



Policy: **School Complaints' Procedure**

Policy Ref:

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Written by: Headteacher, Chiquita Henson

Authorised by: Governing body

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1. Introduction

1.1. Section 29 of the Education Act 2002 requires the governing body of a maintained school or academy in England to:

- establish procedures for dealing with all complaints relating to the school or to the provision of facilities or services under section 27, other than complaints falling to be dealt with in accordance with any procedures required to be established in relation to the school by virtue of a statutory provision other than this section, and
- publicise the procedures so established.

By establishing and publicising the procedures above and in accordance with 'Part 7 of the Education (Independent School Standards) Regulations 2014' (the regulations), the governing body will review the school's practice in response to any guidance given from time to time by the Secretary of State. This procedure follows the advice provided in the 'School Complaints Toolkit 2014', August 2014 and has been revised in response to further DFE guidance: 'Creating an academy complaints procedure', updated 27 January 2015.

1.2. Within our procedure we differentiate between a concern and a complaint. The following procedures have been put in place to deal with concerns and formal complaints.

2. Aims

2.1. Our complaints' procedure aims to:

- encourage resolution of problems by informal means wherever possible;
- be easily accessible and publicised;
- be simple to understand and use;

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- be impartial;
- be non-adversarial;
- allow swift handling with established time-limits for action and keeping people informed of the progress;
- ensure a full and fair investigation by an independent person where necessary;
- respect people's desire for confidentiality;
- address all the points at issue and provide an effective response and appropriate redress, where necessary;
- provide information to the school's strategic leadership team so that services can be improved.

2.2. At each stage in the procedure we aim to investigate the issues raised fully to ensure that we can:

- 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 (if unsure or 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 or arrange for an independent note taker to record minutes of the meeting.

2.3. At each stage in the procedure we will consider how an issue might be resolved. The complainant will be encouraged to state what actions he/she feels might resolve the problem. We will aim to identify areas of agreement and clarify any misunderstandings. In resolving issues, it may be appropriate to offer one or more of the following:

- an acknowledgement the complaint is valid;
- 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.

3. Concerns

3.2. In the majority of instances where a concern has been raised (with a member of staff) we aim to resolve the issue to the satisfaction of all parties involved without the need for formal procedures. The concern may be conveyed orally or in writing either as an email or letter.

3.3. From parents or pupils: in the first instance, for example, parents should raise any concern related to their son's or daughter's well-being with his or her tutor or relevant

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Head of Key Stage or Pastoral Manager. If the concern is related to his or her learning and progress the concern should be raised with the subject teacher or Head of Faculty.

- 3.4. From staff: in the first instance, members of staff should refer a concern to the relevant team leader or line manager.
- 3.5. From members of the public: concerns from members of the public should be raised with the School Reception and will then be directed according to the nature of the concern.
- 3.6. We aim to acknowledge and, where possible, respond to all concerns within 48 hours. We recognise some will require further investigation and these will be resolved as quickly as possible.
- 3.7. When a concern is addressed to the Headteacher, she will determine how best to respond and may delegate responsibility for responding to another member of staff.
- 3.8. When concerns are resolved, the outcome is usually confirmed in writing.

4. Complaints

- 4.2. The school defines a complaint as a written expression of dissatisfaction or disquiet or a concern which it has not been able to resolve to the satisfaction of the person who raised it originally.
- 4.3. When initial attempts to resolve a concern have been unsuccessful and the person raising the issue remains dissatisfied and wishes to take the matter further, formal procedures will need to be invoked. Our complaints' procedure has four stages:
 - Stage 1 (informal): Complaint heard by the relevant designated School Complaints' Co-ordinator;
 - Stage 2 (formal): Complaint heard by the Headteacher;
 - Stage 3 (formal): Complaint heard by the Chair of Governors;
 - Stage 4 (formal): Complaint heard by a Governors' Complaints' Appeal Panel.
- 4.4. An unsatisfied complainant can always take the complaint to the next stage.
- 4.5. A complaint that involves a member of staff and the physical or sexual abuse of children will be dealt with through our staff disciplinary procedures*.

5. Stage 1 Complaint heard by School Complaints' Co-ordinator

- 5.2. All formal complaints should be addressed to the Headteacher in writing. A complaint form is available and, for consistency and record keeping, the complainant should be encouraged to complete the form should they choose to pursue a complaint initially made in person, by telephone or by email, although this is not a requirement.
- 5.3. At Stage 1 the Headteacher will refer the complaint to the relevant designated School Complaints' Co-ordinator whose role is to:
 - Clarify the nature of the complaint and what remains unresolved;
 - Establish what has happened so far, and who has been involved;

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- Meet with the complainant or contact them (if unsure or further information is necessary);
- Clarify what the complainant feels would put things right;
- Explain the complaints procedure and provide a copy for the complainant;
- Interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish;
- Keep notes of the interview(s);
- Reply to the complainant;
- Send a record of the complaint to the complainant and to the Head.

5.4. In most circumstances this process should take no longer than 10 working days from receipt of the complaint. However, where further investigations are necessary, new time limits may be set and the complainant will be sent details of the new deadline and an explanation for the delay.

5.5. If the first approach is made to a governor, the next step should be to refer the complainant to the appropriate person and advise them about the procedure. Governors should not act on individual complaints outside the formal procedure or be involved in the early stages in case they are required to sit on a panel at a later stage.

5.6. If the complaint concerns the Headteacher, the School Complaints' Co-ordinator should refer the complainant to the Chair of Governors.

