



Complaints Policy and Procedure

Signed Chair of Governors following approval by Governing Body:

S.P. Smil

Date: 16th March 2015

Date next review due: March 2018

Person/Committee responsible for review: Governing Body

Aims

The school aims to establish and promote a close relationship with all parents in the interests of their children. It also seeks to provide a first class service to all stakeholders. We recognise that children feel more secure when they receive consistent messages from both home and school. The school is interested to hear the views of all members of the immediate and broader school community. Parents' views about the school are welcomed, at the same time the school undertakes to inform parents as soon as possible about any issues of concern to the school so there can be mutual co-operation in resolving them.

Legal context

From September 2003 governing bodies of all maintained schools in England are required, under Section 29 of the Education Act 2002, to have in place a procedure to deal with complaints.

The School Standards and Framework Act 1998 provided an additional function of the governing body to establish and publish procedures for dealing with complaints relating to the school, other than those covered by legislation and formal procedures elsewhere. Our policy is based on the procedures advised by Cumbria County Council Education Department.

INTRODUCTION

This procedure deals with complaints about schools covering areas where there is no statutory avenue of Complaint or Appeal. There are already arrangements in place covering the following:-

- Admissions
- Exclusions
- Curriculum
- Special Educational Needs Assessments
- Child Protection
- Criminal offences
- Staff Disciplinary/Capability/Grievance
- Collective Worship and Religious Education
- Health and Safety

Details are available from the school/LEA.

The majority of decisions about the day to day operation of schools are the responsibility of the head teacher and ultimately the governing body, to whom the head is accountable. These notes are concerned with complaints in this area.

The school's governing body has an overall responsibility to be satisfied that concerns and complaints are properly examined. In making a complaint or expressing a concern, the first contact should be with the person who is the subject of the complaint or the concern. It is important that those responsible for considering a complaint at each stage of the procedure should not have had any prior involvement. Parents will harm the fair hearing of their complaint if they write to all members of the governing body.

WHAT IS A COMPLAINT?

Staff and governors at the school need to be clear about the difference between a concern and a complaint. Issues should be regarded as concerns initially, and taking these concerns seriously, by staff at the school, at the earliest stage will reduce the numbers that develop into formal complaints. The appropriate way to deal with concerns is through the school staff, and all governors should be aware that if they enter into discussions at an early stage it may

compromise this policy or quickly escalate the concern into a complaint. Therefore governors must direct those with concerns to the head teacher or other appropriate member of staff.

Briefly a complaint is an expression of dissatisfaction or concern about any aspect of a school's work, where the complainant is not happy with what the school has done, has failed to do or has done in an unacceptable way. Concerns and complaints may be communicated in writing, by telephone or in person and can be about any aspect of a school's work. All complaints will be recorded in the school's complaints book and the action taken by the school in order to deal with the complaint.

They may be expressed by parents, guardians, volunteers or members of the community with an interest in the working of the school, on matters for which the school is directly responsible.

The majority of concerns/complaints will be dealt with satisfactorily by school staff on an informal basis.

This guidance on procedure is produced to help staff and governors to address concerns and complaints the school may receive. There is an informal procedure which should be followed at first. If this does not lead to a conclusion, there is a more formal process which can be followed. These stages are now explained in more detail.

INFORMAL STAGE

It is important that complaints are raised at the earliest opportunity and not allowed to develop into major issues. In the vast majority of cases, schools and complainants achieve this. A member of school staff is available to listen to concerns before and after school every day. These discussions are recorded in summary. This stage involves only the complainant and staff. Governors will not be involved in this stage of the process.

Many concerns/complaints can be resolved by giving the complainant the opportunity to discuss his/her concerns with the member of staff concerned, who may be the head teacher. The vast majority of complaints should be resolved at this stage. The school considers it good practice to have the key points of such meetings recorded in writing. Following a more detailed discussion a written report of the concern, including the key points, will be signed by the complainant and returned to the school within ten days. The copy should be held on file in the school, as a record of the conclusion, in case similar issues occur in the future.

All staff know the procedures to be followed, and there is a common practice for recording the outcomes.

If the informal process has been exhausted and no satisfactory solution found the complainant should be advised by the member of staff dealing with the issue that if he/she wishes the complaint can be considered formally.

