

Policy Title: <b>Complaints Procedure</b>	Effective Date:	February 2021
SMT Member Responsible: Neil Spurdell	Review Date:	February 2024
Governors' Committee Responsible: Staffing, Care and Guidance		

## Principles

The School's complaints procedure aims to:

- encourage resolution of problems by informal means wherever possible;
- be easily accessible and publicised;
- be simple to understand and use;
- be impartial;
- be non-adversarial;
- ensure a full and fair investigation by an independent person where necessary;
- respect people's desire for confidentiality;
- address all the points at issue and provide an effective response and appropriate redress, where necessary;
- provide information to the school's senior management team so that services can be improved.

## Stage 1 – Informal Resolution (Initial concerns)

1.1 Problems that arise do not usually start as complaints: they are, at first, **concerns**. Concerns ought to be handled, if at all possible, without the need for formal procedures. The school will take informal concerns seriously at the earliest stage and this will reduce the numbers that develop into formal complaints.

1.2 This complaints procedure does not in any way undermine our efforts to resolve concerns informally. In most cases the class teacher or form tutor will be the first point of contact for concerns. It is hoped that teachers and other staff are able to resolve such issues on the spot, including apologising where necessary.

1.3 It is a precondition to the operation of this policy that the complainant shall have made reasonable attempts to seek an informal resolution and shall have acted in relation to the matter in a reasonable and measured way. The Chair of Governors shall have discretion, which will be exercised reasonably, not to allow a complaint to be pursued where this precondition has not been met.

1.4 Where the matter is not resolved at the informal stage, the parent may elevate it to the formal stage.

1.5 Please note it is in the interests of all concerned that complaints at any stage are dealt with quickly and efficiently. The School may terminate a complaint at any time where the complainant has unduly delayed.

## Stage 2 – Formal Resolution (Investigation by a nominated individual)

2.1 The complainant must put the complaint in writing, addressed to the headteacher, setting out briefly the facts and stating what it is that the complainant considers should have been done or where the School has not met reasonable expectations.

2.2 An investigation will be carried out by a nominated individual identified by the headteacher as appropriate – who may offer the complainant a meeting and speak to others involved. Whenever reasonably possible, any meeting with the complainant will take place within 15 school days of the written complaint being received.

2.3 The investigator will put her/his findings in writing and will indicate what, if any, steps should be taken to resolve the matter. Whenever reasonably possible, this will be done within 15 school days of the meeting with the complainant and if no meeting is to take place within 20 school days of the complaint being received.

2.4 Any complaint relating to the headteacher must be raised in the first instance with the Chair of Governors (or Vice-chair in the absence of the Chair) who will, if an informal resolution cannot be reached, nominate an individual, identified as appropriate, to investigate in the same way as in the first stage of the **formal** process outlined above.

### **Stage 3 – Formal Resolution (Panel Hearing)**

3.1 If the complainant is not satisfied with the response of the investigator, she/he may request that the complaint be considered by the Complaints Panel of the Governing Body which will comprise at least three people who have not previously been directly involved in the matter including one person who is independent of the management and running of the School.

3.2 **It is important to note that** the request must be in writing, addressed to the Clerk to the Governors at the School, and received **within 10 school days** of the Stage 2 response being sent to the complainant. The request must set out briefly the reasons why the complainant is dissatisfied with the response.

3.3 If the request is lodged outside of 10 school days the School may terminate the process and the complaint will be deemed to have been concluded in accordance with the findings at Stage 2. Any further attempt to re-open the matter will be considered as falling under the serial/persistent complaint section (section 5).

3.4 The Clerk will invite the School to put in writing its response to the complainant's reasons. The School will do this within 15 school days of receiving the request and at the end of that period (whether or not the School has responded) the Clerk will convene a meeting of the Complaints Panel of the Governing Body. That meeting will be held on school premises as quickly as practicable given the need to find a date that is reasonably convenient for the complainant, the School and the members of the Panel. Whenever possible, the meeting will be held within 15 school days of the end of the School's response time. At any meeting, the complainant will be entitled to be accompanied by a friend but legal representation will not be allowed.

3.5 The meeting is not a court case and will be as informal as circumstances allow. The complainant will have the opportunity to put forward her/his reasons for dissatisfaction and to enlarge on them but may not introduce reasons that were not previously put in writing. The School will have the opportunity to put its side of things and each side, as well as the Panel members, will be able to ask questions. The complainant will have the opportunity to make final comments to the Panel.

