

# COMPLAINTS PROCEDURE

## Introduction

The following procedures have been set in place following guidance from the Department for Education "School Complaints Procedure". Reference to this document (held by the Head's PA) may offer further or more detailed guidance on these procedures. The purpose is to provide information to parents, staff and governors on the procedures for dealing with complaints against the school. It identifies different types of complaints and the ways in which they should be addressed. The guiding principles are that this Complaints Procedure will:

- encourage the resolution of problems by informal means wherever possible;
- be easily accessible and publicised, simple to understand and use;
- be impartial and non-adversarial;
- allow swift handling within established time limits, keeping people informed of progress;
- be fair and consistent, addressing all points at issue;
- within the stated processes of the procedure, respect people's desire for confidentiality;
- provide an effective and adequate response to the complainant which will aim to establish positive relations and trust for the future;
- provide information to the school's Senior Team so that processes and procedures can be improved where relevant.

## Different Types of Complaint

It is hoped that causes for complaint will be few and most can be dealt with as questions or concerns (**Informal Complaints**) through the normal day-to-day contact with the school. Staff will always be happy to see parents by appointment to discuss concerns at the earliest mutually convenient opportunity. If such a complaint cannot be resolved informally by the member of staff, it will be referred through the line management structure. Where the approach is unsuccessful, **Formal Complaints** should be submitted in writing, usually to the Headteacher. However, it is important to establish early on the precise nature of a complaint as there are certain types of complaints or statutory requirements that should be addressed and processed through other routes. These include:

- Complaints concerning the Headteacher – contact the **Chair of Governors** at the school address;
- If the complaint is related to one of the following categories, it should be referred to the LA by the Headteacher to the relevant officer:
  - a. complaints about the curriculum, in all its facets
  - b. complaints about admissions
  - c. complaints about failure to assess a child's special educational needs
  - d. the exclusion of pupils from school
  - e. child protection – referral to LA should be without delay

## THE PROCESSES FOR SUBMITTING AND DEALING WITH COMPLAINTS

### General

Other than those identified above, complaints should initially be referred to an appropriate member of staff at the school. Complaints received directly by Governors or the LA that should be dealt with at school level will be redirected and handled in accordance with this procedure. The school shall keep records of complaints received, which should include how they have been processed and resolved.

## **Stage 1 - Informal complaints**

The school shall always, where it is appropriate, encourage the informal resolution of concerns or complaints. In the case of parents with informal complaints the routes should be:

- **Pastoral Matters** – contact the tutor, House Co-ordinator or Head of House.
- **Academic Matters** – contact the relevant subject teacher or Head of Faculty.

Members of the public with a complaint should contact the Headteacher or his/her PA. In many cases the member of staff will be able to respond and resolve the issue immediately. The complainant should be contacted within two working days to initially acknowledge the receipt of the complaint, explain the next appropriate steps and agree the next contact time. The complainant should expect a more detailed response within four working days. Where the matter cannot be resolved informally by the member of staff, or where a concern is considered to be of a more serious nature, it may, by agreement between the member of staff and the complainant, be referred for discussion with the Headteacher.

## **Stage 2 – Formal Complaints**

If the complainant is not satisfied with the response of the member of staff or the Headteacher, then they may wish to put their concerns in writing as a formal complaint. The letter, normally addressed to the Headteacher, or where it concerns the Headteacher to the Chair of Governors, should state clearly the nature and facts of the complaint and with whom it has previously been raised. A Complaints Form is available from the Headteacher's PA for this purpose, which has the benefit of ensuring that all the relevant information is submitted and recorded. The Headteacher will acknowledge the letter/form within four working days, indicating who will be investigating it, if not himself, and of the time-scales involved. The investigation shall gather information available from relevant sources to allow a fair conclusion to be made. This may involve interviewing and taking statements and meeting with the complainant for a further discussion. The Headteacher shall notify the complainant of his/her conclusions, normally within ten school days of the acknowledgement. This shall be done in writing and if the complaint is upheld, should include an apology and details of what measures the school will be taking to avoid reoccurrence.

## **Stage 3 – Governors Appeal Panel**

In the unlikely event that the complainant is still dissatisfied with the response to a formal complaint, they should write a letter of appeal to the Chair of Governors at the school address. An independent panel of three governors shall be formed to meet within 15 school days of receiving the appeal. The panel will not normally include the Chair and will not include any governor with prior knowledge or involvement in the complaint. The panel shall conduct itself in accordance with guidelines provided by the DfE. The clerk to the panel shall write to the complainant, normally allowing five days' notice of the meeting, and inform them of their rights to submit further written evidence, to attend and to be accompanied. The Headteacher and other witnesses shall be invited to attend. The Headteacher shall submit a written report and may invite the Chair of Governors or members of staff directly involved to respond in writing and/or in person to the complaint. Information shall be distributed to all relevant parties prior to the meeting, allowing sufficient time for the contents to be reviewed. At the conclusion of the representations and questions, the panel will consider the issues and write to both parties with their decision or judgement within three days. This is normally the last and final step in the procedure. However, complainants have a right of appeal to the LA, who will only act if they consider that the Governing Body has acted unreasonably or not dealt

Complaints may be of different degrees of concern. Colleagues should exercise judgement in each case as to the next course of action. If in doubt, colleagues should consult with their line manager.

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## **Appendix 1: The role of the Governor's Panel**

The complainant needs to write to the Chair of Governors giving details of the complaint. The Chair, or a nominated governor, will convene a GB complaints 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.

Individual complaints would not be heard by the whole GB at any stage, as this could compromise the impartiality of any panel set up for a disciplinary hearing against a member of staff following a serious 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 Complaints Appeal 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:

- a. It is important that the appeal hearing 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.
- b. 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.
- c. 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.
- d. 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.

- e. The governors sitting on the panel need to be aware of the complaints procedure.

## **Roles and Responsibilities**

### **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.

### **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 a set deadline which is publicised in the procedure. The letter needs to explain if there are any further rights of appeal and, if so, to whom they need to be addressed.

## Appendix 2: OVERVIEW OF PROCEDURAL SEQUENCE

