



## Complaints Policy

How this policy fits in with other policies:

- **Complaints Procedure**

### Log of updates

January 2017	Policy reviewed
January 2020	Reviewed
January 2023	Reviewed and formatted

### COMPLAINT STAGES (detailed in Complaints Procedure)

<b>Stage 1: Informal</b>	Expression of concern to relevant member of staff
Satisfactory outcome reached?	
Yes (no further action)	No
<b>Stage 2a: Headteacher's Investigation</b>	Complainant makes a complaint to the Headteacher.  Investigation conducted and reported to the complainant
Satisfactory outcome reached?	
Yes (no further action)	No
<b>Stage 2b: Chair of Governing Body's Investigation</b>	Complainant meets with the Chair of Governing Body  Investigation conducted and reported to the complainant

<b>Satisfactory outcome reached?</b>	
<b>Yes (no further action)</b>	<b>No</b>
<b>Stage 3: Independent Panel</b>	<b>Complainant makes formal complaint to Governing Body Complaints Panel</b>  <b>Panel meeting of Governors, complainant and Headteacher</b>
<b>Satisfactory outcome reached?</b>	
<b>Yes (no further action)</b>	<b>No</b>
<b>Next stages:</b>	<b>Complainant appeals to Secretary of State</b>

### **Roles and Responsibilities of Independent Panel Members at Stage 3**

#### **The Role of the Clerk**

It is strongly recommended that any panel or group of governors considering complaints be 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 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 or the Nominated**

##### **Governor**

##### **The nominated governor role:**

- 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 has a key role, ensuring 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;
- 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.

## **Appendix A**

### **School Complaints**

#### **Procedure Stage 1: Complaint heard by staff member**

It is in everyone's interest that complaints are resolved at the earliest possible stage. The experience of the first contact between the complainant and the school can be crucial in determining whether the complaint will escalate. To that end, if staff are made aware of the procedures, they know what to do when they receive a complaint.

It would assist the procedure if the school respected the views of a complainant who indicates that he/she would have difficulty discussing a complaint with a particular member of staff. In these cases, the complaint can be referred to another staff member. Where the complaint concerns the head teacher, the complaint can be referred to the chair of governors. The complainant should be advised to do this.

Similarly, if the member of staff directly involved feels too compromised to deal with a complaint, consideration should be given to referring the complainant to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the complaint objectively and impartially is crucial.

When a Governor has been approached as first point of contact, the next step would be to refer the complainant to the appropriate person and advise them about the procedure. It would be useful if governors did not act on an individual complaint outside the formal procedure or be involved at the early stages in case they are needed to sit on a panel at a later stage of the procedure.

#### **Stage 2a: Complaint heard by head teacher (Or designated officer)**

If a complainant considers that they have not received a satisfactory response, they can refer their complaint to the head teacher. (Or chair of governors if the complaint is about the head teacher) At this stage it is useful to ask the complainant to complete a complaints form (Appendix B) or put their complaint in writing. In some cases, the head teacher has already been involved in looking at the matter; in others it is his/her first involvement. In either case, it is helpful for the head teacher (or the person designated to investigate) to use guidelines to ensure consistency among cases, and to make sure that nothing happens at this stage which could make it difficult for later stages to proceed smoothly.

One of the reasons for having various "stages" in a complaints procedure is to reassure complainants that their grievance is being heard by more than one person.

The head teacher (or designate) acknowledges the complaint orally or in writing within 15 school days of receiving confirmation that the complaint is now to be dealt with at stage 2. The acknowledgement should give a brief explanation of the school's complaint procedure and a target date for providing a response to the complaint. All effort should be made to respond to a complainant within 15 school days, if for any reason it is considered that this will not be possible the complainant should be advised.

#### **Stage 2b: Complaint heard by Chair of Governing Body**

The next stage of the complaints procedure should the complainant remain dissatisfied is to

address the complaint to the Chair of the Governing Body (or designated Governor). They should acknowledge the complaint, orally or in writing within 3 school days and invite the complainant to meet with him/her and the head teacher to find a way forward.

