



# Complaints Procedure

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A procedure to deal with comments and complaints about the school.

## Aim of Procedure

*We value the good relations we enjoy with parents and the community. These good relations are based on mutual respect and a willingness to listen to other points of view. The purpose of this complaints procedure is to provide a framework for a structured opportunity for all concerned to express and resolve concerns and thus to improve provision.*

**The school aims to resolve concerns for all its parents whatever their needs:**

- through informal discussion whenever possible
- quickly with an agreed timescale and a named contact
- successfully and positively so that home / school relationships are strengthened
- with confidentiality, discretion and, above all, care for involved children
- using investigations which are open and fair to all.

## Introduction

The school will exercise discretion when dealing with anonymous, abusive or malicious complaints.

It is in the best interest of all parties that any concern is expressed and resolved quickly and at the earliest possible stage.

At any stage in the process, any party may consult the Devon County Council for impartial advice on matters of procedure, including the mediation service.

This policy is a legal requirement under Section 29 of the Education Act 2002, where every school must publish its Complaints procedure.

There are specific procedures for certain other complaints (e.g. SEN, accusations of child abuse, admissions, exclusion) which must be followed in those cases - this procedure is intended for those complaints which do not appear to fall into any of the existing categories.

## Stages

The full procedure has five stages, but every effort should be made to resolve issues at the earliest possible stage:

<b>1 Teacher (or Headteacher if immediately involved)</b>	Most concerns are easily resolved informally by discussion with staff at school. Difficult or complex concerns may take more than one discussion.
<b>2 Investigation by Headteacher (or Chair of Governors if the Headteacher is involved at stage 1 or is the subject of the complaint.</b>	If the matter is not resolved at stage one through discussions with a member of staff, a letter of complaint should be sent to the headteacher. The Head Teacher will investigate and respond to the complainant. The response will include details of the appeal process. If the complaint is about the headteacher, then the letter outlining the complaint should be sent to the Chair of Governors care of the school office.
<b>3 Appeal to the governing body</b>	If resolution is not achieved, the complainant can appeal to the governors. The complaint will be heard by a panel of three governors. The complainant will be contacted by the Chair of the panel who will outline the Procedure.
<b>4 Complaint to the Local Authority (Devon County Council)</b>	For complaints concerning the national curriculum or religious education parents can appeal further to the LA or Diocese. Details may be obtained from the school office.
<b>5 The Secretary of State for Education</b>	If the complaint is not resolved following appeal, the complainant can complain to the Secretary of State for Education. The local authority will advise and assist. The Secretary of State will give direction if the governing body or the County Council are considered to have acted unreasonably or have failed to make appropriate provision. If the complaint is against action taken, or not taken, by the County Council, it is also possible for that complaint to be referred to the Local Government Ombudsman.

## PROCEDURE ADOPTED

### Stage 1 - Informal resolution by Teacher or Headteacher

We as a school are happy to receive suggestions and to talk about concerns which help ourselves identify areas of success and areas in which they could improve. Where a concern is brought to the school's attention it can often be resolved with a single conversation. Sometimes an issue is more complex and will take more than one discussion to resolve.

**The experience of the first contact between the complainant and the school can be crucial in determining whether the complaint will escalate. To that end, staff are made aware of the procedures so they know what to do when they receive a complaint.**

If a complainant indicates that he/she would have difficulty discussing a complaint with a particular member of staff then they should be directed to the headteacher. Where the complaint concerns the headteacher, the first contact should refer the complainant to the chair of governors.

If an approached member of staff feels too compromised to deal directly with a complaint, they should consider referring the complainant to another member of staff. The other member of staff may be more senior but does not have to be. **The ability to consider the complaint objectively and impartially is crucial.**

Where the first approach is made to a governor, the governor should refer the complainant to the headteacher. Governors must not act unilaterally on an individual complaint outside the formal procedure or be involved at the early stages as they may be part of a panel at a later stage of the procedure.

The school should be given reasonable time to respond and will contact the complainant with an answer within 5 working days.

