



6. Complaints Procedure

INTRODUCTION

This policy has been compiled in line with DfE guidance, Best Practice Advice for School Complaints Procedures 2016 Departmental advice for maintained schools, maintained nursery schools and local authorities January 2016. In accordance with Section 29 of the Education Act 2002, all local authority (LA) maintained schools must have and make available a procedure to deal with all complaints relating to their school and to any community facilities or services that the school provides

PURPOSE:

- To provide a transparent and straightforward system for complaints to be processed
- To promote effective and sustainable resolutions to difficulties
- To promote good quality communications

OBJECTIVE:

- To provide a formal process for the hearing and adjudication of complaints on the part of students, parents/carers and other individuals in receipt of the school's services

THE DIFFERENCE BETWEEN A CONCERN AND A COMPLAINT

A 'concern' may be defined as 'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'.

A complaint may be generally defined as 'an expression of dissatisfaction however made, about actions taken or a lack of action'. It is in everyone's interest that complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to invoke formal procedures. Schools should take informal concerns seriously and make every effort to resolve the matter as quickly as possible. There are occasions when complainants would like to raise their concerns formally. In those cases, the school's formal procedure should be invoked through the stages outlined within their procedure, please see details.

PRINCIPLES:

Every complaint is a matter of concern to the school and will be investigated with due urgency and thoroughness. Whenever a complaint is upheld every reasonable effort will be made to rectify the issue and, if appropriate, action will be taken to try to prevent a recurrence of the problem. The school will not normally investigate anonymous complaints or allegations, but confidentiality will be respected and identity of informants will be protected whenever necessary.

COMPLAINTS NOT IN SCOPE OF THE PROCEDURE

A complaints procedure should cover all complaints about any provision of facilities or services that a school provides with the exceptions listed below, for which there are separate (statutory) procedures.

Exceptions	Who to contact
<ul style="list-style-type: none"> • Admissions to schools • Statutory assessments of Special Educational Needs (SEN) • School re-organisation proposals • Matters likely to require a Child Protection Investigation 	<p>Concerns should be raised direct with local authorities (LA).</p> <p>For school admissions, it will depend on who is the admission authority (either the school or the LA). Complaints about admission appeals for maintained schools are dealt with by the Local Government Ombudsman.</p>
<ul style="list-style-type: none"> • Exclusion of children from school 	<p>Further information about raising concerns about exclusion can be found at: www.gov.uk/school-discipline-exclusions/exclusions.</p>
<ul style="list-style-type: none"> • Whistleblowing 	<p>Schools have an internal whistleblowing procedure for their employees and voluntary staff. Other concerns can be raised direct with Ofsted by telephone on: 0300 123 3155, via email at: whistleblowing@ofsted.gov.uk or by writing to:</p> <p>WBHL, Ofsted Piccadilly Gate Store Street Manchester M1 2WD.</p> <p>The Department for Education is also a prescribed body for whistleblowing in education.</p>
<ul style="list-style-type: none"> • Staff grievances and disciplinary procedures 	<p>These matters will invoke the school's internal grievance procedures. Complainants will not be informed of the outcome of any investigation.</p>
<ul style="list-style-type: none"> • Complaints about services provided by other providers who may use school premises or facilities. 	<p>Providers should have their own complaints procedure to deal with complaints about service. They should be contacted direct.</p>

GENERAL CONCERNS:

Most concerns and complaints can usually be resolved informally and complainants should normally attempt to have their concern/complaint resolved informally prior to undertaking the formal route set out in this Policy. Parents/carers who wish to raise concerns are guided to the Head of Year for their child. As and where appropriate the link member of the Senior Leadership team will be involved in the resolution of the concern.

This Complaint Policy and Procedure is intended to address the situation where concerns have not been resolved in this way.

Any allegation of abuse will be reported directly to the Headteacher who will inform the Designated Safeguarding Lead, who will in turn take any necessary steps to involve external agencies. Any allegation against the Headteacher will be reported to the Chair of Governors who will take appropriate action.

Verbal Complaints received by members of the Governing Body:

In normal circumstances the Governor should advise the complainant to contact the school directly. If the complainant is reluctant to do so, the Governor should ensure he/she understands the full facts as perceived by the complainant without making any commitment or comment on the issue except that it will be investigated and a response provided either directly to the complainant or via the governor. The Governor should then discuss the matter with the Chair of Governors.

