

Complaints Procedure

Approved by governing body Summer Term 2015
To be reviewed annually



COMPLAINTS PROCEDURE

At Trent CE Primary School we have a strong commitment towards working in positive partnership with the whole school community. A school is a busy place where there are many interactions between pupils, parents, carers and staff as part of the every day life of the school. We have an ethos of respecting the rights of all members of the school community and as part of our curriculum teaching we work to instill this in our children. From time to time something may go wrong, or you may think we can do something better. Where any concerns are raised we aim to resolve these as quickly and as efficiently as possible. Usually concerns that are raised can be resolved very quickly through the school's day to day communication between parents and the school staff. Where a parent may feel that an issue has not been dealt with appropriately it is important, for all involved, that there is a clear and transparent process for a complaint to be looked into and followed up.

1. OVERVIEW

1.1 The statutory requirement

1.1.1 Under section 29 of the Education Act 2002, governing bodies of all maintained schools and nursery schools are required to have in place a procedure to deal with complaints about services the school provides. The Freedom of Information Act 2000 also requires the procedure to be publicised.

1.2 Why do we need guidance and monitoring of school complaints?

1.2.1 Parents and pupils are stakeholders in the educational system. If they are unhappy about something, there should be a clear system and route for them to make the school aware of their concerns – **even if all the response entails is an explanation of why something happens in the way that it does.**

1.3 What can a complaint be about?

1.3.1 The kinds of issues that might lead to a formal complaint being made may include:

- Staff conduct
- Teaching and learning
- Bullying
- The school environment
- Discrimination

1.3.2 In each case the responsibility for action lies with the school in question. In some cases a complaint may lead to a disciplinary or an appeal against a decision governed by another process in which case it may be appropriate for the issue to be dealt with separately from the complaints procedure.

1.3.3 Depending upon the nature of the complaint and/or who the complainant is, consent may be required from the individual or individuals who have parental responsibility of the child before any action is taken or information disclosed as per the Data Protection Act 1998.

1.3.4 Anonymous complaints will be assessed on a case by case basis.

1.3.5 Our complaints form can be used to assist you providing us with the key information required to process your complaint however complaints can be considered without one.

1.4 What issues should the complaints procedure not deal with?

1.4.1 Existing statutory bodies, personnel or other procedures already exist for dealing with each of the following issues:

- Complaints about the EHCP process for children with special educational needs
- Disciplinary issues relating to members of staff (although sometimes this may come about as a result of a complaint)
- Allegations of abuse
- Admissions and exclusions
- Provision of collective worship and religious education
- Curriculum complaints
- Child Protection matters

1.4.2 If at any stage of the process, the complainant starts legal action in relation to the matters under considerations, the complaints process will automatically cease and all further correspondence will be with the School's legal representatives.

1.5 Resolving issues and complaints

1.5.1 Most issues and complaints can be successfully dealt with informally and an effective complaints procedure will encourage this. However, for those situations where this is not the case, we have a more formal process to investigate and deal with complaints. It will also provide the school with the means to identify an area of concern at an early stage and to tackle it quickly and effectively.

1.5.2 We see it as important to try and reach an early resolution with complainants. This not only promotes closure in the matter but also enables parents and teaching staff to move forward constructively. It might be sufficient to acknowledge that a complaint is valid in whole or in part. It may also be appropriate 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 incident complained of will not recur – and an explanation of stages taken to ensure this
- An undertaking to review school policies in light of the complaint
- Asking the complainant what they feel they would like to see happen may help resolve the situation at any stage.

1.5.3 However it may also be the case that the outcome, at any stage of the procedure, concludes that:

- There is insufficient evidence to reach a conclusion, so that that complaint can not be upheld.
- The concern is not substantiated by the evidence.
- The concern was substantiated in part or full. Some details may then be given of action the school may be taking to review procedures etc but details of the investigation will comply with the Data Protection Act.
- The matter has been fully investigated and that appropriate procedures are being followed, which are strictly confidential under the Data Protection Act (e.g. where staff disciplinary procedures are being followed).