5.7. If the complaint concerns the Chair of Governors or any individual governor it should be made in writing to the Clerk to the governing body.

6. Stage 2 Complaint heard by the Headteacher

6.2. In the event that the complainant is dissatisfied with the way the complaint was handled or the outcome of the Stage 1 procedure, the issue should be referred to the Headteacher who:

- will review the action taken by the School Complaints' Co-ordinator and repeat any stage which he/she feels is appropriate;
- may delegate the task of collating the information to another staff member but not the decision on the action to be taken.

6.3. This process should be completed within 10 days of the complaint being referred to the Headteacher and the Headteacher should write to the complainant notifying them of the outcome and the next stage of the complaints' procedure.

7. Stage 3 Complaint heard by the Chair of Governors

7.1. If the complainant is not satisfied with the response of the Headteacher or the complaint is about the Headteacher, the complainant should write to the Chair of Governors to request that their complaint is considered further.

7.2. The Chair of Governors will:

- will review the actions taken by the School Complaints' Co-ordinator and Headteacher and repeat any stage which he/she feels is appropriate;
- may delegate the task of collating the information to the Clerk to the governing body or another governor but not the decision on the action to be taken.

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- 7.3. This process should be completed within 10 days of the complaint being referred to the Chair of Governors. The Chair of Governors will write to the complainant notifying them of the outcome and the next stage of the complaints' procedure.

8. Stage 4 Complaint heard by the Governors' Complaints Appeal Panel

- 8.2. If the complainant continues to be dissatisfied with the outcome following the previous three stages, he/she should write to the Chair of Governors giving details of the complaint and the reason why he/she is of the opinion that the previous outcome was flawed. The Chair, or nominated governor, will then convene a Governors' Complaints Appeal Panel.
- 8.3. The Governors' Appeal Panel is the last school-based stage of the complaints' process. The Governors' Appeal Panel will be made up of 3 members of the governing body drawn from a list of 5 governors, and one additional member who will be independent of the management and running of the school.
- 8.4. Individual complaints will not be heard by the whole Governing Body at any stage, as this will compromise the impartiality of any panel set up for a disciplinary hearing against a member of staff following a serious complaint.
- 8.5. The complainant will be allowed to attend and be accompanied at the panel hearing if they wish.
- 8.6. The panel will:
- Determine whether the complaint should be dismissed in whole or in part;
 - Determine whether the complaint should be upheld in whole or in part;
 - Determine whether the appropriate action has been taken in response to the complaint;
 - Make any appropriate recommendations regarding complaint handling and any action to be taken in response to the complaint;
 - Recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not recur.
- 8.7. The Clerk to the Governors will:
- Set the date, time and venue for a hearing, ensuring the dates are convenient to all parties and that the venue and proceedings are accessible;
 - 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 meeting;
 - Record the proceedings;
 - Notify all parties of the panel's decision;
 - Share copies of the panel meeting minutes with all parties involved in the panel hearing and provide a reasonable opportunity for the minutes to be agreed and if necessary challenged.
- 8.8. The Chair of Governors or the nominated governor will:
- Check that the correct procedure has been followed;
 - Notify the clerk to arrange a panel if a hearing is requested.
- 8.9. The Chair of the Governors' Complaints' Appeal Panel will ensure:

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- 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;
- Written material is seen by all parties.
- If a new issue arises, all parties are given the opportunity and time to consider and comment on it.

8.10. This stage of the procedure will take longer than the previous stages because of the need to convene a meeting of governors.

8.11. We will aim to complete the process from receipt of the complaint to notification of result as quickly as possible. We will try to complete it within a maximum of four working weeks.

9. Unresolved complaints

9.2. We will make our best endeavours to resolve a complaint. However, we recognise that there will be occasions when, despite all stages of the procedure having been followed, the complainant remains dissatisfied. The complainant can refer the matter externally to the Local Authority or Department for Education or other appropriate authority.

9.3. The final stage of the appeal is to the Secretary of State for Education. Complainants wishing to take their complaint to this stage should write to The School Complaints Unit (SCU) at Department for Education, 2nd Floor, Piccadilly Gate, Manchester, M1 2WD.

9.4. The School Complaints Unit will examine if the school's complaints procedure and other policies were followed in accordance with the provisions set out and check if they adhere to education legislation. However, the School Complaints Unit will not investigate the substance of the complaint.

9.5. If the complaint becomes protracted and the complainant remains dissatisfied and tries to re-open the same issue with the school, the Chair of the governing body will inform them in writing that the procedure has been exhausted and that the matter is now closed. If the complainant writes again on the same issue, the correspondence may be recognised as vexatious and there will be no obligation on the part of the school to respond. If the complaint raises an entirely new, separate complaint, it will be treated in accordance with our complaints' procedure as such.

10. Monitoring and evaluation

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- 10.1. The Headteacher will record the number of formal complaints, monitor procedures and produce reports for the Governing Body. Complaints information shared with the governing body, will not name individuals in case an appeals panel is required.
- 10.2. The governing body will review our School Complaints' Procedure annually. The governing body will take account of any new guidance or legislative changes introduced by the Department of Education.
- 10.3. The governing body will review the outcomes on a regular basis to:
 - evaluate the school's performance;
 - ensure the effectiveness of our complaints' procedure;
 - identify underlying issues that need to be addressed;
 - make changes where necessary.

*Disciplinary and Grievance Policy