Written Complaints received by members of the Governing Body:

The letter of complaint should be passed by the receiving governor to the Headteacher and the Chair of Governors should be informed. The matter will be investigated as set out in this policy and a copy of the response will be sent to the receiving governor and to the Chair of Governors.

Concerns from Students:

Students who feel they have been unfairly treated are encouraged to speak to their tutor or Head of Year in the first instance. He/she will investigate and document the concern, and will seek to resolve the matter informally between the student and the member of staff. Where the complaint or subsequent investigation raises issues of disciplinary significance, the matter should be referred immediately to the Headteacher.

Concerns from Parents/Carers/Guardians – Informal Stage:

The first point of contact for general concerns is normally the student's tutor as soon as possible after the incident, or the Head of Year. For subject-related concerns the class teacher or the Head of Faculty should be the first point of contact. Most concerns will usually be resolved satisfactorily through informal discussion. However, where there is not the case then formal steps may be taken and the investigation will be documented. If the complaint or concern is about the Headteacher, the complainant should be directed to the Chair of Governors.

Concerns from Members of the Public – Informal Stage:

These should be directed to the Headteacher or his/her designated representative, normally a member of the Senior Leadership Team, who may then delegate an appropriate member of staff to deal with the matter and document the investigation.

Arrangements for handling complaints from parents of children with special educational needs (SEN):

Arrangements for handling complaints from parents of children with special educational needs (SEN) about the school's support are within the scope of this policy. Such complaints should first be made to the special educational needs co-ordinator (SENCo); they will then be referred to this complaints policy.

PRE-REQUISITE FOR A FORMAL COMPLAINT UNDER THIS POLICY:**Stage One – Complaint referred to the Headteacher**

1.1 The complaint must be put in writing to the Headteacher, (Headteacher's PA) clearly in bold headed as a complaint. It must set out the concerns and what steps the parent/carer/guardian wishes the school to take to remedy the situation.

1.2 The Headteacher will write to the complainant within 5 working days acknowledging the receipt of the written complaint; a further letter will be sent within 10 working days which will provide:

- a full considered response to the complaint; or
- an offer to discuss the complaint at a date and time that is mutually convenient; or
- where it has not been possible to fully investigate the complaint within 10 working days, a commitment to continue to investigate the matter and a timescale within which he/she will then provide either a full considered response or the opportunity to discuss the complaint.

1.3 Following any meeting with parents/carers/guardians the Headteacher will summarise the main points in a follow-up letter. This will prevent any misunderstandings and ensure that all parties have a clear record of progress or agreements.

1.4 If either party feels that the matter has not been resolved, Stage 2 may be implemented. If it is the original complainant who feels that the matter has not been resolved, please refer to 2.1

Stage Two – Complaint referred to the Chair of Governors

Complaints will only be dealt with under this stage of the Policy

- if Stage One has been exhausted; or
- if the Headteacher has failed to act as required under Stage One; or
- if the complaint is about the Headteacher.

2.1 The parent/carer must put in writing to the Chair of Governors clearly headed as a complaint the nature of their complaint; why they remain dissatisfied;

- what steps they now wish the school to take.

This should be addressed to the Chair of Governors at the school address, clearly headed as a 'Complaint under the Complaints Policy'.

2.2 Where the Chair of Governors receives a complaint that has not been through Stage One, he/she will refer this to the Headteacher to deal with as a complaint at Stage One.

2.3 The Chair of Governors will decide who is responsible for dealing with the issues involved and therefore what powers are available to governors with respect to the particular complaint. This will depend on whether the issues are related to responsibilities that:

- are delegated to the Headteacher by the Governing Body; or
- fall within the Governing Body's remit only; or
- are within the Headteacher's terms and conditions of employment and relate to the internal organisation, management and control of the School.

2.4 For matters that are the Headteacher's responsibility, the Chair of Governors is only empowered to look at whether the Headteacher's decision or action was reasonable in the light of the information available at the time.

2.5 If the matter relates to the Headteacher's conduct, the Chair of Governors will decide whether the matter should be dealt with through the Complaints Procedure or Staff Disciplinary

Procedure. Advice may be sought from the LA Complaints Advisor or Education Personnel Services.