1.5.4 When we receive a complaint, we will try to:

- Discuss the complaint with the complainant.
- Establish what has happened and who was involved – clarify the details.
- Discover what the complainant feels would remedy the situation.
- Interview those involved – allow them to be accompanied if they wish.
- Approach the interview with an open mind – and keep notes.

1.5.5 If we are unable to fully respond within the specified time scales, we will inform the complainant before the deadline, giving a reason and a new deadline for reply.

1.6 Timing

1.6.1 It is in the interests of all parties that any concerns or complaints are raised as soon as is practicable after they occur.

1.6.2 It is reasonable for schools to consider complaints up to either a year after the event or a year after the event became known to the complainant however head teachers and governors are better able to respond to complaints whilst events are relatively fresh.

1.6.3 Whilst there is no requirement for schools to consider parental complaints once their child is no longer a pupil at the school, considerations may be given should a complaint be underway prior to their departure.

1.6.4 Parents wishing wait to make a complaint after their child has left the school should be aware that the child's pupil file will have been passed onto the next school if they are still of statutory school age and therefore on these occasions the head teacher will have a very limited amount of information available on which to pursue their investigation.

1.6.5 Complainants are therefore urged to consider how they might best obtain the resolution they desire and if this is indeed possible after considerable time has elapsed.

2. THE PROCEDURE (see the Complaints policy summary)

2.1 The stages for making a complaint

2.1.1 A good procedure will enable swift handling of the complaint with clear time scales and will also ensure a full and fair investigation that respects the confidentiality of the complainant whilst recognising the requirements of the Data Protection Act.

2.1.2 Dividing the complaint process into stages enables complainants to have a clear idea of how to make their concerns known and also where to turn if they are not satisfied with an answer that they may have been given. It also provides schools with a clear approach to complaint handling.

2.1.3 Where the following procedure refers to head teacher, she may delegate any of these functions to a member of the senior leadership team if appropriate. The final decision will however rest with the head teacher.

2.1.4 In exceptional circumstances the head teacher or Chair may commission an independent investigator to undertake an investigation on behalf of the school. On those occasions, the school may seek advice from the LDBS or the Local Authority on how to arrange this.

2.2 Stage 1 - Informal complaint

2.2.1 This is when a parent or pupil or other person contacts the school because they are not happy about something that has happened, or is happening in school.

2.2.2 At this stage ideally a class teacher, key stage leader or other individual responsible for the service can resolve the concerns and this could be via a meeting if the complainant so wishes. It may be helpful to identify at this point what sort of outcome the complainant is looking for in order to tackle minor concerns quickly and effectively.

2.2.3 The response should be provided within a maximum of 15 school days from the date of receipt.

2.2.4 The response can be oral or in writing, as deemed appropriate to the situation however details of the complaint should be retained for monitoring purposes.

2.2.5 If we are unable to respond within the time scale, we will inform the complainant before the deadline, giving a reason for any delay and a new reasonable deadline for reply.

2.2.6 As part of the response, the complainant should be advised of the next stage of the procedure in case they are not satisfied with the outcome.

2.2.7 Should the complaint be about a class teacher, key stage leader or other individual responsible for the service or if it is inappropriate for anyone below the role of head teacher to respond, it may be prudent for the head teacher or member of the senior leadership team to respond to a complaint directly under the Stage 2 guidelines in the first instance.

2.2.8 Also, the head teacher may escalate the complaint to any stage of the process if they feel that it is appropriate.

2.2.9 A complainant's unreasonable refusal to attempt a local resolution may result in the procedure being terminated and this will be confirmed in writing.

2.3 Stage 2 - Formal complaint to the head teacher

2.3.1 If the complainant is not satisfied with the response received from the class teacher or key stage leader at Stage 1 or if it is not appropriate for the class teacher or year head to respond, the complainant should be given the opportunity to take the complaint directly to Stage 2 of the process in order for the head teacher to investigate. Equally, if the matter is considered to be of such concern, the head teacher may decide to undertake an investigation at Stage 2 immediately.

2.3.2 Stage 2 complaints should usually be made in writing to the head teacher and should also include the complainant's desired outcome from the complaint (see appendix 1 for the form).