*Occasionally despite the best efforts of all parties these discussions do not resolve the concern, which then may become a formal complaint.*

### Stage 2 - Formal complaint investigation by Headteacher or Chair of Governors

The complainant will be asked to confirm the complaint in writing\* to the headteacher (or chair of governors if the complaint is about the headteacher) and it will be acknowledged in writing\*.

The headteacher (or chair) will copy relevant papers to any member/s of staff named in the complaint and undertake an investigation into the issues raised by the complainant.

Any concerns should be raised as soon as possible eg the complainant may be dissatisfied with the way the complaint was handled at stage one as well as pursuing their initial complaint.

The school will contact the complainant with a response within 10 working days. It may be

useful for mediation to be offered at this point, which could involve a governor.

*\* This is a formal procedure and so formal complaints can only be accepted by letter.*

### **Stage 3 - Formal complaint appeal to the Governing Body**

If the complaint is not resolved by investigation at stage 2, the complainant can appeal to the governing body. **This can be made only if the complainant has:**

- sought to resolve the concern through approaches to the school as described in Stages 1 and 2
- 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
- put the complaint clearly in writing (within six weeks of the event)

**The governing body will set up a panel to manage a complaints.** The panel will hear and make decisions on formal complaints which have not been resolved at the earlier stages.

The complainant needs to write\* to the Chair of Governors giving details of the complaint. The Chair, or a nominated governor, will convene a panel hearing within 21 days.

The governors' appeal hearing is the last school-based stage of the complaints process, and is not convened to merely rubber-stamp previous decisions. Individual complaints would not be heard by the whole Governing Body at any stage, as this could compromise the impartiality of any panel set up for a disciplinary hearing against a member of staff following a serious complaint.

### **The Remit of the panel**

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.

There are several points which any governor sitting on a complaints panel needs to remember:

a. It is important that the appeal hearing is independent and impartial and that it is seen to be so. No governor may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it. In deciding the makeup of the panel, governors need to try and ensure that it is a cross-section of the categories of governor and sensitive to the issues of race, gender and religious affiliation.

b. The aim of the hearing, which needs to be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant.

However, it has to be recognised the complainant might not be satisfied with the outcome if the hearing does not find in their favour. It may only be possible to establish the facts and make recommendations which will satisfy the complainant that his or her complaint has been taken seriously and fully investigated.

c. An effective panel will acknowledge that many complainants feel nervous and inhibited in a formal setting. Parents often feel emotional when discussing an issue that affects their child. The panel chair will ensure that the proceedings are as welcoming as possible. The layout of the room will set the tone, and care is needed to ensure the setting is informal and not adversarial.

d. Extra care needs to be taken when the complainant is a child. Careful consideration of the atmosphere and proceedings will ensure that the child does not feel intimidated. The panel needs to be aware of the views of the child and give them equal consideration to those of adults. Where the child's parent is the complainant, it would be helpful to give the parent the opportunity to say which parts of the hearing, if any, the child needs to attend.

e. The governors sitting on the panel need to be fully aware of the complaints procedure.

### **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 their complaint, and be followed by their 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 their 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.

## **Roles and Responsibilities**

### **The Role of the Chair of the Governing Body:**

- check that the correct procedure has been followed;
- if a hearing is appropriate, notify the clerk to arrange the panel

### **The Role of the Clerk**

The clerk is the contact point for the complainant and is required to:

- set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible;
- collate any written material and send it to the 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.

### **The 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 acting 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.

### **Notification of the Panel's Decision**

The chair of the panel needs to ensure that the complainant is notified of the panel's decision, in writing, with the panel's response within 10 days of the hearing. The letter needs to explain if there are any further rights of appeal and, if so, to whom they need to be addressed.

## **Stage 4 - Complaint to the Local Authority or Diocese**

If the complainant wishes to pursue the matter further, the local education authority (Devon County Council) or Exeter Diocese will only consider the case if the complaint is one deemed relevant ie concerning the national curriculum or religious education.

## **Stage 5 - Complaint to Secretary of State or Local Government Ombudsman**

If a complainant wishes to pursue the complaint they can have recourse to the Secretary of State or Local Government Ombudsman. The County Council will advise on the procedure to be followed in those cases.