2.6 After investigating the complaint, the Chair of Governors will write to the complainant informing him/her of the outcomes and of his/her right to appeal to the Governing Body's Complaints Appeal Panel (Stage Three).

Stage Three – Complaint heard by the Governing Body's Complaints Appeal Panel

At the request of the Chair of Governors, the Clerk will convene a Panel meeting within 10 school working days of the request. The Panel will consist of three governors determined by availability.

The Complaints Appeal Panel can:

- dismiss the complaint in whole or part; or
- uphold the complaint in whole or part; or
- decide on the appropriate action to be taken to resolve the complaint; or
- recommend changes to the School's systems or procedures to ensure that problems of a similar nature do not recur.

3.1 It is important that the appeal hearing is independent and impartial. No Governor may sit on the panel if he/she has had prior involvement in the complaint or in the circumstances surrounding it.

3.2 The aim of the hearing, which needs to be heard in private, will always be to resolve the complaint and achieve reconciliation between the school and the parent/carer/guardian.

3.3 The hearing will be held in an informal atmosphere but will follow a formal agenda. The Panel chair will ensure that the proceedings are as welcoming as possible to ensure the setting is not adversarial.

3.4 The Clerk will inform the complainant in writing of the Panel's decision normally within two working days following the hearing.

The Role of the Clerk:

The Clerk will:

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

The Role of the Chair of the Governing Body:

The Chair of Governors will:

- check that the correct procedure has been followed;
- if a hearing is appropriate, notify the Clerk to arrange the Panel.

The Role of the Chair of the Panel:

The Chair of the Panel will be appointed by the Panel before the complainant and the Headteacher and any other attendees except the Clerk, are invited into the room. He/she will ensure that:

- 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;
- the remit of the Panel is explained to the parties and that each party has the opportunity of putting their case without undue interruption;
- the issues are addressed;
- key findings of fact are made;
- parents/carers/guardians 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;
- each side is given the opportunity to state their case and ask questions;
- all written material is seen by all parties. If a new issue arises during the hearing, all parties should be given the opportunity to consider and comment on it.

The Panel's Decision:

The panel will come to its decision in the absence of the parent/carer and of the Headteacher and any other person who may have been present, with the exception of the Clerk who will remain. The Chair of the Panel will ensure that the parent/carer is notified of the Panel's decision in writing within 2 school working days. The letter will state this is the final stage in the School's internal complaints procedure and that if the complainant feels that the matter has still not been resolved satisfactorily and they wish to take their complaint further, this should be addressed to the Secretary of State for Education.

SERIAL AND PERSISTENT COMPLAINTS

The school will do their best to be helpful to people who contact them with a complaint or concern or a request for information. However, in cases where a school is contacted repeatedly by an individual making the same points, or who asks them to reconsider their position, schools will act appropriately. There will be occasions when, despite all stages of the complaint procedure having been followed, the complainant remains dissatisfied.

It is important for the school to recognise when they really have done everything they can in response to a complaint. It is a poor use of schools' time and resources to reply to repeated letters, emails or telephone calls making substantially the same points. If a complainant tries to re-open the same issue, the Chair of Governors can inform them that the procedure has been completed and that the matter is now closed. If the complainant contacts the school again on the same issue, then the correspondence may be viewed as 'serial' or 'persistent' and the school may choose not to respond.

The decision to stop responding should never be taken lightly. A school needs to be able to say yes to all of the following:

- The school has taken every reasonable step to address the complainant's needs;
- The complainant has been given a clear statement of the school's position and their options (if any);
- They are contacting the school repeatedly but making substantially the same points each time.

