Complaints Procedure

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School Complaints Procedure

This procedure is for use for complaints against the school, a member of staff or the governing body. The complainant must raise the complaint within **three months** of the incident (or, where a series of associated incidents have occurred, within **three months** of the last of these incidents). The school will consider complaints out of this time frame, only if exceptional circumstances apply.

Complainants should not approach individual governors to raise concerns or complaints. They have no power to act on an individual basis and having prior knowledge of a complaint will prevent the governor from being able to sit on a panel at a later stage of the complaints process. Complainants should always be advised to follow the process laid out in this policy.

There are separate arrangements, laid down by law to cover the following:

- Appeals against admissions to schools
- Appeals about statutory assessments and against Education Health Care Plans
- School re-organisation proposals
- Matters likely to require a child protection investigation
- Appeals against the exclusion of children from school
- Whistleblowing
- Staff grievance & disciplinary procedures
- Staff conduct complaints
- Services provided by other providers who may use the school premises or facilities
- Complaints about the content of the national curriculum, which should be sent to the DfE using their contact form
- Complaints about collective worship – complainants who are dissatisfied with the content of the daily act of collective worship should be signposted to NCC or the local Standing Advisory Council of Religious Education (SACRE).

In addition:

- Anonymous complaints will not be investigated unless deemed serious enough by the Headteacher or Chair of Governors
- Complaints that are being investigated by other bodies such as the Police will be suspended until those public bodies have completed their investigations
- If a complainant commences legal action against the school in relation to their complaint, the school will consider whether to suspend the complaints procedure in relation to the complaint until those legal proceedings have concluded.

Complaints against school staff (except the Headteacher) should be made in the first instance, to the Headteacher via the school office**.** Please mark them as Private and Confidential.

Complaints that involve or are about the Headteacher should be addressed to the Chair of Governors, via the school office. Please mark them as Private and Confidential.

Complaints about the Chair of Governors, any individual governor or the whole governing body should be addressed to the Governance Professional via the school office. Please mark them as Private and Confidential.

For ease of use, a template complaint form is included at the end of this procedure. If you require help in completing the form, please contact the school office.

Stage One: Informal Stage - Complaint Heard by Staff Member / Headteacher / Chair of Governors

In the first instance the complaint should be discussed between the person making the complaint and the member of staff involved. If a complainant indicates that they would have difficulty discussing a complaint with that particular member of staff they should be referred to another staff member.

Similarly, if a member of staff/Headteacher/Chair of Governors feels too compromised to deal with a complaint it should be referred to another member of staff or another governor. The ability to consider the complaint objectively and impartially is crucial and it is also important to give an indication of timescale if it is found that the complaint requires further investigation.

If a complainant first approaches a governor, they should be referred, via the Headteacher, to the appropriate person, i.e., the member of staff concerned or the Chair of Governors.

It is hoped that most complaints can be resolved at this informal stage and to this end it may be useful to involve the Client Relations Service, within the Children's Services Directorate of the Local Authority, who are available to advise parents on the complaints process and may, on occasion, help to facilitate contact with the school. The School Governance Team are there to advise the school on procedure.

Whoever has heard the complaint at stage one will advise the complainant on how to escalate their complaint should they remain dissatisfied with the outcome. At this stage the complainant will be asked to complete the complaints form if they have not done so already.

Mediation (Optional stage after stage one or two)

*The school **may** offer the option of mediation following stage one or two of the complaint consideration. This is not instead of stage two or three, rather as an additional way of reaching agreement and securing a way forward. Complainants do not have to accept mediation nor do the school have to offer this step if it is felt to be inappropriate.*

Stage Two: Formal Consideration of Complaint

If the complainant is dissatisfied with the outcome of stage one, or the way the complaint has been handled at stage one, and wishes to pursue their initial complaint further, the Headteacher, Chair of Governors or nominated officer may delegate the task of formally investigating the complaint to another staff member or another governor once the complaints form has been received.

The Headteacher/Chair of Governors/nominated officer may also, in exceptional circumstances, commission an investigating officer report to be undertaken by an external professional.

The person making the complaint will be informed that an investigation is underway and that they will receive a response within **25 school days**, or a letter explaining the reason for any subsequent delay.

Once the relevant facts have been established and conclusions drawn, the Headteacher/Chair of Governors/nominated officer should relay the decision, and the reason for the decision, in writing to the complainant.

Stage Three: Complaint Heard by Governing Body Complaints Committee

If the complainant is still dissatisfied with the outcome, they should contact the Headteacher/Chair of Governors/nominated officer giving details of the complaint within **10 school days** of receipt of the stage two decision letter. The nominated officer will convene a governing Body complaints committee, if they consider it appropriate, after considering the report of the investigating officer and the request of the complainant - the usual practice at stage three would be to convene a Panel as the complainant should be allowed to complete the complaints procedure in full.

When convened, the committee will consist of a minimum of three governors with delegated powers. The chair of the committee will be appointed when they meet. The complaints committee will take a decision as to any action to be taken in response to the complaint. For example, they may choose to:

- Convene a hearing at which the complainant will be invited to put forward their case. This should be held within **20 school days** of the decision to hold the hearing;
- Dismiss the complaint in whole or in part;
- Uphold the complaint in whole or in part;
- Recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not recur.

