good enough education;
- the pupils are not achieving as much as they should, or their different needs are not being met;
- the school is not well led and managed, or is wasting money, or;
- the pupils' personal development and wellbeing are being neglected
- Safety including bullying

### **Following a complaint to Ofsted**

If requested to do so, the governing body must provide Ofsted with any information specified by Ofsted that the school holds and any other information that the school considers to be relevant to the investigation of the complaint.

If, for the purpose of an investigation, Ofsted considers it appropriate to meet the parents, the governing body must co-operate with Ofsted to arrange the meeting, including allowing a meeting to take place on school premises, fixing a date for the meeting and notifying parents and the LA of the meeting. A representative of the governing body and the LA may also attend the meeting.

If Ofsted prepares a report of an investigation, that report must be passed to the governing body. The governing body must then send a copy of the Ofsted report to all registered parents.

There is no formal stage that compels the Local Authority to investigate, outside of the DfE guidance for exceptions for which there are separate

(statutory) procedures, as outlined on page 9 of the DfE guidance ([Best Practice Advice for School Complaints Procedures 2016](#)).

## **Statutory and established procedures**

The governing body has determined this complaints procedure to deal with school complaints from parents, carers and pupils. They cover all areas of complaint, **except** in relation to those matters already provided for by existing statutory procedures, which include:

- admissions to community schools
- exclusions from schools and pupil referral units
- special education provision
- school organisation
- complaints by school staff or prospective staff
- education staff and child protection
- public examination administration
- school records on individual pupils

The following list, specified in the Education Reform Act, outlines areas that are currently the responsibility of the LA to ensure complaints are fully investigated and given proper consideration:

- the provision of a curriculum, including religious education and worship, which meets the general requirements of Sections 1 and 2 of the Act;
- the implementation of the National Curriculum and compliance with Orders and Regulations made about its requirements and exceptions to its provision (Sections 4, 10 and 17);
- provision to pupils of compulsory school age of courses leading to an external qualification, only if that qualification and the associated syllabus or syllabus criteria have been approved (Section 5);
- provision of religious education and worship as required by the Act and other enactments (Sections 6-10 and 12);
- in the case of an LA, establishment of a Standing Advisory Council on Religious Education (SACRE) and review of the agreed syllabus for the area if the SACRE so requires (section 11);
- the need to act reasonably in deciding whether or not to be associated with an application for exemption from all or part of the National Curriculum in order to carry out developmental work (Section 16);
- in the case of a governing body, consideration of appeals by parents about the temporary withdrawal of pupils from part or all of the provisions of the National Curriculum (Section 19);
- operation of charging policies in relation to the curriculum (Section 109);
- compliance with regulations about the provision of the information (section 22), and;
- compliance with any other enactments relating to the curriculum

## **Complaints procedures – key roles and responsibilities**

### **The role of the clerk**

Any panel or group of governors considering complaints will be formally clerked. The clerk would be the contact point for the complainant and be required to:

- set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible;
- collate any written material and send it to all parties in advance of the hearing;
- meet and welcome the parties as they arrive at the hearing;
- record the proceedings, and;
- notify all parties of the panel's decision

### **The role of the chair of the governing body or the designated governor**

The nominated governor role:

- check that the correct procedure has been followed, and;
- if a hearing is appropriate, notify the clerk to arrange the panel

### **The role of the governing body panel**

The panel of governors will ensure that:

- the remit of the panel is explained to the parties and each party has the opportunity of putting their case without undue interruption;
- the issues are addressed;
- key findings of fact are made;
- parents and others who may not be used to speaking at such a hearing are put at ease;
- the hearing is conducted in an informal manner with each party treating the other with respect and courtesy;
- the panel is open minded and acting independently;
- no member of the panel has a vested interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure;
- each side is given the opportunity to state their case and ask questions, and;
- written material is seen by all parties. If a new issue arises it would be useful to give all parties the opportunity to consider and comment on it.

### **Notification of the governing body panel's decision**

The panel needs to ensure that the complainant is notified of the panel's decision, in writing. This is usually within a set deadline which is publicised in the procedure. The letter needs to explain if there are any further rights of appeal and, if so, to whom they need to be addressed.

### **Timescales**

It is recommended that the following time limits should apply to all complaints handled under the school's complaints procedure:

#### **STAGE 1 - formal:**

It is reasonable that parents seeking to resolve issues should receive a response within **15 working days** of making initial contact, unless there is a good reason not to do so. The response should offer the complainant a full explanation, or set out the steps that are proposed to resolve the complaint.

#### **STAGE 2 - formal:**

Review by the governing body panel should be received within **20 working days**.

The longer time limit for Stage 2 reflects the fact that these complaints may be complex and therefore likely to take longer to resolve. Where it is not possible to respond to complaints within these timescales, the complainant should be informed in writing of the reason for the delay and given an anticipated response date.

### **Contact details**

Head Teacher: Darren Norman

In Head Teacher's absence: Sonia Cromey (Deputy Head)

Chair of Governors: Sabina Mangosi Regan