

SCHOOL COMPLAINTS PROCEDURE

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The policy to be reviewed by: September 2022

1. BACKGROUND AND INTRODUCTION

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 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.

It does 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)¹;
- 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.

2. STAGES OF THE PROCEDURE

2.1 Introduction

It is in the interests of all parties that complaints are resolved at the earliest possible opportunity. The first contact between the parent or person making the complaint ('the complainant') and the School can be crucial in determining whether the

¹ 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.

complaint will escalate. School staff should be familiar with the complaints procedure so that they know what action to take should they receive a complaint. An informal complaint may be made in person, by phone, by email or in writing, although a formal complaint may only be made in writing. A complaint about a particular incident should normally be received by the School within two weeks of the incident except where the School considers it reasonable to allow more time.

2.2 Stage 1: Informal Stage

Initial complaints, except when they are very minor or can be resolved by another member of staff, should be directed to the Head of School in the first instance. The Head of School will consider the complaint objectively and impartially. Where the complaint concerns the Head of School, or the complainant indicates that (s)he would have difficulty discussing their complaint with the Head of School, it should be considered by the Executive Head.

Should the first approach be made to a school governor the complaint should be referred to the Head of School and/or the complainant informed of the appropriate channels for making a complaint. Individual governors must not respond to an initial complaint or be involved in addressing any complaint in the early stages.

It is anticipated that most complaints will be resolved at the informal stage. Complaints which are clearly frivolous or are of a criminal, offensive, or threatening nature may not be progressed beyond the informal stage. The Head of School, usually in consultation with the Chair of Governors, will take a view on any complaint that may fall into one of these categories and whether it should be progressed or not, if necessary taking LA or professional advice. The chosen course of action should be put in writing to the complainant; it should be made clear that there is no right of appeal to this decision, although the complainant may decide to pursue the matter with the LA if (s)he so wishes.

2.3 Stage 2: Formal Stage

Should the complainant be dissatisfied with the Stage 1 resolution (s)he should be asked to put her/his complaint in writing to the School within 10 working (i.e. school) days^[1]. The complaint will be heard by the Head of School where stage 1 has been dealt with by another member of staff, where stage 1 has been dealt with by the Head of School the Executive Head will hear the complaint. If the complaint involves the Executive Headteacher, the Chair of Governors or in their absence a nominated governor will hear the complaint^[2]. Sometimes it will be possible to resolve the complaint at this point through informal discussion. This may be sufficient to satisfy the complainant. However, if it is clear to both parties that the complaint cannot be resolved informally, the complaint will be progressed to Stage 2. At this stage the complainant will be asked to review their complaint letter and submit their complaint in its entirety for investigation and/or review to the Chair of Governors.

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 available. (S)he may ask another a member of the Leadership Group, a governor, an LA officer, or an outside professional to carry out the investigation. From hereon in the person is referred to as the Investigating Officer.

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

The **Investigating Officer** may delegate the task of collating the information to the Clerk for Governors or work in conjunction with the Executive Head. The **Investigating Officer** should hear the complaint, review all the available evidence, and consider her/his findings, together with any recommendations or apology arising from the meeting.

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

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

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 appeal². 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 but not a legal adviser or legal or professional advocate, e.g. a social worker, unless by prior agreement with the Panel. 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.

² 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.

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 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 Secretary of State for Education for her/his 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.

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;

- record the proceedings;
- notify all parties of the Panel's decision (if not the role of the Panel Chair).

4.2 Chair of Governors (or in their absence a nominated governor)

- 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.

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.
- B) Witnesses are only required to attend for the part of the Hearing in which they give their evidence.
- C) After introductions, the complainant(s) is invited to present her/his appeal, if necessary supported by witnesses.
- D) The school respondent to the appeal may question both the complainant and the witnesses.
- E) The respondent is then invited to present the School's response to the appeal, if necessary supported by witnesses.
- F) The complainant may question both the respondent and the witnesses.
- G) The Panel may ask questions of any party at any point.
- H) The complainant is then invited to sum up her/his appeal.
- I) The respondent is then invited to sum up the School's response to the appeal.
- J) The Chair explains that the Panel's decision will be communicated to all parties within 7 calendar days.
- K) 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.