



COMPLAINTS POLICY

Introduction

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. In formulating this policy, the Dfe Guidance: Best Practice for School Complaints Procedures 2016 has also been referenced.

What is 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. This school takes informal concerns seriously and will 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 followed.

Who can make a complaint?

Any person, including members of the general public, may make a complaint about any provision of facilities or services that the school provides, unless separate statutory procedures apply (such as exclusions or admissions) - see Appendix B for details.

General principles

- An anonymous complaint will not be investigated under this procedure unless there are exceptional circumstances.
- To allow for a proper investigation, complaints should be brought to the attention of the school as soon as possible. Any complaint raised more than three months after the event will not be considered, other than in exceptional circumstances.
- A complaint may be made in writing, by telephone or in person by appointment.
- If the school is unable to adhere to the time limits stated in each stage, the school will inform the complainant of the new deadlines and give an explanation for the delay.

Investigating complaints

At each stage, the person investigating the complaint will make sure that they:

- establish **what** has happened so far, and **who** has been involved;
- clarify the nature of the complaint and what remains unresolved;
- meet with the complainant or contact them (for clarification or if further information is necessary);
- clarify what the complainant feels would put things right;
- interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish;
- conduct the interview with an open mind and be prepared to persist in the questioning;
- keep notes of the interview

Resolving complaints

At each stage in the procedure the school will keep in mind ways in which a complaint can be resolved. It might be sufficient to acknowledge that the complaint is valid in whole or in part. In addition, it may be appropriate for the school to offer one or more of the following:

- an apology;
- an explanation;
- an admission that the situation could have been handled differently or better;
- an assurance that the event complained of will not recur;
- an explanation of the steps that have been taken to ensure that it will not happen again;
- an undertaking to review school policies in light of the complaint.

Complainants will be encouraged to state what actions they feel might resolve the problem at any stage. An admission that the school could have handled the situation better is not the same as an admission of negligence.

Serial or persistent complaints

It is acknowledged that there will be occasions when, despite all stages of the complaint procedure having been followed, the complainant remains dissatisfied. The decision to stop responding to a complaint will not be undertaken lightly but will be considered under the following circumstances;

- 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).

- the complainant is contacting the school repeatedly but making substantially the same points each time.

Complaints procedure

Stage one (informal): complaint considered by staff member

We take informal concerns seriously at the earliest stage with the underlying principle that concerns will be handled, if at all possible, without the need for formal procedures.

The requirement to have a complaints procedure does not in any way undermine efforts to resolve any concerns informally. In most cases the class teacher will receive the first approach. It is helpful if staff are able to resolve issues immediately.

The complainant is normally expected to arrange to communicate directly with class teacher or member of staff concerned. This may be in writing, by telephone or in person by appointment. Many concerns can be resolved by simple clarification or the provision of information and it is anticipated that most complaints will be resolved by this informal stage. An unreasonable refusal to attempt an informal resolution may result in the procedure being terminated forthwith.

The school will aim to deal with the initial concern quickly and respond within five school days. If the complaint is not resolved at the informal stage the complainant may move to the second stage of the procedure.

Stage two (formal): complaint considered by Headteacher.

If the complaint is not resolved at the informal stage the complainant can request that the complaint is heard by the Headteacher. This may be in writing, by telephone or in person by appointment. At this stage a copy of the complaints policy will be given to the complainant.

At this stage the complainant should include details which might assist the investigation, such as names of potential witnesses, dates and times of events, and copies of relevant documents. In addition, the Headteacher may meet with the complainant to clarify the complaint. The complainant may be accompanied by a friend or representative if they wish. The Headteacher will collect such other evidence as he/she deems necessary. Where this involves an interview with a member of staff, who is the subject of the complaint, that member of staff may be accompanied by a friend or representative if they wish.

The investigation will begin as soon as possible and the school will respond in within five school days. When the investigation has been concluded, the complainant will be informed 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 complaint is not substantiated by the evidence.

- The complaint was substantiated in part or in full. Some details may then be given of action the school may be taking to review procedures etc. However, details of the investigation or of any disciplinary procedures will not be released.
- The matter has been fully investigated and that appropriate procedures are being followed, which are strictly confidential. [i.e. where staff disciplinary procedures are being followed]

The complainant will be informed in writing that consideration of their complaint by the Headteacher is now concluded.

If the complaint is about the Headteacher, the complaint will be received by the Chair of Governors.

