Complaints Procedure

Model Procedure and Guidance Notes for Schools in The Arthur Terry Learning Partnership

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Overview and Scope

1. This procedure is to deal with all concerns or complaints relating to the actions of staff and application of school procedures where they affect individual pupils, **except** matters directly related to curriculum, or to a particular exclusion, child protection, special needs statementing or an admission issue, all of which are dealt with under separate procedures; details of these procedures are available from the school.

2. Similarly, any complaints by members of staff should usually be dealt with through the appropriate separate procedures such as grievance, capability or anti-harassment.

Part 1: General Principles of complaints

Dealing with Complaints – Initial concerns/informal procedures

3. These procedures make a distinction between dealing with a concern or complaint informally or formally.

4. The underlying principle of the procedure is that, if at all possible, concerns and complaints ought to be handled and resolved informally (usually by the staff directly concerned) without the need to invoke a formal referral and process.
It is expected that the class teacher will be able to resolve most concerns without the need to go any further.

5. An unreasonable refusal by the complainant to attempt an informal resolution may result in the concern or complaint being taken no further.

Dealing with Complaints – Formal procedures

6. The formal Complaint Procedure will need to be invoked when initial or informal attempts to resolve the issue are unsuccessful and the person raising the concern or complaint remains dissatisfied and wishes to take the matter further.

7. There are four stages to the Complaints Procedure:

- Stage one: receiving a complaint
- Stage two: complaint heard by staff member (though not the subject of the complaint)
- Stage three: complaint heard by Headteacher
- Stage four: complaint heard by the Governing Body's complaints panel

Framework of Principles

8. Any concern or complaint should be bought to the attention of the school at the earliest opportunity. Any matter raised more than 3 months after the event will only be considered in exceptional circumstances.

9. A concern or complaint from a member of the public who is not a parent or a guardian of a child attending the school should be referred directly to the Headteacher, unless the complaint is about the Headteacher in which case it should be referred to the Chair of Governors.

10. An anonymous complaint cannot be dealt with unless there are exceptional circumstances.

11. Any concern or complaint will be dealt with in a way that:

    - respects confidentiality
    - addresses all the points at issue
    - provides an effective response, and, *where necessary,*
    - appropriate redress

12. Concerns and complaints should be handled in both an impartial and non-adversarial manner, and an open, transparent and constructive way.

Investigating Complaints

13. At whatever stage, the person investigating the concern or complaint should:

    1. establish **what** has happened so far, and **who** has been involved;
    2. clarify the nature of the complaint and what remains unresolved;
    3. clarify what the complainant feels would put things right;
    4. interview those involved in the matter and / or those complained of, allowing them to be accompanied if they wish;

14. Any person interviewed as part of an investigation is entitled to be accompanied by a friend or representative and / or a translator, and to agree any notes taken, particularly if the investigation is part of the formal process.

Resolving Complaints

15. At whatever stage, the person dealing with the concern or complaint should endeavour to find a resolution, but obviously this will depend on the nature of the concern or complaint and what the complainant wants.

16. It is also of equal importance to clarify any misunderstandings that might have occurred as this can create a positive atmosphere in which to discuss any outstanding issues.

17. Complainants should be encouraged to state what actions they feel might resolve the problem at any stage – though this should be on the understanding that it may not be possible or reasonable to deliver them.

18. It may be appropriate and sufficient to acknowledge that the complaint is valid in whole or in part - an admission that the school could have handled the situation better is not the same as an admission of negligence.

19. In addition, it may be appropriate to offer one or more of the following:

- an expression of regret for any distress, etc.
- an explanation;
- an admission that the situation could have been handled differently or better;
- an assurance that every effort will be made to ensure that the event complained of will not recur;
- an explanation of the steps that have been taken to try to ensure that it will not happen again;
- an undertaking to review school policies in light of the complaint.

20. Use of the formal procedures means that all attempts at an informal resolution of the concern have failed; resolution will then depend upon any recommendations based on the judgements made from the evidence uncovered in the investigation.

21. Of course, an investigation may find no evidence for the complaint or that the complaint is otherwise groundless.

Vexatious Complaints

22. There will be occasions when, despite all stages of the procedures having been followed, the complainant remains dissatisfied. If the complainant tries to reopen the same issue, the chair of the Governing Body will inform them in writing that the procedure has been exhausted and that the matter is now closed.

23. The complainant may take their complaint to the EFA, but there is no onus on either of these bodies to re-open an investigation, etc. if they are satisfied that the school has dealt with the complaint appropriately; their remit is to review due process.

Time-Limits

24. A concern or complaint will be acknowledged as soon as is it received and attempts to deal with it informally started as soon as practicable in timescales agreed by all parties. (It is recommended that, if at all possible, this starts within 5 working days of receiving the concern or complaint and is completed within 10 working days of starting.)

25. Once a complaint has been lodged formally, an investigation should begin within 5 working school days and a realistic but reasonable timescale should be set for completion, etc. It is reasonable for a complainant to expect to receive verbal or written feedback within 10 working school days of an investigation completing.

26. However, where further investigations become necessary or delays occur, new time limits can be set and the complainant sent details of the new deadline and an explanation for the delay.

Part 2: The Complaints Procedure

Stage one: receiving a complaint

27. A complaint from a member of the public, who is not a parent or guardian of a child attending the school, should go directly to the Headteacher in the first instance. Parents, carers or guardians wishing should, where possible, contact the member of staff concerned (which may be the Headteacher) - by letter, telephone or in person.

