

A General Complaints Procedure

for dealing with
School
Complaints

SUMMARY

General Complaints Procedure for dealing with School Complaints

This General Complaints Procedure does not cover complaints which fall to be dealt with under statutory provision eg complaints relating to the Curriculum, Sex Education, SEN, Child Protection Investigations, *Admissions, *Exclusions and *Staff Grievance and Capability Proceedings. Queries about how these issues should be dealt with should be addressed to the Group Director, Schools and Children's Services, in the first instance.

*In schools where the Governing Body is the employer, (Foundation and Voluntary Aided Schools), complaints relating to Admissions, Exclusions and Staff Grievance and Capability Proceedings should be addressed to the school Governing Body.

INTRODUCTION

Communication, written or spoken, is valued as part of the partnership between home and school. Co-operation between parents, staff and governors leads to a shared sense of purpose and a good atmosphere in the school. A general complaints procedure that sets out clear procedures to be followed in the event of a complaint gives a structured opportunity for all concerned to express and resolve concerns at an early stage.

The following structure for the consideration and resolution of complaints is recommended.

STAGE ONE

Teacher (or Headteacher if immediately involved)

Most complaints are easily resolved informally by discussion with staff at the school; more difficult or complex concerns may take more than one discussion. If the complaint is not resolved at this stage, move to stage two.

Next stage if complaint is not against Headteacher

Next stage if complaint is against Headteacher

STAGE TWO (2 Levels)

Level 1 Investigation by the Headteacher

Complainant makes written complaint to Headteacher. The Headteacher will carry out an investigation and respond to the complainant. If the complaint is not resolved at this level, the complainant will be given the option to move to the next stage – level 2.



Level 2 Investigation by the Chair of Governors

If the Chair of Governors has been involved at an earlier stage – the complaint must be referred to the Governing Body's Complaints Panel, otherwise - complainant makes written complaint to Chair of Governors. The Chair of Governors should carry out an investigation and respond to the complainant. If the complaint is not resolved at this level, the complainant should be informed of his/her option to move to stage three.

If, following Stages One and Two, it has not been possible to resolve the complaint, and the complainant wishes to pursue the matter further, Stage Three of the General Complaints Procedure should take effect. At this stage the complainant should make a written request to the Chair of Governors that the matter be referred to the Complaints Panel established by the Governing Body as part of the school's General Complaints Procedure. The Governing Body may wish to refer the complaint to the Local Authority for investigation as part of a Service Level Agreement.



STAGE THREE

Investigation by Governing Body	Investigation by Local Authority
<p>If the complaint is referred to the Complaints Panel of the Governing Body, discussion must not take place outside of the Complaints Panel, as this would prejudice a fair hearing.</p> <p>The Complaints Panel should meet within an agreed timescale. (The procedure may be similar to that of the Pupil Discipline Committee).</p> <p>The complainant and the Headteacher should be given an opportunity to make representation to the Panel. Everyone involved should receive copies of relevant documents. It should not be possible to introduce new evidence at this stage of the proceedings.</p> <p>There is no appeal mechanism to the Governing Body.</p>	<p>If the Local Authority is asked to investigate the complaint on behalf of the Governing Body, the complaint should be referred in the first instance to the Group Director, Schools and Children's Services. The Local Authority will carry out the investigation as part of its Service Level Agreement with the Governing Body. The investigation will be carried out within an agreed timescale. The complainant and the Headteacher will be given an opportunity to make representation to the investigating officer. It will not be possible to introduce new evidence at this stage of the proceedings. The Local Authority will prepare a written report to the Governing Body on the outcome of the investigation with recommendations.</p> <p>There is no appeal mechanism to the Local Authority.</p>



STAGE FOUR Referral to the Local Authority by the complainant

A complaint may be referred to the Local Authority where the complainant is not satisfied with **the process** followed by the Governing Body/School in dealing with the complaint. The Local Authority will carry out an investigation into the way in which the complaint has been administered. It will not be possible to move to the next stage of the procedure if the matter has not been initially referred to the Local Authority.



STAGE FIVE Referral to the Secretary of State

Complaints can be taken to the Secretary of State for Education and Employment under Section 496 of the Education Act 1996, on the grounds that a Governing Body or LEA is acting or proposing to act unreasonably, or under Section 497 of the same Act, on the grounds that either the Governing Body or the LEA has failed to discharge its duties under the Act. The Secretary of State may contact the Governing Body or the LEA for more information in order to consider the complaint.