FORMAL PROCEDURE

Introduction

In the best interests of the school and the complainant, it is important that there are clear and open procedures which allow complaints to be investigated and hopefully resolved. To help achieve these purposes, the consideration of complaints will move into a formal stage.

There can be three stages to the formal procedure, ie, (i) investigation; (ii) resolution; and (iii) appeal.

Referral to the head teacher for investigation, the head teacher will make arrangements for the investigation to be carried out. In the case of a complaint about the head teacher the referral, in these cases, should be to the chairperson of the appropriate governor committee. The responsibility for investigation will rest with this governor, nominated by the governing

body, to carry out the investigation. (From now on the person responsible for the investigation will be referred to as “the investigator”).

It must be clear to all concerned what the actual complaint is (see Annex C, Harassment and persistent complaints)

At the end of the investigation, the investigator can offer the complainant the opportunity of a meeting with all parties to clear the air and determine whether an agreed resolution is possible.

If not satisfied:

The complainant can request a committee of the governing body to consider an appeal against the outcome of the investigation and/or the procedure which had been followed. The appeal request should be made within ten school days of receiving the investigation report or following a resolution meeting, if one takes place. If a governor has been involved in the complaint in any way, other than as investigator, he/she will be disqualified from being a member of this committee.

Stages in the formal procedures

Referral to the investigator (who may be the head teacher, chairperson or nominated governor). In the event of the complaint being about a member of staff who is related to any of the above, the complaint should not be investigated by the relative, eg a complaint against a member of staff who is related to the head teacher should be investigated by the chair of governors or designated governor.

The complainant should put his/her complaint in writing, or make arrangements for it to be recorded in writing.

The letter should be acknowledged within five school days by the investigator. This person should provide an opportunity to meet the complainant to discuss the complaint within ten school days and agree what will be investigated. This should be confirmed in writing with the complainant and signed by the complainant and investigator.

The complaint is investigated and a written response is made within ten school days of the confirmation of the complaint to be investigated. This investigation will involve interviewing the member of staff against whom the complaint has been made and any witnesses they may identify.

If this is not possible a letter should be sent explaining the reason for the delay and providing a revised target date.

The written response should explain whether the investigation confirms a complaint was upheld or not. If it was, what action the school proposes to take to resolve the complaint or, if the complaint is not accepted, a full explanation as to why. The complainant should also be advised that if he/she is still not satisfied the next stage is an appeal to the committee of governing body which should be made in writing to the clerk to the governing body. The subject of the complaint will also receive a copy of the written response. The appeal request should be made within ten school days of receiving the investigation report or following a resolution meeting, if one takes place.

Resolution stage

Following the investigation of the complaint and prior to an appeal, the investigator can offer the complainant the opportunity of a meeting with all parties involved in the complaint.

The purpose of this meeting would be to give the opportunity for the air to be cleared and consider whether or not there are lessons to be learned by all parties.

Matters raised in this informal meeting would be confidential to that meeting with the only minutes being agreed outcomes. The meeting could be chaired or conducted by a third party

external to the school. The LEA cannot take on this role, as matters may ultimately be referred to the Director of Education for review.

Should this process not produce a resolution, then the complainant can still appeal to a committee of the governing body against the outcome of the investigation and/or the procedure which has been followed. This request must be made within ten school days after the meeting.

Appeal to a committee of the governing body

It is recommended that a minimum of three governors, appointed by the governing body, hear the appeal. Governors who have detailed prior knowledge of the complaint, or are involved in some other way, cannot be on this committee. Governors who are involved in the appeal will not be able to be involved in any matters arising from the appeal.

A written acknowledgement of the appeal should be sent to the complainant, within five school days by the clerk to the governing body.

This letter should inform the complainant of the date that his/her complaint will be heard by a committee of governors which will be within 20 school days of receiving the appeal request.

The letter should include the complainant's right to be accompanied by a friend/adviser or representative of their choice. It will also inform the complainant of his/her right to submit any further documents relevant to the complaint and the format of the appeal hearing and the date. Any written materials should be produced ten days before the date of the appeal.

The investigator should also be invited to prepare a written report for the committee in response to the complaint and be informed of the format of the Appeal hearing and the date. This information should include the right to be accompanied by a friend/adviser or representative of their choice. Any submissions should be produced ten days before the date of the hearing.