In reaching a decision the committee may take the advice of such bodies as they see fit, in particular the Local Authority. Guidance on preparing for and holding the hearing will be provided by the school's dedicated Governance Professional.

It should be noted that these complaints committees are not a form of legal proceeding and therefore it is inappropriate for either the school or the complainant to bring legal representation. The exception to this would be if a member of staff, as a witness, wished to bring individual union or legal representation.

Further Considerations

Making a complaint to the Department for Education should only happen once all other routes have been followed. The exception to this may be where there is a child protection concern, or where a child is missing education. If the complainant believes the school did not handle their complaint in accordance with the published complaints procedure or they acted unlawfully or unreasonably in the exercise of their duties under education law, they can contact the Department for Education after they have completed stage three.

The Department for Education will not normally reinvestigate the substance of complaints or overturn any decisions made by the school. They will consider whether the school has adhered to education legislation and any statutory policies connected with the complaint.

The complainant can refer their complaint to the Department for Education online at: www.education.gov.uk/contactus, by telephone on: 0370 000 2288 or by writing to:

Department for Education,
Piccadilly Gate,
Store Street,
Manchester,
M1 2WD.

If a complaint has been made by a number of parents and it is about a whole school issue they may, at any stage of the procedure, ask the Chief Inspector of Schools to investigate their complaint. The Chief Inspector may or may not require the school's complaints procedure to be exhausted before he decides whether or not to investigate.

However, should the school become the focus of a complaint campaign; receiving a large volume of connected complaints all based on the same subject or from complainants unconnected with the school then the school reserves the right to deal with these complaints by means of either a template response or a general response posted on the school website.

A separate policy is in place in respect of serial and persistent complainants.

Appendix 1 – Exemplar Complaint Form

Please complete and return to the Headteacher/Chair of Governors or Governance Professional who will acknowledge receipt and explain what action will be taken. If you have difficulties completing the form, please contact the school so specific arrangements to consider your complaint can be made.

Your name: **Pupil's name (if applicable):** **Your relationship to the pupil (if applicable):** **Address:** **Postcode:** **Day time telephone number:** **Evening telephone number:** **E mail:**
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)?**

Appendix 1 – Exemplar Complaint Form

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 Only **Date acknowledgement sent:** **By whom:** **Complaint referred to:** **Date:**

Appendix 2 – Roles within Complaints Procedure

Complainant

The complainant is the person who raises their issue with the school in line with the school's complaints procedure. Individuals are expected to engage with the process in an open and honest manner in order to try to reach an equitable outcome. Complainants need to consider what they would feel to be appropriate outcomes from the process. Complainants must not try to pursue their complaint outside the process as this can cause difficulties in accessing sufficient individuals without connections to the complaint if too many people are contacted at the initial stages.

Initial Contact

Anyone who is contacted by the complainant would be the initial contact - the only role this person would have within the process would be to ensure that the complainant had a copy of the complaints procedure and how to move this forward. No discussion of the actual complaint should take place other than to identify who the complaint should properly be addressed to.

Stage One Contact

The complaints procedure expects that all complaints should be resolved at the earliest opportunity with the person most associated with the allegation being made - this could be a class teacher or other member of staff. A face-to-face discussion would usually be the first step and many complaints can be brought to a conclusion at this stage. Otherwise, the Headteacher might take this role if the member of staff or the complainant is not comfortable with the usual arrangements. Exceptionally, if the complaint is about the Headteacher and they are not able to participate in the stage one discussion, the Chair of Governors might take this role or delegate to another appropriate Governor.

Nominated Officer

Depending on the level at which the stage one discussion is held, this role may be taken by a senior leader; the Headteacher; a Governor designated by the Chair or the Chair of Governors themselves. The role of Nominated Officer would be to commission an investigation report from an Investigating Officer. The Nominated Officer would prepare a brief for the Investigating Officer to follow based on the substance of the complaint. On receipt of the Investigating Officer's report, the Nominated Officer would draw up and send a stage two outcome letter to the Complainant. The Nominated Officer would also consider the appropriate response to complainants not satisfied at stage two. The Nominated Officer would also present the school case to the Panel at stage three should this be required.

Investigating Officer

Depending on the level at which the stage one discussion is held, this role may be taken by a senior leader; the Headteacher; a Governor designated by the Chair or the Chair of Governors themself. Exceptionally, if there is no-one with sufficient independence, an Investigating Officer may be commissioned from outside of the school, but it is likely that there would be a cost to this. The Investigating Officer would interview witnesses; scrutinise documentation; formulate conclusions and draw up recommendations within a report prepared for the Nominated Officer.

Appendix 2 – Roles within Complaints Procedure

Panel Chair or Member

Should the complaint move to stage three a Panel might be drawn up to consider the school case - both complainant and Nominated Officer would attend to present their case; each would be able to call witnesses as appropriate. The Chair of the Panel would be voted from within the Panel and would be responsible for communicating the judgement to the complainant in a stage three outcome letter.

Witnesses

Individuals identified as having specific knowledge in respect of the complaint would be identified as potential witnesses - these witnesses would be interviewed by the Investigating Officer and statements drawn up for signature. These statements would form part of the evidence in support of the Investigating Officer's conclusions and recommendations within their report to the Nominated Officer.

Support for Procedure

Schools that buy into the School Governance SLA may access support from the School Governance and Data Protection Team - Schools outside these SLA's would need to purchase such support on a "pay as you go" basis.