PROCEDURAL GUIDANCE

STAGE ONE

Teacher (or Headteacher if immediately involved) Dealing with concerns/complaints informally

Any parent who has a concern/complaint should make contact with the appropriate member of staff. If the member of staff cannot deal with the matter immediately, s/he should make a clear note of the date, name, contact address or phone number of the complainant and make contact at a more convenient time.

The member of staff dealing with the concern/complaint should make sure that the parent is clear what action (if any) or monitoring of the situation has been agreed.

If no satisfactory solution has been found within 10 working days, the complainant may refer the complaint to the Headteacher (level one) or Chair of Governors (level two) if the complaint is about the Headteacher.

STAGE TWO – Level One

Investigation by the Headteacher (if the complaint is not against the Headteacher)

The complainant should make a written complaint to the Headteacher. The complaint should be acknowledged within 3 working days of receipt. The written acknowledgement should give a brief explanation of the school's General Complaints Procedure and a target date for providing a response to the complaint. This will normally be within 10 working days. If this proves impossible, a letter will be sent explaining the reason for the delay and giving a revised target date.

The Headteacher should provide an opportunity for the complainant to meet him/her to provide any further information relevant to the complaint. Depending on the reason for the complaint, statements from witnesses may be required.

The Headteacher should keep written records of meetings, telephone conversations and other documentation.

When all the relevant facts have been established, the Headteacher should produce a written response to the complainant.

The written response should include a full explanation of the decision and the reasons for it. Where appropriate, this should include any action the school will take to resolve the complaint. The complainant should be advised that if s/he wishes to take the matter further, s/he should notify the Chair of the Governing Body within 10 working days of receiving the outcome letter.

STAGE TWO – Level Two

Investigation by the Chair of Governors

If the Chair of Governors has been involved at an earlier stage – the complaint must be referred to the Governing Body's Complaints Panel. If there has been no previous

involvement, the complainant should make a written complaint to the Chair of Governors. The complaint should be acknowledged within 3 working days of receipt. The written acknowledgement should give a brief explanation of the school's General Complaints Procedure and a target date for providing a response to the complaint. This should normally be within 10 working days. If this proves impossible, a letter should be sent explaining the reason for the delay and giving a revised target date.

The Chair of Governors should provide an opportunity for the complainant to meet him/her to provide information relevant to the complaint. Depending on the reason for the complaint, statements from witnesses may be required.

The Chair of Governors should keep written records of meetings, telephone conversations and other documentation.

When all the relevant facts have been established, the Chair of Governors should produce a written response to the complainant.

The written response should include a full explanation of the decision and the reasons for it. Where appropriate, this should include any action the school will take to resolve the complaint. The complainant should be advised that if s/he wishes to take the complaint further, s/he should notify the Chair of the Governors within 10 working days of receiving the outcome letter.

STAGE THREE

At Stage Three the complaint may be referred to the Governing Body's Complaints Panel, or the Complaints Panel may wish the Local Authority to investigate on behalf of the Governing Body as part of a Service Level Agreement.

If the complaint is to be considered by the Complaints Panel it is very important that discussion about the complaint does not take place outside of the Complaints Panel. This would prejudice a fair hearing.

It is only possible to move to stage three if the complainant has:

- sought to resolve the concern through approaches to the school as described in Stages One and Two
- allowed reasonable time (normally no more than four school weeks) for investigation of the concern
- accepted any reasonable offer by the school to discuss the result of the investigation
- taken part in any process of mediation offered by the school
- made the initial complaint within two months of the incident occurring.

The Governing Body should have established a Complaints Panel to deal with school complaints (this could be the committee that deals with Pupil Discipline, since the procedures will be similar). It should be the responsibility of the Complaints Panel to hear and decide about formal complaints that have not been resolved at the earlier stages of the General Complaints Procedure.

The panel should consist of at least three governors who have not previously been involved in dealing with the complaint, and the Chair of the panel should be named. The Headteacher should not be a member of the panel.

Upon receipt of a written request by the complainant for the complaint to proceed to Stage Three, the procedures outlined below should be followed.

The Chair of the Governing Body should write to the complainant to acknowledge receipt of the written request. The acknowledgement should inform the complainant that the Governing Body's Complaints Panel will hear the complaint within 20 working days.