2.3.3 If the Stage 2 is at the complainant's request, the complaint must be taken up by the complainant within 10 school working days following the informal Stage 1 response. It is not appropriate for a complaint to be pursued after a long lapse of time.

2.3.4 We should provide oral or written acknowledgement of a complaint **within 2 school days of receipt of the complaint** and include a target date for response. This should normally be **within 15 school days of receipt of your complaint**.

2.3.5 If it is not possible to resolve matters within this timescale an explanation should be given, with a revised target date.

2.3.6 Where appropriate, the head teacher should provide the complainant with the opportunity to meet to discuss the complaint further and it is reasonable to allow a friend or advocate to accompany the complainant to the meeting if they so wish.

2.3.7 The head teacher should interview any relevant pupils / witnesses as soon as possible. Pupils may wish to be interviewed with parents or carers present. If that is not possible, then another member of staff with whom the pupil feels comfortable should be asked to attend. Written records should be kept of all meetings, telephone conversations and interviews etc.

2.3.8 Complaints need to be considered, and resolved, as quickly and efficiently as possible.

2.3.9 Following the completion of all appropriate investigations, the head teacher will respond in writing to the complainant, with all appropriate information in relation to the complaint and information on any outcome(s).

2.3.10 The response should also inform the complainant of the next stage of the procedure in case they are not satisfied with the response.

2.3.11 Should the complaint be about a head teacher or if the head teacher has already had extensive involvement at this stage, it may be prudent to refer the complaint directly to the Chair of Governors to be dealt with at Stage 3. However it is obviously desirable for the head teacher to continue to attempt to resolve the issue at this stage if possible.

2.3.12 Unless the complaint relates to the head teacher, the Chair of Governors may ask the head teacher, member of the senior leadership team or other appropriate school governor to carry out any investigation on their behalf. This should be someone with no previous involvement in the complaint.

2.4 Further consideration at stage 2

2.4.1 If the complainant considers that the decision of the head teacher is perverse, or that the head teacher has acted unreasonably in considering the complaint, then the complainant may bring a complaint in respect of the investigation carried out by the head teacher or member of the senior leadership team.

2.4.2 This will provide an opportunity for the evidence to support such a complaint to be investigated. In this case the complainant should submit in writing a complaint in respect of the head teacher's investigation to the Chair of Governors **within 15 school days of receiving the head teacher's written response.**

2.4.3 The Chair of Governors will carry out an investigation, and will consider all available evidence. This may include separate interviews with the complainant, the head teacher and relevant members of school staff if the Chair of Governors requires additional evidence. However it would not be appropriate to question any children if they have been part of any previous investigation.

2.4.4 When the investigation has been concluded the complainant and the head teacher will be informed in writing of the outcome **within 15 school days of receiving the complaint.**

2.4.5 If the complainant is not satisfied with the manner in which the process has been followed, or considers that the decision of the Chair is perverse, or that the Chair has acted unreasonably, then the complainant may request that the Governing Body review the handling of the complaint.

2.5 Stage 3 – Formal complaint to the governing body

2.5.1 Complaints rarely reach Stage 3, but governing bodies should be prepared to deal with them if necessary.

2.5.2 If the Chair of the governing body receives a written complaint directly from a parent they should consult with the head teacher before taking any action. It is important to ensure that the earlier stages of the procedure have been exhausted and it may be more prudent that the Chair carry out an investigation or review as prescribed in the 'Further action at stage 2' part of the procedure above.

2.5.3 Complainants should be advised that complaints at this stage should usually be made in writing and addressed to the Chair of School Governors **no later than 15 school days following receipt of a written outcome at Stage 2.**

2.5.4 It is important that the governors' complaint panel should not only be independent, but be seen to be so. **Individual complaints should not be considered by the full governing body** in case the investigation leads to a disciplinary hearing that would need to be heard by a separate group of governors. Similarly, some governors may have prior knowledge of a problem, which might make them unable to give fair and unbiased consideration to the issue.