3.6 The Panel may make findings and recommendations and a copy of those findings and recommendations will be sent by electronic mail or otherwise given to the complainant and, where relevant, the person complained about; and made available for inspection on the School premises by the headteacher.

### 3.7 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.

3.8 The Panel will formulate its response as quickly as reasonably possible, aiming to do so within 10 school days, and the Clerk to the Governors will notify all concerned.

### **Attendance at a Complaints Panel Hearing**

4.1 The Complaints Panel will proceed irrespective of whether or not the complainant and/or their representative attend. Unless the complainant has provided compelling reasons in advance, in which case the panel may be adjourned to an alternative date, where the complainant and/or their representative fails to attend on the day, the complaints panel will still proceed in their absence and the process will continue to its conclusion. Any further attempt to re-open the matter will be considered as falling under the serial/persistent complaint section as below.

### **Serial or persistent complainants**

5.1 If a complainant attempts to reopen an issue or a closely related issue that has already been dealt with under this complaints procedure, the Chair of Governors may write to the complainant to inform him/her that the procedure has been exhausted and the matter closed, and that continued correspondence is vexatious and that the School will not respond to any further correspondence on this issue or a closely related issue.

### **Record Keeping**

6.1 A written record will be kept of all complaints that were resolved at the formal stage of the complaints procedure. Records will contain details of whether the complaint was resolved at Stage 2, or whether it proceeded to a Stage 3 panel hearing. The action taken by the School as a result of a complaint (regardless of whether they are upheld) will also be recorded.

### **Confidentiality**

7.1 Correspondence, statements and records relating to individual complaints will be kept confidential except where the Secretary of State or a body conducting an inspection under section 109 of the Education and Skills Act 2008 requests access to them.

### **Education and Skills Funding Agency (ESFA)**

8.1 Once the complaints process is concluded (or a complaint has been terminated due to undue delay or failure to lodge a Stage 3 request within the time stated in the policy) the matter is closed. If the complainant is still not satisfied then they may contact the ESFA. There is an online procedure at [www.gov.uk](http://www.gov.uk) or the complainant may write to the ESFA at Earlsdon Park, 53-55 Butts Road, Coventry, CV1 3BH

## Annex A

Section 29 of the Education Act 2002 requires that:

- (1) The governing body of a maintained school (including a maintained nursery school) shall –
- establish procedures for dealing with all complaints relating to the school or to the provision of facilities or services under section 27, other than complaints falling to be dealt with in accordance with any procedures required to be established in relation to the school by virtue of a statutory provision other than this section, and
  - publicise the procedures so established.
- (2) In establishing or publicising procedures under subsection (1), the governing body shall have regard to any guidance given from time to time (in relation to England) by the Secretary of State.

Section 39 of the Education Act 2002 provides the following:

“maintained school” means a community, foundation or voluntary school, a community or foundation special school or a maintained nursery school;

“maintained nursery school” means a nursery school which is maintained by a local education authority and is not a special school;

## Annex B

### 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 acts 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.

## **Annex C**

### Checklist for a Panel Hearing

The panel needs to take the following points into account:

- The hearing is as informal as possible.
- Witnesses are only required to attend for the part of the hearing in which they give their evidence.
- After introductions, the complainant is invited to explain his/her complaint, and be followed by witnesses.
- The Headteacher may question both the complainant and the witnesses after each has spoken.
- The Headteacher is then invited to explain the school's actions and be followed by the school's witnesses.
- The complainant may question both the Headteacher and the witnesses after each has spoken.
- The panel may ask questions at any point.
- The complainant is then invited to sum up his/her complaint.
- The Headteacher is then invited to sum up the school's actions and response to the complaint.
- Both parties leave together while the panel decides on the issues.
- The chair explains that both parties will hear from the panel within a set time scale.

**COMPLAINT FORM**

Please complete and return to the Headteacher's PA (complaints co-ordinator) who will acknowledge receipt and explain what action will be taken.

**Your name:**

**Pupil's name:**

**Your relationship to the pupil:**

**Address:**

**Postcode:**

**Day time telephone number:**

**Evening telephone number:**

**Please give details of your complaint (please be as specific as you can):**

**What action have you already taken to try and resolve your complaint (whom did you speak to and what was the response)? If none, please refer to subsection 1.3 of the complaints procedure.**

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

**What, for you, would constitute a satisfactory outcome from any hearing by a complaints panel?**

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

**Signature:**

**Date:**

**Official use**

**Date acknowledgement sent:**

**By whom: Complaint referred to:**

**Date:**