



SCHOOL COMPLAINTS PROCEDURE 2018-20

Approved: April 2018, revised November 2018

1. BACKGROUND AND GENERAL PRINCIPLES

1.1 Section 29 of the Education Act 2002 requires all governing bodies to have a procedure to deal with complaints relating to aspects of the school and to any community facilities or services that the School provides. The law also requires that the procedure must be publicised.

1.2 The DfE issued specific advice in January 2016 to schools on the handling of non-staff complaints¹. This advice is non-statutory but has been produced to help governing bodies understand their obligations and duties in relation to the Education Act 2002.

1.3 This procedure seeks to comply with the above requirements and relates to the following categories of complaints against the School, the governing body, or school employees:

- a) Individual parental complaints;
- b) Complaints from the general public;
- c) Complaints from non-employees in relation to school policies or procedures;
- d) Complaints related to the whole governing body or an individual governor.

It may not apply to the following:

- a) Complaints from governors or between governors;
- b) Complaints or grievances from staff or ex-employees;
- c) Complaints which make serious allegations against a school employee(s)²;
- d) Complaints related to individual or collective staff disputes;
- e) Collective parental or public complaints, e.g. petitions or campaigns;
- f) Complaints about the Local Authority ('the LA'), its employees, or its services.

1.4 The School will afford complainants the opportunity to access each stage of the procedure below. If necessary. In accordance with the Public Sector Equality Duty under the Equality Act 2010, the School will make reasonable adjustments to allow complaints to be progressed in

¹ 'Best Practice Advice for School Complaints Procedures 2016 Departmental advice for maintained schools, maintained nursery schools and local authorities'.

² Complaints which make serious allegations against a school employee(s) should be immediately referred to the requisite school management procedure, e.g. staff disciplinary or capability procedure as appropriate.

alternative ways appropriate to the complainant's needs or wishes. For example, if a complainant has difficulty in expressing her/himself in English the School may provide translation and/or interpretation support as appropriate.

- 1.5 The School notes the DfE advice around 'serial or persistent' complainants. It notes that it may inform such a complainant that the matter is now closed and there is no further avenue of complaint. The School will play close attention to the DfE Advice on this matter and will take professional advice should such an occasion arise.
- 1.6 All stages of the complaints procedure will be recorded in line with the School's obligations under the Equality Act 2010. Brief written notes will be kept of all discussions, interviews, meetings, and hearings. The Headteacher, or designated complaints coordinator, will be responsible for these records, which will be retained in accordance with the General Data Protection Regulation 2018³.
- 1.7 The School notes the above DfE Advice, which states that complaint outcomes may be a useful tool for evaluating and monitoring school performance. In particular, at Stage 3 the hearing officer or panel should ensure that any learning outcomes or specific matters of concern arising from their findings are acted upon quickly and effectively, are reviewed appropriately, and recommendations for remedial action are made.
- 1.8 This procedure will be reviewed biennially. Therefore, it will next be reviewed in the Autumn Term 2020.

2. STAGES OF THE PROCEDURE

2.1 Introduction

It is in the interests of all parties that complaints are resolved at the earliest opportunity. The first contact between the parent or person making the complaint ('the complainant') and the School can be crucial in determining whether the complaint escalates further. School staff should be familiar with the complaints procedure so that they know what steps to take should they receive a complaint. An informal complaint may be made in person, by phone, by email or in writing.

2.2 Stage 1: Informal Stage

The School is mindful of the difference between a 'complaint' and a 'concern' as defined by the DfE Advice. It is expected that concerns

³ The complainant may have an entitlement under the Freedom of Information Act or the General Data Protection Regulation to access this data at any point.

should be resolved by the appropriate member of staff or manager in the School, although care should be taken to ensure that the School has not misinterpreted what might actually be a genuine and serious complaint. The School understands that it is ultimately for the individual(s) concerned to determine whether the matter is an expression of concern or a complaint.

Informal complaints should be directed to the Headteacher. The Headteacher will consider the complaint objectively and impartially. Where the complaint concerns the Headteacher, or the complainant indicates that (s)he would have difficulty discussing their complaint with the Head, it should be considered by the Chair of Governors or a nominated governor.

Should the first approach be made to a school governor the complaint should be referred to the Headteacher. Individual governors must not respond to an initial complaint or be involved in addressing any complaint in the early stages.

Stage 1 should be used to try to resolve the complaint. In particular, the complainant will be listened to and asked for her/his/their views on what the School might have done differently in respect of the complaint. It may also be used as an information gathering exercise by the School, as this may come in useful should the complaint progress to the next stage.