2.5.5 A governors' complaints panel consisting of three members of the governing body should be convened. **Written acknowledgement of the complaint should usually be made within 5 school days of receiving the complaint.**

2.5.6 The acknowledgement letter should inform the complainant that **their complaint is to be heard by the panel within 15 school days of receiving the complaint.**

2.5.7 The complaint panel meeting should be arranged, with enough notice given so that everyone, including the complainant, can make arrangements to attend. **This notice period is usually at least 5 school days prior to the date of the panel meeting.**

2.5.8 At this meeting the issues around the complaint can be discussed, with everyone involved invited to put forward their case. It is likely that the panel would also need to interview any people involved in order to get a clearer picture of the story. Any parties involved should also be invited to submit any extra evidence that has not been seen during the earlier stages.

2.5.9 **A written response to the complainant should be made as soon as possible but within a maximum of 15 school days from the date of the panel meeting.**

2.6 Appeal to the Department for Education

2.6.1 If the complainant is still not happy by this stage, an appeal can be made to the Department for Education (DfE) on the following grounds:

- The governing body is acting or proposing to act unreasonably.
- The governing body has failed to discharge its duties under the 1996 Education Act.

2.6.2 It should be noted that, in this sense, the word “unreasonably” is used in a strict sense and means acting in a way that no reasonable school or governing body could act in the circumstances.

3. COMPLAINT HANDLING

3.1 Monitoring complaints

3.1.1 The school will monitor complaints. Details to include in any monitoring records are:

- Name of complainant
- Details of the complaint
- A brief categorisation of the type of complaint
- How the complaint was investigated and by whom
- When the complaint was made
- The results and conclusions of the investigation(s)
- Any action taken as a result
- Any follow-up action taken

3.1.2 Complaints should be recorded in a manner which indicates which stage(s) of the procedure they have been considered, with the outcome for each stage listed as either:- - Upheld

- Not upheld or
- Partially upheld

3.1.3 One complaint can have several stages each with a different outcome. There should also be an indication as to what the response time scale is (dependent on the stage) and whether or not the response time scales have been met.

3.1.4 Gender, ethnicity and any disability of complainants will be monitored in order to address any possible equality issues.

3.1.5 As per the Data Protection Act 1998, the details of complaints and their resolution will not be shared beyond those individuals directly involved. This includes school governors.

3.2 Publicising our complaint procedure

3.2.1 Details of the complaint procedure will be publicised in:

- The school website
- As part of the Home School Agreement
- School newsletter

3.3 Vexatious complaints overview

3.3.1 The term 'vexatious' can reach wider than complaints.

3.3.2 It is not appropriate to make personal accusations or attacks on members of school staff, or to raise matters that are not about education or a child's well-being. It is also not appropriate to make unsubstantiated allegations against the school, or to behave unreasonably by not engaging with the school to attempt a joint resolution.

3.3.3 A good complaints procedure can help limit the number of protracted complaints. If a complainant attempts to reopen issues that have been dealt with through the complaints procedure it should be explained that the procedure has been exhausted.

3.3.4 If a complainant acts unreasonably by continuing to raise similar issues or raising a range of unrelated issues on a repeated basis, then the school can reserve the right not to respond.

3.3.5 The school may take steps to limit or in some way ration contact for example:

- directing the parent to a specific teacher or other member of staff as a contact point.
- responding to the complainant at specific intervals.
- informal or formal written warnings given as to future behaviour and the consequences of that behaviour.

3.3.6 In these instances however, care should be taken not to dismiss any new complaints that have been raised alongside previous complaints.

3.3.7 Any new issues should be addressed separately under the relevant stage of the complaints procedure and a continued dialogue with the school is seen as extremely important as part of ensuring the best possible outcomes for children and a significant benefit of doubt should be given to parents / carers.

3.3.8 If a complainant in this category refuses to engage in the school's formal complaints procedures, but continues to complain, then the head teacher or chair of governors will consider informing the complainant that the complaints are vexatious.

3.3.9 If the complainant believes that the school has acted unreasonably they may appeal to the Department for Education.