Any relevant documentation, including information that the head teacher's has in relation to the complaint to date should be provided for the Chair of the Governing Body prior to the meeting.

The Chair of the Governing Body should keep written records of meetings, telephone conversations, and other documentation relating to the complaint.

Once all the relevant facts have been established, from the original investigation and this further meeting, the Chair of the Governing Body should adjourn the meeting and produce a written response to the complainant to discuss/resolve the matter directly.

A written response includes a full explanation of the decision and the reasons for it. Where appropriate, this should include what action the school will take to resolve the complaint. The complainant is advised that should s/he wish to take the complaint further s/he should notify the Chair of the Governing Body within two weeks of receiving the outcome letter.

### **Stage 3: Complaint heard by Independent Panel of Governors**

The complainant needs to write to the Chair of the Governing Body advising of their wish to escalate their complaint. The Chair, or a nominated governor, will convene a Governing Body complaints panel. This should be within 20 school days of receiving the complaint. The complaint should be acknowledged in writing within 3 days. The letter should also explain that the complainant has the right to submit any further documents relevant to the complaint. These must be received in time for the documents to be sent to the three members of the panel.

The governors' appeal hearing is the last school-based stage of the complaints process, and is not convened to merely rubber-stamp previous decisions. Therefore, individual complaints should not be considered by the full governing body as serious conflicts of interest can arise; for example, in exceptional circumstances a complaint may result in disciplinary action against a member of staff, and governors may be required to give an unprejudiced hearing to an appeal by the member of staff concerned. Similarly, some governors might have knowledge of the problem which led to the complaint and would be unable to give unbiased consideration to the issue.

Many complaints are inevitably seen by parents as being "against" a particular member of staff and their actions. However, all complaints which reach this stage will have done so because the complainant has not been satisfied by the head teachers and/or the Chair of the Governing Body's response at the earlier stages of the procedure, and it may be appropriate for the Governing Body to consider the complaint is against the school rather than against the member of staff whose actions led to the original complaint.

The governing body may nominate a number of members with delegated powers to hear complaints at that stage, and set out its terms of reference.

These can include:

- drawing up its procedures;
- hearing individual appeals;

- making recommendations on policy as a result of complaints.

The procedure adopted by the panel for hearing appeals would normally be part of the school's complaints procedure. The panel can be drawn from the nominated members and may consist of three or five people. The panel may choose their own chair.

### **The Remit of the Independent Panel**

The panel 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.

There are several points which any governor sitting on a complaints panel needs to remember:

- It is important that the panel is independent and impartial and that it is seen to be so. No governor may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it. In deciding the make-up of the panel, governors need to try and ensure that it is a cross-section of the categories of governor and sensitive to the issues of race, gender and religious affiliation.
- The aim of the hearing, which needs to be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant. However, it has to be recognised the complainant might not be satisfied with the outcome if 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 his or her complaint has been taken seriously. If either party wishes to introduce previously undisclosed evidence or witnesses, it is in the interests of natural justice to adjourn the meeting so that the other side has time to consider and respond to the new evidence.
- An effective panel will acknowledge that many complainants feel nervous and inhibited in a formal setting. Parents often feel emotional when discussing an issue that affects their child. The panel chair will ensure that the proceedings are as welcoming as possible. The layout of the room will set the tone and care is needed to ensure the setting is informal and not adversarial.
- Extra care needs to be taken when the complainant is a child. Careful consideration of the atmosphere and proceedings will ensure that the child does not feel intimidated. The panel needs to be aware of the views of the child and give them equal consideration to those of adults. Where the child's parent is the complainant, it would be helpful to give the parent the opportunity to say which parts of the hearing, if any, the child needs to attend.
- The governors sitting on the panel need to be aware of the complaints procedure.

### **Notification of the Panel's Decision**

The chair of the panel needs to ensure that the complainant is notified of the panel's decision, in writing, with the panel's response; this is usually within 15 school days. The letter needs to explain if there are any further rights of appeal and, if so, to whom they need to be addressed. The school should ensure that a copy of all correspondence and notes are kept. These records should be kept separately from the pupil's personal records.