2.3 Stage 2: Formal Stage

Should the complainant be dissatisfied with the Stage 1 resolution (s)he should be asked to state the complaint to the School within 10 working (i.e. school) days⁴. The complaint does not necessarily and to be in writing, but the School takes the view that a written complaint is best practice and will serve all parties' best interest. The complainant will therefore be encouraged to put the complaint in writing and will be given appropriate support if necessary to do so.

The complaint will usually be considered by the Chair of Governors⁵. The Chair may feel that the complaint warrants a short investigation to enable her/him to consider the case fully and with all the facts

⁴ The timescales set out in this procedure are indicative. Whilst every effort will be made to ensure that they are fully complied with, occasionally this may not be possible, e.g. because of term dates or the availability of governors. Where reasonable effort had been made, failure to meet the timescales by either party will not disqualify this procedure or constitute a procedural breach.

⁵ If the Chair of Governors was involved in Stage 1, is named in the complaint, has extensive prior knowledge of the complaint, or it is inappropriate for the Chair to be involved (for example on the grounds of inexperience or lack of subject knowledge) the Vice-Chair of Governors (or another nominated governor) may be asked to consider the Stage 2 complaint. In exceptional circumstances, the Chair may ask an appropriate LA officer or a professional consultant to manage the Stage 2 process.

available. (S)he may ask another governor without prior knowledge of the case, an LA officer, or an outside professional to carry out the investigation. The investigation should be fully documented, with notes taken by a trained notetaker. Notes of interviews should be signed by all parties, and witness statements should be signed by the witness concerned.

Where the complaint is against:

- a) **an individual governor:** the Chair of Governors will usually investigate the complaint;
- b) **the Chair of Governors:** the Vice-Chair of Governors will investigate hear the complaint;
- c) **The whole governing body:** the Head of Governor Services will investigate hear the complaint.

The purpose of the investigation will be to:

- establish the facts of the case and clarify the nature of the complaint
- interview the complainant (if further information is necessary)
- clarify what the complainant feels would put things right
- interview other parties involved in the complaint
- ensure that the process is managed fairly and in accordance with the DfE's Best Practice Advice for School Complaints Procedures.

The complainant may be supported at the meeting by a personal friend or colleague. The Chair may also wish to have professional support and advice prior to and at the meeting.

The Chair of Governors may delegate the task of collating the information to the Clerk for Governors. The Chair should consider the complaint, review all available evidence, and consider her/his findings, together with any recommendations or apology arising from the meeting.

The Chair should inform the complainant of her/his decision in writing within 14 calendar days of the meeting. The Headteacher should also be informed of the meeting's outcome. The Chair's letter should also set out the complainant's right of appeal (see para. 2.4 below).

2.4 Stage 3: Appeal Stage

If the complainant is unhappy with the Stage 2 outcome (s)he has the right to progress the complaint to a Stage 3 Appeal. (S)he should write to the Clerk for Governors within 14 days of receipt of the Stage 2 outcome giving details of the complaint and the reasons why (s)he

remains dissatisfied. This will effectively constitute a formal appeal against the Stage 2 outcome. The Clerk will convene a governors' panel (the 'Governors' Complaints Appeal Panel') as soon as possible and usually within 14 days of receipt of the appeal⁶. This Panel will consist of three governors without prior knowledge of the case. The Panel will select its own Chair, who will preside over the Appeal Hearing's proceedings (see para. 4.3 below).

The complainant may be supported at the meeting by a personal friend, colleague, or professional advocate but not a legal adviser. The respondent at Stage 3 will usually be the Chair of Governors or the governor/officer who heard the Stage 2 complaint. The school respondent to the appeal may also be accompanied by a professional adviser.

Stage 3 is the last stage of the complaints process. It should be made clear to the complainant in writing at the outset that there is no further right of appeal except to an external authority (see para. 3 below).

In determining the outcome of the Hearing the Panel may:

- dismiss the appeal in whole or in part;
- uphold the appeal in whole or in part;
- propose appropriate action to be taken to resolve the complaint;
- make proposals to ensure that problems of a similar nature do not recur;
- recommend appropriate internal management action.