3.4 Getting help and advice

3.4.1 The schools may also wish to seek advice from any relevant authority such as the Local Authority or the London Diocesan Board for Schools.

4. CURRICULUM COMPLAINTS PROCEDURE

4.1 When can the curriculum complaints procedure be used?

4.1.1 Complaints about the Local Authority's powers or functions need to be considered only by the Local Authority and should be addressed directly to the Local Authority; however

4.1.2 There is a separate complaint procedure for issues around curriculum complaints. Parents or pupils may use this procedure if they believe that either the Local Authority or the governing body are failing:

- To provide the National Curriculum in the school or for a particular child
- To follow the law on charging for school activities
- To offer only approved qualifications or syllabuses
- To provide religious education and daily collective worship
- To provide the information that they have to provide
- To carry out any other statutory duty relating to the curriculum,

or are acting unreasonably in any of the above cases. The procedure is as follows:

4.2 Phase 1 – Informal

4.2.1 Parents should be encouraged to take their concerns directly to the head teacher of a school in order to seek early resolution informally. A response should be given within a reasonable timescale. If the complaint cannot be resolved in this way, the following phase should be initiated:

4.3 Phase 2 – The Governing Body

4.3.1 A referral to the schools governing body should be made and if necessary a complaints panel should be convened and the complaint investigated in the same way as described in Stage 3 of the School Complaints Procedure above. It may be more prudent that the Chair carry out an investigation or review.

4.4 Phase 3 – The Department for Education

4.4.1 If the complainant is still not happy with the outcome of a complaint to the governing body about any of the above issues, they can write to the Department for Education.

PART 2

5. MODEL PROCEDURE FOR A GOVERNORS' COMPLAINTS PANEL(Stage3)

5.1 When should a complaints panel be convened?

5.1.1 A panel should be convened if a complainant makes either an appeal against a decision made by a head teacher or Chair of Governors at Stage 2 of the school complaints procedure.

5.1.2 The complaint must be made in writing, outlining what action has been taken by the school so far and what desirable outcome the complainant would like.

5.2 Acknowledgment

5.2.1 Written acknowledgement should usually be made within 5 school days of the complaint receipt date.

5.2.2 The acknowledgement should inform the complainant that the complaint is to be heard by three members of the school's governing body within 15 school days of the complaint receipt date.

5.2.3 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 and seen by the three panel members.

5.3 The panel

5.3.1 The Chair of the governing body should arrange to convene a governors' complaints panel elected from members of the governing body. It may be necessary for the governing body to appoint reserves to this panel to ensure that three governors are available to carry out their task within the set time.

5.3.2 The panel members should be governors who have had no prior involvement with the complaint.

5.3.3 The Chair of the governing body should chair the panel unless they too have previously been involved in the complaint. On these occasions another governor (e.g. the Vice Chair of the governing body) should do it.

5.3.4 Generally it is not appropriate for the head teacher to have a place on the panel. It may be helpful to have a governor who is also a parent on the panel. Governors will also want to be sensitive to issues of race, gender and religious affiliation.

5.3.5 The panel Chair will ensure that the panel will hear the complaint within 20 school days of receiving the request to move to Stage 3 as indicated in the acknowledgement letter however this may depend upon the complainant's availability.

5.3.6 All relevant correspondence regarding the complaint should be given to each panel member as soon as the composition of the panel is confirmed. If the correspondence is extensive, the Chair should prepare a thorough summary for sending to panel members.

5.3.7 The Chair will write and inform the complainant, head teacher, any relevant witnesses, and members of the panel of the date, time and place of the meeting. This should be done as soon as possible and at least 5 school days in advance of the panel date.

5.3.8 The notification to the complainant should also inform them of their right to be accompanied to the meeting by a friend / advocate / interpreter. The complainant may not be accompanied by a solicitor acting in a legal capacity.

5.3.9 The letter will also explain how the meeting will be conducted and the complainant's right to submit further written evidence to the panel.

5.4 Who should attend?

5.4.1 The Chair should invite the head teacher to attend the panel meeting and they should prepare a written report for the panel in response to the complaint.

