



Complaints Procedure

General Complaints Procedure for Dealing with School Complaints - Summary

This General Complaints Procedure covers all complaints about any provision of facilities or services that a school provides with the exceptions listed below, for which there are separate (statutory) procedures.

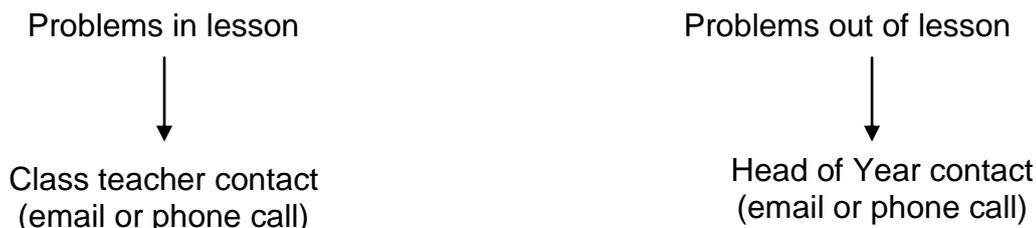
<ul style="list-style-type: none"> • Admissions to schools. • Statutory assessments of Special Educational Needs (SEN). • School re-organisation proposals. • Matters likely to require a Child Protection Investigation 	<ul style="list-style-type: none"> • Concerns should be raised direct with local authorities (LA). • For school admissions, it will depend on who is the admission authority (either the school or the LA). Complaints about admission appeals for maintained schools are dealt with by the Local Government Ombudsman.
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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



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.

STAGE TWO

Problems in lesson

Problems out of lesson

Investigation by the Head of Department

Complainant contacts the Head of Department (by email or phone call) to carry out an investigation and respond to the complainant. This should be done within two working days of receipt of the complaint. If the complaint is not resolved at this level, the complainant will be given the option to move to the next stage – Stage 3

Investigation by Assistant Head Teacher for Personal Development, Behaviour and Welfare

Complainant contacts the Assistant Head Teacher (by email or phone call) to carry out an investigation and respond to the complainant. This should be done within two working days of receipt of the complaint. If the complaint is not resolved at this level, the complainant will be given the option to move to the next stage – Stage 3

It is in the parents' interest that most complaints have been resolved by the end of this stage. If not resolved, move to stage 3.

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 complaint to the Principal summarizing the issue and the processes they have been through in stage 1 and 2 i.e. which members of staff they spoke to on what dates and what aspects of the complaint they are unhappy about.

The Principal will acknowledge receipt of this complaint within 2 working days of receipt and will conduct an investigation. The Principal will make an informed response to the complainant within 4 working days of receipt of the complaint.

If, following Stages One, Two and Three, it has not been possible to resolve the complaint, and the complainant wishes to pursue the matter further, stage four 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.

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

- Made the initial complaint within two months of the incident occurring
- 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

If a complaint is regarding the Principal, it should be made in writing to the Chair of Governors and will be investigated in line with stage 4 procedures.

STAGE FOUR

Investigation by Governing Body

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.

The Complaints Panel should meet within 20 working days. (The procedure may be similar to that of the Pupil Discipline Committee).

The complainant and the Principal 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.

There is no appeal mechanism to the Governing Body.

The Chair of Governors should keep written records of meetings, telephone conversations and other documentation which should be kept securely at school.

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.

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 Principal should not be a member of the panel.

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

The Chair of the Panel should explain to the complainant and the Principal that the Panel will now consider its decision, and that a written decision will be sent to both parties within five working days. The complainant, Principal 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 Principal and Chair of Governors a letter with the outcome of the meeting within 5 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.

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.

If the matter is still not resolved, then the complainant should move to stage 5.

STAGE 5
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.

Investigation by Local Authority

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, Children & Young People's Services. (The Local Authority could 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 Principal 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.

There is no appeal mechanism 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, Children & Young People'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.

If the matter is still not resolved, then the complainant should move to stage 6.

STAGE 6

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 LA 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 LA has failed to discharge its duties under the Act. The Secretary of State may contact the Governing Body or the LA for more information in order to consider the complaint.

Stage 6

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 LA 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.

Monitoring and Review

This Plan should be reviewed every 3 years.