Stage three (formal): complaint is considered by the Chair of Governors

If the complainant is not satisfied by the school response, they may request that the Chair of the Governing Body consider the complaint. Any such request should be made to the Chair of the Governing body within 10 school days of receiving the notice of outcome from the Headteacher. In considering the complaint, the Chair of Governors may meet with the complainant clarify the nature of the complaint. When the investigation has completed the Chair of Governors will inform the complainant of the outcome in writing.

If the Chair of Governors investigated the complaint in stage two, stage three will be heard by another member of the Governing body.

Stage four (formal): Complaint is considered the Governing Body.

If the complainant is not satisfied with the outcome at stage three, the complainant may request that the Governing Body review the process followed by the Headteacher in handling the complaint. Any such request should be made within 10 school days of receiving notice of the outcome from the Headteacher, to the Clerk of the Governing Body.

Upon receipt of the request the clerk of the Governing Body will convene a Complaints Appeal Panel within 20 school days, which will consist of three members of the Governing Body. Appendix A outlines the format and procedure of the panel.

The review process is the last school-based stage of the complaints process and can;

- Dismiss the complaint in whole or in part
- Uphold the complaint in whole or in part
- Decide on the appropriate action to be taken to resolve the complaint
- Recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not recur.

Once the Complaints Appeal Panel has reached its decision, the Chair of the panel will ensure that the complainant is notified of the panel's decision in writing within seven school days.

Stage five (formal): Complaint is referred to the Department of Education

If the complainant has completed above stages and remains dissatisfied, they have the right to refer their complaint to the Secretary of State for Education. The Secretary of State has a duty to consider all complaints raised however will only act where the governing body has acted unlawfully or unreasonably and where it is expedient or practical to do so.

Further information can be obtained from the School Complaints Unit by calling the National Helpline on: **0370 000 2288**, visiting: www.education.gov.uk/help/contactus or by writing to:

Department for Education
School Complaints Unit
2nd Floor, Piccadilly Gate
Store Street
Manchester M1 2WD

Agreed by the Full Governing Body 28th September 2016

Review Due: Autumn Term 2019

Appendix A – Format and Procedure of the Complaints Appeal Panel.

Membership of Panel

This should comprise of three members of the Governing Body that have not previously been involved any earlier stage of the procedure or have any prior knowledge of the complaint.

Aim of the Appeals Panel

The aim of the hearing will be to resolve the complaint and achieve reconciliation between the school and the complainant. However, it is also acknowledged that the complainant might not be satisfied if the outcome of the hearing does not find in their favour. It may only be possible to establish the facts and make recommendations which will satisfy the complainant that their complaint has been taken seriously.

The Role of the Panel Clerk

The clerk is the contact point for the complainant for the panel meeting and is expected to: -

- set the date, time and venue of the meeting, ensuring that the dates are convenient to all parties and 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;
- circulate the minutes of the panel hearing;
- notify all parties of the panel's decision

The Role of the Chair of the Panel.

The panel should appoint a chair from within its membership. The Chair of the panel has a key role and should ensure: -

- the meeting is minuted;
- liaise with the clerk to ensure all parties are advised of the date and time of the hearing at least 7 school days prior to the hearing and all parties have received any written submissions;
- the remit of the panel is explained to the complainant and both they and the school have the opportunity of putting forward their case without undue interruption;
- the issues are addressed;
- key findings of fact are made;
- parents/carers and others who may not be used to speaking at such a hearing are put at ease – this is particularly important if the complainant is a child/young person;
- the hearing is conducted in an informal manner with everyone treated with respect and courtesy;

- the panel is open-minded and acts independently;
- no panel member has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure;
- both the complainant and school are given the opportunity to state their case and seek clarity;
- written material is seen by everyone in attendance – if a new issue arises it would be useful to give everyone the opportunity to consider and comment upon it, which may require a short adjournment of the hearing;
- ensure that the complainant is notified of the panel's decision, in writing within 7 school days of the panel hearing

Format of the panel

- The Complainant will be invited to put forward their case.
- The investigation officer/school will then be invited present their report.
- Either party can then ask questions, when invited to do so by the Chair.
- The panel will then ask any questions of either the complainant or Headteacher.

Once the above is concluded, the panel will retire to;

- Reach their decision
- Decide on the appropriate action
- Consider any recommendations it will make to review or change school policies or procedures.
- Inform the complainant of the outcome of the panel.

Appendix B – Complaints not within the scope of the policy.

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.</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>