



COMPLAINTS PROCEDURE

Summary

This document explains:

- Who may make a complaint
- How a complaint is defined
- How a formal complaint can be made about the standard of teaching, the conduct, actions, or lack of action, of members of the teaching or support staff employed at the school
- How a complaint can be made about the Headteacher
- How a complaint can be made to the Local Authority
- How the school will deal with that complaint and the time scales for responding
- How the school will try to settle an complaint by informal means
- How, if necessary, a hearing to consider a complaint will work
- What things are not covered by this procedure because separate arrangements apply.

Agreed by the Temporary Governing Body June 2007 and ratified by the Governing Body October 2007



COMPLAINTS PROCEDURE

1. Legal Basis

This procedure is established based on the requirements of Section 29 of the Education Act 2002 which required a maintained school to have a procedure to deal with complaints relating to the school and to any community facilities or services that the school provides. The law also requires the procedure to be publicised.

2. Definition of a Complaint

A complaint is a clear expression of dissatisfaction, however made, by a person or persons with a legitimate interest in the school (but not being employed at the school or on the governing body) about the standard of teaching, the conduct, actions, or lack of action, of members of the teaching or non teaching staff employed at the school and anybody else working under the direction of the Headteacher, which affects an individual or group.

Complaints about persons outside of the school will initially be dealt with by the Headteacher as site manager, and then be referred to the appropriate authority.

It is left to the Headteacher's discretion to decide whether the gravity of an anonymous complaint warrants investigation.

3. Making a complaint

The underlying principle is that concerns ought to be handled, if at all possible, without the need for formal procedures. Taking informal concerns seriously at the earliest stage will reduce the numbers that develop into formal complaints. . In most cases the class teacher or the individual delivering the service in the case of extended school provision, will receive the first approach. It would be helpful if staff were able to resolve issues on the spot, including apologising where necessary.

The formal procedures will need to be invoked when initial attempts to resolve the issue are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further.

4. The Complaints Procedure

This procedure does not cover aspects of procedure surrounding admissions, SEN, curriculum and collective worship, which are covered by separate legislation and procedures. (see Annex 1)

Stage 1

Complaints dealt with by the Headteacher or the Headteacher's Representative

- The written complaint should be promptly referred to the Headteacher who will decide whether to delegate the investigation of the complaint to another member of staff or whether to undertake the investigation him/herself. In most cases delegation to the relevant deputy headteacher will be most appropriate.
- Where the complaint is made against the Headteacher it should be sent in writing directly to the Chair of Governors (see Stage 2 below)
- Where an incident has resulted in personal injury, the Headteacher must inform the Chair of Governors with particular reference to the child protection procedures if applicable. Where a complaint involves injury to a child, either by a member of staff or another child, the Headteacher, when investigating, must be careful about taking statements which could undermine any investigation by the police or social services.
- The member of staff investigating the complaint will ensure that a written acknowledgement is sent to the complainant within 5 working days of receiving the complaint. The acknowledgement will give a target date for providing a response, which should normally be within 10 working days. If this target is subsequently not going to be met, a letter should be sent within the 10 working days explaining the reason for the delay and providing a revised response date.
- The investigator should speak or meet separately with all appropriate parties, including the complainant, in order to establish all the facts relating to the complaint. Where a child is involved, the child's parent/guardian should be notified and allowed to be present if wished.
- Any issues of law or procedure should be referred to the Director of Finance and Administration who will if required consult external agencies for further advice.
- Once all the relevant facts have been established to the satisfaction of the investigator, a written response to the complaint should be produced. This will include an outline of the complaint, the main findings of the investigation and the decision reached, and where appropriate, what action the school is proposing to take to resolve the complaint. Where the investigation has been delegated to a member of staff, the Headteacher must endorse the resultant report. The response should also inform the complainant that should they remain unsatisfied, they would have a right of appeal to the Governing Body.
- If the complainant wishes to pursue the complaint further, a written request stating this must be sent to the Chair of Governors within 10 working days after receiving the response.