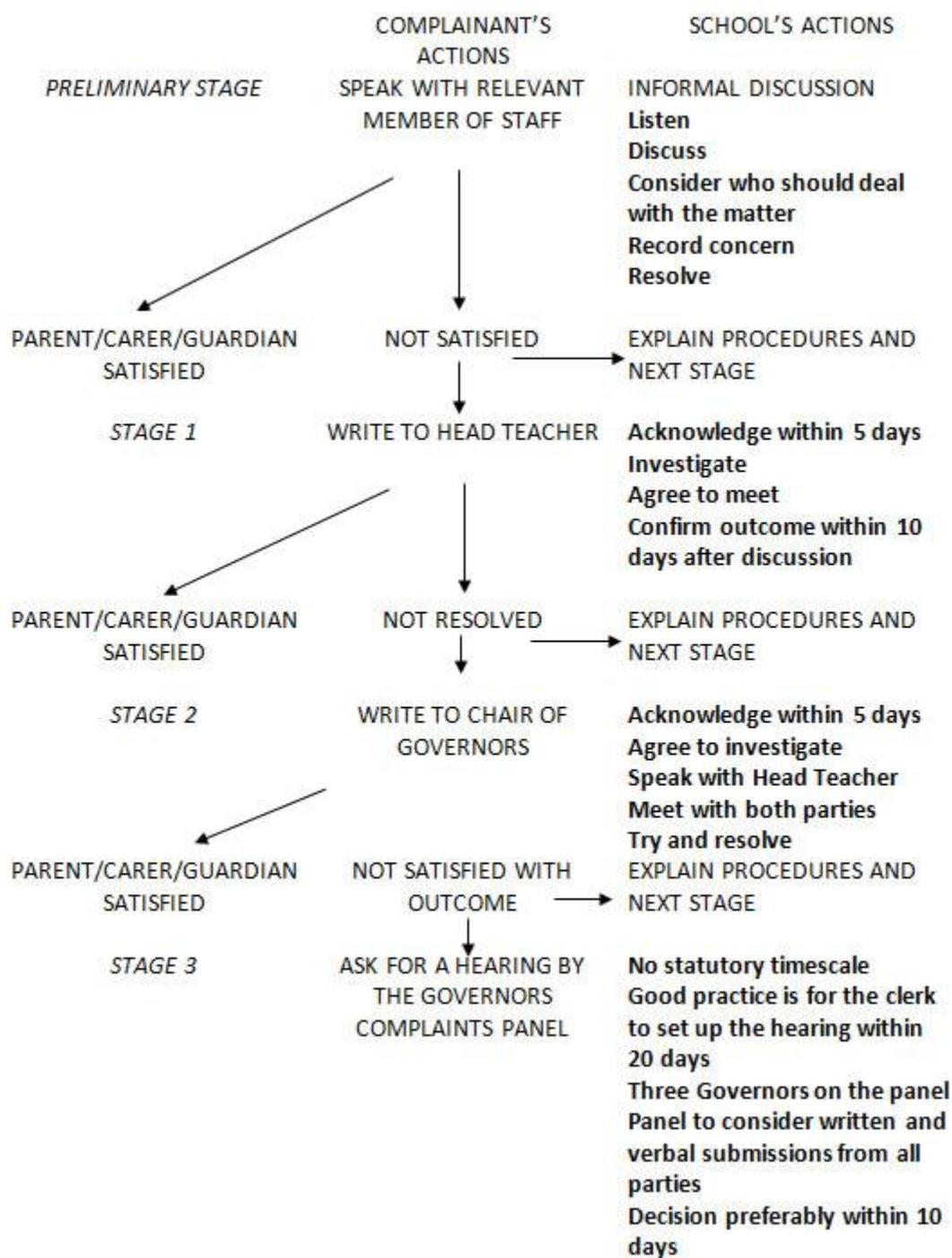
BARRING FROM THE SCHOOL PREMISIES

Although fulfilling a public function, schools are private places. The public has no automatic right of entry. The School will therefore act to ensure they remain a safe place for students, staff and

other members of their community. If a parent's behaviour is a cause for concern, the school can ask him/her to leave school premises.

In serious cases, the Headteacher or the local authority can notify them in writing that their implied licence to be on school premises has been temporarily revoked subject to any representations that the parent may wish to make. The school will always give the parent the opportunity to formally express their views on the decision to bar in writing. The decision to bar should then be reviewed, taking into account any representations made by the parent, and either confirmed or lifted. If the decision is confirmed the parent will be notified in writing, explaining how long the bar will be in place.

STAGED APPROACH TO HANDLING COMPLAINTS



THIS IS THE FINAL STAGE OF THE SCHOOL'S INTERNAL COMPLAINTS PROCEDURE

Policy reviewed: May 2019
 Next review date: May 2021