There are a number of principles by which a Stage 3 Hearing should be conducted:

- A) The Appeal Hearing should be independent and impartial. No governor should sit on the Panel if (s)he has direct prior involvement in or extensive knowledge of the complaint. It is usually not appropriate for a staff governor to sit on the panel.
- B) Some complainants may feel anxious or inhibited in a formal setting. The panel chair will ensure that the proceedings are as sensitive and welcoming as possible. The layout of the room will set the tone, and care is needed to ensure the setting does not appear threatening or adversarial.
- C) In hearing the appeal the Panel has the right to call upon professional advice and support as appropriate. Rights of

⁶ In complicated cases the Panel may request that the Hearing is preceded by a short investigation into the complaint. The investigation may be organised by either school management, the Clerk for Governors, or an external officer or consultant as appropriate. The objective should be to ensure that the Panel has all the information and evidence to make an informed and reasonable decision.

representation for the complainant and the respondent are set out above.

- D) The Panel may make recommendations to resolve the complaint and achieve reconciliation between the School and the complainant. Though the complainant might not be satisfied with the outcome it may at least be possible to make recommendations which will satisfy the complainant that his or her complaint/appeal has been taken seriously.
- E) Panel members need to be aware of this procedure and its contents.

The Panel Chair should ensure that the complainant and the Headteacher are notified in writing of the Panel's decision within calendar 7 days.

A checklist for a Stage 3 Hearing is attached at Appendix 1.

3. FURTHER REFERRAL TO THE SECRETARY OF STATE

In accordance with Section 45 of the Education Act 2011, if the complainant is dissatisfied with the outcome of their complaint once this procedure has been exhausted, (s)he may refer the complaint to the DfE for consideration. This only refers to complaints against the School; complaints against the Local Authority will be referred to the Local Authority or the Local Government Ombudsman as appropriate.

The complainant can also complain to OfSTED if (s)he thinks that the school is not run properly but only having exhausted the school's complaints procedure.

4. ROLES AND RESPONSIBILITIES

4.1 Clerk

A Stage 3 Hearing should be clerked and recorded in the form of confidential minutes. The clerk would be the contact point for the complainant at Stage 3 and would normally be required to:

- set the date, time and venue of the Appeal Hearing, ensuring that the date is convenient to all parties and that the venue and proceedings are accessible;
- collate any written evidence and send it to all parties in advance of the Hearing;
- meet and welcome the parties as they arrive at the Hearing;

- offer reasonable adjustments to the complainant to meet her/his/their personal needs.
- record the proceeding⁷s;
- notify all parties of the Panel's decision.

4.2 Chair of Governors

- Consider Stage 1 complaints in the event of it being inappropriate for the Head to do so;
- Hear Stage 2 complaints;
- In the event of Stage 3 being invoked, notify the clerk to arrange the Appeal Hearing;
- Ensure that the school complaints procedure has been properly complied with throughout.

4.3 Chair of Appeal Hearing

Ensure that:

- the remit of the Panel is explained to all parties and that each party has the opportunity to put their case fully;
- parents and other parties who may not be used to such a formal setting are put at ease;
- the issues are addressed and key findings of fact are identified;
- the Appeal Hearing is conducted in an informal but structured way, with each party asked to treat the other side with respect and courtesy;
- each side is given the opportunity to state their case and ask questions and that written evidence is seen by all parties;
- should a new issue arise, ensure that all parties have given the opportunity to consider and comment on it;
- the Appeal Hearing is conducted fairly and impartially and that the Panel acts in an objective and even-handed manner.

⁷ The clerk may also be asked to note take at a Stage 2 interview and any other discussion or meeting in the course of Stage 2 or Stage 3.

APPENDIX 1**SCHOOL COMPLAINTS PROCEDURE
CHECKLIST FOR A STAGE 3 APPEAL HEARING**

The below are general points for guidance in conducting the Hearing:

- A) The Appeal Hearing, whilst structured, should be conducted as informally as possible and in a manner which is supportive to all parties.
- B) The School's respondent to the appeal (usually, but not always the Headteacher) would usually attend for the entire hearing.
- C) Witnesses are only required to attend for the part of the Hearing in which they give their evidence.
- D) After introductions, the complainant(s) is invited to present her/his appeal, if necessary supported by witnesses.
- E) The school respondent to the appeal may question both the complainant and the witnesses.
- F) The respondent is then invited to present the School's response to the appeal, if necessary supported by witnesses.
- G) The complainant may question both the respondent and the witnesses.
- H) The Panel may ask questions of any party at any point.
- I) The complainant is then invited to sum up her/his appeal.
- J) The respondent is then invited to sum up the School's response to the appeal.
- K) The Chair explains that the Panel's decision will be communicated to all parties within 7 calendar days.
- L) Both parties are asked to leave whilst the Panel reaches its decision. Only the Panel and the clerk should remain in the room after the end of the Hearing.