**The Next Stages:**

**It must be understood and made clear however to the complainant that any decision reached by the Governing Body is final and binding.**

**The Secretary of State for Education** can receive complaints under Section 496 of the Education Act, 1996, on the grounds that a Governing Body is acting or is proposing to act unreasonably, or under Section 497 of the same Act, on the grounds that either the Governing Body has failed to discharge its duties under the said Act. The Secretary of State may contact the Governing Body for more information in order to consider the complaint further.

**APPENDIX B – Complaint Form**

Please complete and return to ..... who will acknowledge receipt and explain what action will be taken.

**Your name:**

**Pupil's name:**

**Your relationship to the pupil:**

**Address:**

**Postcode:**

**Daytime telephone number:**

**Evening telephone number:**

**Please give details of your complaint**

**What action, if any, have you already taken to try and resolve your complaint?  
(who did you speak to and what was the response?)**

**What actions do you feel might resolve the problem at this stage?**



**Are you attaching any paperwork? If so, please give details:**

**Signature:**

**Date:**

**Official use**

**Date acknowledgment  
sent: By who:**

**Complaint referred to:  
Date:**

**What stage is the complaint at:**

**Stage 1    Date:**

**Stage 2a    Date:**

**Stage 2b    Date:**

**Stage 3    Date:**

**Next Stages:  
(Beyond the school)**

**(to be amended as necessary)**

## **Appendix C – School Complaints Procedure – A guide for parents, carers and members of the public**

Most members of the community have a positive relationship with schools but sometimes things go wrong. It is important that you raise your concerns as soon as you can. By taking positive steps early on, we are more likely to be able to sort out your complaint.

All complaints are taken seriously and we have procedures in place for dealing with them. In most cases we hope to be able to resolve your complaints/concerns at an early stage.

Information below provides detail on all stages in the complaints procedure;

### **Stage 1**

#### **Complaint heard by staff member**

It is in everyone's interest that complaints are resolved at the earliest possible stage.

The first point of contact for raising a concern or making a complaint would usually be to a teacher or form tutor. If the complaint is about a head teacher you can refer your complaint directly to the Chair of the Governing Body.

Give consideration to exactly what the concern is and what you feel would put the situation right.

Once you have spoken about your concerns give the person handling the situation an opportunity to resolve it.

If you continue to be dissatisfied you can request that your complaint be considered at Stage 2

### **Stage 2a**

#### **Complaint heard by head teacher (Or designated officer)**

At this stage it would be helpful to put your complaint in writing or complete the schools complaints form. As well as complaint details and desired outcomes it is also helpful to include information about what you have already done about your complaint e.g. who you have spoken to about it and what happened as a result.

The head teacher (or designated officer) acknowledges the complaint orally or in writing within 3 school days.

All effort will be made to respond to a complainant within 15 school days, if for any reason it is considered that this will not be possible the head teacher should advise you.

### **Stage 2b Complaint heard by Chair of the Governing Body**

The next stage of the complaints procedure should the complainant remain dissatisfied is to address the complaint to the Chair of the Governing Body (or designated Governor). They should acknowledge the complaint, orally or in writing within 3 school days and invite you to meet with him/her and the head teacher (where appropriate) to find a way forward.

A full written response to your complaint will be given.

### **Stage 3**

#### **Complaint heard by independent panel of Governors**

You need to write to the Chair of Governors advising of your wish to escalate the complaint within two weeks of receiving your response if you are still dissatisfied with the outcome. The Chair, or a nominated governor, will convene a Governing Body complaints panel. This will usually be within 20 school days of receiving the complaint. You will be invited to attend the panel to discuss your complaint.

The chair of the panel needs to ensure that you are notified of the panel's decision, in writing, with the panel's response; this is usually within 15 school days.

If you remain dissatisfied:

You can refer your complaint to The Secretary of State for Education, however he/she will usually not consider a complaint unless the school has been given an opportunity to respond.