In the exceptional circumstances of the complainant or the investigator being legally represented, the chairperson of the Appeal Committee must be informed at least five school days before the appeal is heard.

All relevant correspondence, including additional material from the complainant and the written report from the investigator should be given to each person who will be present at the hearing, at least five school days prior to the appeal. Any written material must not divulge confidential information relating to individual employees or children other than the complainants. The chairperson of the Appeals Committee will confirm to the complainant, the investigator and members of the panel at least five school days in advance of the date, time and venue of the meeting.

Witnesses may be called to the appeal by either party subject to the approval of the chairperson at least five school days before the hearing.

The appeal will be held following the procedures attached in annex B.

The complainant, the investigator of the complaint and the member of staff involved will be notified of the decision in writing as quickly as possible after the hearing by the chairperson of the Appeals Committee.

Referral to the Director of Education for review

If the complainant remains dissatisfied with the outcome of the appeal, the complainant can request the review of the case by the Director of Education. The Director of Education, whilst not having the power to overrule the decision of the Appeal Committee, has a right to make recommendations to the governing body on the matter. The review will consider whether the school's procedure was appropriately followed or not; and/or the complaint was fully considered. The Director of Education, as a result of the review, will make

recommendations, as appropriate. It will be for the governing body to consider the recommendations.

The Director will acknowledge the letter within five working days.

The Director of Education will nominate a representative to review the case, who will write to the complainant and invite the school to submit any relevant documents.

The Director of Education's representative will review through consideration of the materials submitted and communication with complainant and school.

The complainant will receive a formal response within 28 working days, subject to all relevant information being available to the reviewer. This will comprise of the result of the review, the reasons for that, and any subsequent recommendations. A copy of the response will be sent to the chair of the governing body.

A GOVERNORS' COMPLAINTS COMMITTEE TO CONSIDER AN APPEAL AGAINST AN INVESTIGATION OF A COMPLAINT

CONDUCT OF APPEAL HEARING

GENERAL PRINCIPLES

The aim of the hearing should be to resolve the complaint and achieve reconciliation between the School and the complainant.

It is the responsibility of the chairperson of the committee to ensure that arrangements are made for the hearing to be properly minuted, by a clerk for the meeting.

The complainants may be unused to dealing with groups of people in formal situations. Complainants will have been informed of their right to be accompanied. It is recommended that the chairperson ensures that the procedures are as informal as possible.

The committee, the complainant, the investigator and the member of staff who is the subject of the complaint, should all have access to the same information at least five days before the hearing. In the interests of natural justice the introduction of previously undisclosed evidence or witnesses would be reason to adjourn the meeting so that the other side has time to consider and respond to the new evidence.

The chairperson of the committee, at least five days before the hearing, will let all parties know of the witnesses who are eligible to be called.

Any witnesses who appear at the hearing will be called into the meeting to give evidence, at the appropriate time.

ORDER OF HEARING

- Welcome and introduction by chairperson of the committee.
- Confirmation of the procedure to be followed.
- Complainant, or their accompanying person, presents the appeal.
- Questions to complainant may be asked by the members of the committee and the investigator.
- The witnesses for the complainant are then called. Questions may be asked of any witnesses, as they appear, by governors and the investigator.
- The investigator responds to the complaint.
- Questions to the investigator may be asked by complainant and governors. Questions may be asked of any witnesses, as they appear, by governors and the complainant.
- Witnesses may be called by the investigator and questioned by governors and the complainant.
- At the end of these stages, no further evidence can be offered.
- Summing up by the investigator of the evidence presented.
- Summing up by the complainant of the evidence presented.
- Concluding remarks by the chairperson of the appeals committee. Explanation of what happens next by the chairperson of the committee.
- The complainant and the investigator are asked to leave.

- The complainant, the investigator and the member of staff involved will be notified of the decision in writing as quickly as possible after the hearing.

THE DECISION

The committee can:

- uphold the complaint in full and inform the complainant of the grounds for its decision and if appropriate recommend a remedy;
- uphold it in part and give reasons why;
- dismiss it and inform of the reasons why it did not uphold the complaint;

The complainant will be informed in writing within five school days of the hearing and notified of the opportunity to request the Director of Education to review the case. The investigator will receive a copy of the letter.

The Appeal Committee will inform the governing body of the outcome and recommendations can be part of this information.