5.4.2 The head teacher may also invite members of staff directly involved with matters raised in the complaint to respond to the complainant directly either in writing or in person at the panel.

5.4.3 Any relevant documents for consideration at the panel (this includes the head teacher's report), should be submitted in order to be received by all concerned – including the complainant – at least 5 school days prior to the meeting.

5.4.4 The involvement of staff other than the head teacher is subject to the discretion of the Chair. It is the responsibility of the Chair to ensure that minutes of the meeting are properly recorded.

5.5 The meeting

5.5.1 The aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant. However, it has to be recognised that sometimes it may only be possible to establish facts and make recommendations which will satisfy the complainant that their complaint has at least been taken seriously.

5.5.2 The panel should remember that many parents are unused to dealing with groups of people in formal situations and may feel inhibited when speaking to the panel. The Chair should therefore ensure that the proceedings are as informal as possible.

5.5.3 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.

5.6 The process

5.6.1 Any party have the right to call witnesses if applicable (subject to the approval of the Chair) and all parties have the right to question all the witnesses. However, witnesses are only required to attend for the part of the hearing for which they give their evidence.

5.6.2 Whilst the panel may ask clarifying questions of either party at any point, the process of the complaint panel is as follows:-

- a. Welcome and introductions from the Chair
- b. The Chair explains the purpose of the meeting, the procedure and that all written evidence has been made available to all parties
- c. Complainant is invited to explain their complaint, followed by their witnesses
- d. The headteacher may then question both the complainant and the witnesses
- e. The panel may then question both the complainant and the witnesses
- f. Head teacher is invited to explain the school's actions, including those taken to address the complaint at Stage 1 and 2 of the procedure, followed by any witnesses for the school.
- g. The complainant may question both the head teacher and the witnesses for the school
- h. The panel may then question both the head teacher and the witnesses for the school
- i. Any remaining witnesses to leave
- j. The head teacher is invited to make a final statement
- k. The complainant is invited to make a final statement
- l. The Chair explains to the complainant and head teacher that the panel will now consider its decision, and that a written decision will be sent to both parties within 15 school days
- m. The complainant and the head teacher leave together
- n. Panel deliberations and decisions

5.7 The decision

5.7.1 The panel will then consider the complaint and all the evidence presented. They will:

- Reach a unanimous, or at least a majority, decision on the complaint
- Decide upon the appropriate action to be taken to resolve the complaint
- Where appropriate, suggest recommended changes to the school's systems or procedures to ensure that problems of a similar nature do not happen again.

5.7.2 A written statement outlining the decision of the panel must be sent to the complainant within 15 school days. The letter to the complainant should explain whether a further appeal can be made and, if so, to whom (e.g. Department for Education). A copy will be provided to the head teacher.

5.7.3 Generally this would be the end of the governing body's involvement in the complaint process however the governing body might also consider an appeal if a complainant is able to demonstrate that new information or evidence has come to light which was not available at the time of the original complaint and which might significantly affect the findings of the complaints panel.

5.7.4 The school should ensure that a copy of all correspondence and notes are kept on file in the school's records. These records should be kept separately from the pupil's personal records.

5.8 Summary of complaint panel timescales

5.8.1 A summation of the timescales in a Governors' Complaints Panel is as follows:

- i. Written acknowledgement of the Stage 3 request sent within 3 school days of the complaint receipt date
- ii. The written acknowledgement should inform the complainant that the complaint is to be heard by / within 15 school days of the complaint receipt date
- iii. Once known, the Chair will then write and inform relevant parties of the date, time and place of the meeting and this should be done at least 5 school days in advance of the panel date
- iv. Any relevant and / or additional documents for consideration at the panel, including the head teacher's report, should be received by all concerned – including the complainant - prior to the meeting
- v. The panel Chair will send a written decision to both head teacher and complainant within 15 school days of the panel date

School complaint form

Your name:

Pupil's name:

Your relationship to pupil:

Your address and postcode:

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Your daytime telephone number:

Your evening telephone number:

Your complaint is: (include details of any actions taken to try to resolve the situation)

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(If you run out of space, please use extra paper)