STAGE 2

Complaints referred to the Governing Body

- Where the complainant is dissatisfied with the outcome of the school's investigation, the Headteacher should send the written request for the complaint to be heard by the Governing Body to the Chair of Governors and an acknowledgement to the complainant.
- Where the complaint concerns a Headteacher or a governor, and has been directly addressed to the Chair of Governors, the matter should be referred to the Headteacher and a response invited. The Chair or Headteacher will then respond to the complainant, who, if they are still dissatisfied, can request a panel hearing.
- An acknowledgement should be sent within 5 working days of receiving this request and should inform the complainant that a panel of three governors would be set up to hear the complaint within 30 working school days from the date of the acknowledgement. This is the maximum time within which the complaint must be heard.
- The governing body will appoint a Complaints Panel to hear the complaint. The panel should ideally comprise the Chair or Vice-Chair and two other governors (not including the Headteacher or school staff governors). The complaint must be heard within 30 working school days from the date of acknowledgement to the complainant.
- The Chair/Vice-Chair will write via the Clerk and inform the complainant, Headteacher and other appropriate parties, of the date, time and place of the meeting at least 5 working days in advance of it. Any relevant documentation relating to the complaint should also be issued to all parties at this time.
- The procedure for a panel hearing is contained in Annex 2
- A written statement outlining the decision of the Complaints Panel must be sent to the complainant and Headteacher. The statement sent to the complainant must explain the right to progress the complaint to the Local Authority.

Stage 3

Referral of a Complaint to the Local Education Authority

If the complainant is still dissatisfied with the decision of the panel they are required to notify the Executive Director of Children and Young Peoples Services at the Authority, in writing, within 25 working days, that he/she is dissatisfied with the decision of the panel, so that officers from the Authority can undertake their own investigation. The complaint will be investigated from Stage 2 of the Education Department's Complaints Procedure.

The school must ensure that copies of all correspondence and notes pertaining to the complaint are kept on file in the school's records. Should the school receive notification from the Authority that the complaint is to be investigated, a copy of all documents should be made available to the Authority.

At the end of the Authority's investigation, the Executive Director of Children and Young Peoples Services will respond in full to the complainant, the Headteacher and chair of governors.

Annex 1

Matters to which this procedure does not apply

(a) Pupil Admissions

Right of appeal to an independent committee established by the LEA under Schedule 33 of the 1996 Education Act.

(b) Pupil Exclusions

Right to make representations to the governors and ultimate appeal to an independent committee established by the governing body under schedule 16 of the 1996 Education Act.

(c) Special Educational Provision

Right of appeal to an independent committee against the LEA's statement of a child's special educational needs under Section 326 of 1996 Education Act.

(d) The National Curriculum

Right of appeal under section 367 of the 1996 Education Act to the governing body if the headteacher gives, revokes or varies any direction to apply or disapply the National Curriculum to a pupil.

(e) Curriculum Matters and Religious and Collective Worship

under section 409 of the 1996 Education Act.

Right to make a complaint about school curriculum and related matters according to arrangements established by LEA.

(f) Complaints by staff or prospective staff

Grievance procedures as agreed and adopted by the governing body.

(g) Serious complaints against staff

Disciplinary procedures as agreed and adopted by the governing body.

Annex 2

Complaints Hearing

The aim of the meeting should be to resolve the complaint and achieve a reconciliation between the school and the complainant.

The conduct of the meeting would be as follows:

The Chair of the panel will welcome the complainant, introduce the panel members and all other parties present and explain the procedure to be followed.

The Clerk to the Governors will be present to take minutes of the hearing.

- The Chair of the panel will invite the complainant to explain the complaint.
- The panel members may question the complainant about the complaint and the reasons why it has been made.
- The Headteacher will be invited by the Chair to question the complainant.
- The Headteacher will then be invited to make a statement in response to the complaint. If the Headteacher has not investigated the complaint, they may call upon the investigator to be present at the hearing.
- The panel members may question the Headteacher or designated investigator about the response.
- The complainant will be invited by the Chair to question the Headteacher/investigator.
- Any party has the right to call witnesses subject to the approval of the complaints panel. The panel members, the Headteacher and the complainant have the right to question these witnesses.
- The complainant will be invited by the Chair to make a final statement.
- The Headteacher or the designated investigator will be invited by the Chair to make a final statement.
- The Chair will explain to the complainant and the Headteacher/investigator that the panel will now consider their decision and a written decision will be sent to both parties within 10 working days. All parties will then be asked to leave the room except for the panel members and the clerk. They may be asked to remain in the vicinity if the panel wish to recall them to further clarify any issue.

The Complaints Panel will then consider the complaint and all the evidence presented and:

- reach a decision on the complaint and the reasons for it
- decide whether to accept the complaint in full or in part or to reject it
- if the complaint is accepted in whole or part decide upon the appropriate action to be taken to resolve the complaint. (There may be instances where this involves recommending the use of the disciplinary or capability procedures)
- where appropriate, suggest recommended changes to the schools' systems or procedures to try to ensure that complaints of a similar nature are not made in the future.

The minutes of the meeting will be recorded and kept on file.