The Clerk to the Governing Body should convene a meeting of the Complaints Panel within the agreed timescale. The clerk should be responsible for making all the arrangements for the meeting, including the time and place. The complainant, Headteacher, any relevant witnesses and members of the Complaints Panel should be informed at least five working days in advance of the date, time and place of the meeting. The notification to the complainant should also inform him/her of the right to be accompanied to the meeting by a friend/advocate/interpreter. The letter should also explain how the meeting will be conducted.

The Headteacher should be invited to attend the Complaints Panel meeting and to prepare a written report for the Panel in response to the complaint. Any relevant documents, including the headteacher's report, should be received by all concerned, including the complainant, at least five days prior to the meeting. The meeting should be appropriately minuted.

The aim of the meeting should be to resolve the complaint and achieve a reconciliation between the school and the complainant. The Panel should try to ensure that the meeting is not too formal or intimidating for those involved. All should be told the names of everyone present and have the procedure explained to them at the beginning of the meeting.

The meeting should allow

- The complainant to explain his/her complaint/s and the Headteacher to explain the school's response.
- The complainant to question the Headteacher and/or other members of staff about the school's response, and the Headteacher to question the complainant about the complaint.
- Panel members to have an opportunity to question the complainant, the Headteacher and any witnesses, as appropriate.
- Final statements by both the Headteacher and the complainant.

The Chair of the Panel should explain to the complainant and the Headteacher that the Panel will now consider its decision, and that a written decision will be sent to both parties within seven working days. The complainant, Headteacher and other members of staff and witnesses should leave the meeting.

The Panel should then consider the complaint and all the evidence presented and:

- a) reach a majority decision on the complaint;
- b) decide upon the appropriate action to be taken to resolve the complaint;

- c) where appropriate, recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not happen again. Recommendations should be reported to the Governing Body at an appropriate time;
- d) where appropriate to do so, recommend any further action.

The Clerk to the Governing Body should send the complainant, the Headteacher and Chair of Governors a letter with the outcome of the meeting within seven working days of the meeting.

No appeal to the governing body is available in the matter of the complaint. If the outcome of the governors' investigation finds that there is a personnel disciplinary issue, the matter must be referred to the appropriate committee and the schools' agreed disciplinary procedures followed. In respect of a grievance arising from a member of staff, this should be heard separately under existing grievance procedures.

If the Local Authority is asked to investigate the complaint on behalf of the Governing Body, the investigation will be carried out as part of a Service Level Agreement.

The Local Authority will provide an opportunity for all of those involved to provide information relevant to the complaint. Depending on the reason for the complaint, statements from witnesses may be required.

When all the relevant facts have been established, the designated officer will produce a written report based on the evidence presented with appropriate recommendations. The report will be sent to the Chair of the Complaints Committee.

The Chair of the Complaints Committee should then write to the complainant with a full explanation of the outcome of the investigation. Where appropriate, this should include any action the school will take to resolve the complaint. The complainant should be advised that should s/he wish to take the complaint further, s/he should notify the Chair of the Governors within 10 working days of receiving the outcome letter.

STAGE FOUR

Complaint to the Local Authority

If the complainant wishes to pursue the matter further, the Local Authority will only consider the case if the complaint is one deemed relevant under Section 409 of the Education Act 1996 (Complaints and enforcement). Such a request must be addressed to the Group Director, Schools and Children's Services and be received within 15 days of the date of the letter giving the outcome of the meeting held at Stage Three of the General Complaints Procedure.

The Local Authority has a statutory responsibility to consider a relevant complaint about the curriculum which has not been resolved by the Governing Body. The procedures for dealing with such a complaint are contained in the Local Authority's "Arrangements for the consideration of Complaints about the School Curriculum and Related Matters".

There is no further appeal to the Local Authority.

STAGE FIVE

Complaint to the Secretary of State

If a complainant wishes to pursue the complaint s/he has recourse to the Secretary of State.

Complaints can be taken to the Secretary of State for Education and Employment under Section 496 of the Education Act 1996, on the grounds that a Governing Body or Local Authority is acting or proposing to act unreasonably, or under Section 497 of the same Act, on the grounds that either the Governing Body or the LEA has failed to discharge its duties under the Act. The Secretary of State may contact the Governing Body or the Local Authority for more information in order to consider the complaint.

A complaint about a member of the Governing Body should be referred to the Complaints Panel of the Governing Body and the appropriate procedures followed.
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Reviewed in 2015

Next review 2017

Signed:

Chair of Governors _____

Headteacher _____