28. The complaint should be directed to the member of the appropriate member of staff concerned, or to the Headteacher:

    - if the complainant wants an acknowledgement of the issue, and / or a resolution to a problem which is relatively straightforward, and / or the prevention of a recurrence, this is more likely to be suited by an informal process;

    - on the other hand, a formal process is required if the nature of the complaint is such that it requires (1) an investigation - rather than, or following, the appropriate person just “making enquiries about” or “looking into” an issue or the complaint - or (2), for the matter to be seen and recorded to have been dealt with.

29. **A complaint should be acknowledged as soon as it is received.**

30. If any member of staff receives a complaint, they should not attempt to deal with the issue but should pass it to the appropriate person. Similarly, if a member of staff feels too compromised to deal with the complaint, the matter should be referred to a more appropriate member of staff.

31. Also, there will be occasions when the complainant may have concerns about discussing their complaint with a particular member of staff, in this case the complainant should be directed to address their concerns to the Headteacher or member of the Leadership Team.

32. Please note: if the first approach is made direct to a governor they should direct the complainant to the appropriate person - usually the class teacher. Governors should not act unilaterally on an individual complaint outside the procedure - such action may compromise future action regarding the complaint.

Stage two: complaint dealt with by staff member

33. The class teacher or appropriate member of staff or Headteacher will attempt to resolve the complaint using whatever reasonable means are appropriate. This will usually involve meeting the complainant to discuss the matter further, and may also involve talking to pupils, other staff members or consulting senior staff including the Headteacher.

34. If having raised their concerns with the class teacher or appropriate member of staff, the complainant is still dissatisfied, or if the class teacher or other nominated member of staff is the subject of the complaint, then the complainant should contact the Headteacher (unless the headteacher is the subject of the complaint - then the complainant should contact the Chair of Governors).

Stage three: complaint dealt with by Headteacher

35. The Headteacher will attempt to resolve a complaint using whatever reasonable means are appropriate. This may involve meeting the complainant to discuss the matter further; it may also involve the Headteacher interviewing staff members.

36. The Headteacher must be allowed reasonable time to investigate the complaint and gather any information that is required. On this basis, the Headteacher should aim to be able to give either verbal or written feedback to the complainant no later than10 school days after receipt of the complaint.

37. On some occasions the Headteacher may delegate the investigation to a senior member of staff, usually a Deputy or Assistant Head Teacher who has had no involvement with the case: the decision on the appropriate person rests with the Headteacher.

38. If having raised concerns with the Headteacher, the complainant is still dissatisfied, or if the Headteacher is the subject of the complaint, then the complainant should contact the Chair of Governors via the Clerk to the Governing Body.

Stage four: complaint dealt with by Governing Body

39. The Governing Body has responsibility for ensuring that any formal complaints are dealt with: **complaints must be in writing** – using a specific complaints form.

40. The complainant needs to write to the Clerk to the Governors as directed by the school giving details of the complaint.

41. In cases that require urgent consideration the Chair may deal with the matter exclusively and without delay.

42. Otherwise, the Chair of Governors should decide if a reasonable attempt has been made by the Headteacher or other staff to address the concern or complaint. It is important that concerns or complaints are dealt with appropriately as well as properly, and that staff are not subjected to “double jeopardy”.

43. If the Chair of Governors decides that the concern or complaint has been dealt with reasonably, then the complainant should be told that, **and** that their only grounds for appeal may be on the basis of the way in which their concern or complaint was handled (and not against the decision made).

44. If the Chair of Governors decides that the concern or complaint may not have been dealt with reasonably, or that a formal appeal is appropriate, then a hearing by a Complaint Panel of the Governing Body should be arranged.

45. The Clerk will convene a Local Governing Body complaints panel which will include one member who is independent of the Academy Trust. No person involved should have previous involvement in the complaint.

46. The Clerk to the Governors should write to the complainant acknowledging receipt of the written request for the complaint to be heard by representatives of the Local Governing Body. This acknowledgement must be sent within 5 working days and should inform the complainant of the arrangements for hearing the complaint within 20 working days of receiving it. The letter should explain that the complainant has the right to submit any further documents relevant to the complaint. These must be received within 5 working days of the date of the hearing to allow adequate time for the documents to be circulated.

47. The governors’ appeal hearing is the last school-based stage of the complaints process, and is not convened to merely rubber-stamp previous decisions.

48. Individual complaints would not be heard by the whole GB 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

49. It is important that any 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.

50. Also, in deciding the make-up of the panel, governors should try to ensure that it is a cross-section of the categories of governor and, as far as is practicable, sensitive to the issues of race, gender and religious affiliation.

51. The clerk to the Governing Body will normally record the proceedings.

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

53. The panel will:

- Dismiss the complaint in whole or in part, or
- Uphold the complaint in whole or in part, or
- Where appropriate decide action to be taken to uphold the complaint, or
- Recommend changes to the school systems or procedures to seek to ensure that problems of a similar nature do not recur.

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

55. Following the hearing, the complainant will receive written feedback from the clerk including any decisions, recommendations and the reasons for them and, if appropriate, the next steps. The written feedback should be issued within ten working days after the hearing has concluded.

56. If the outcome might lead to action under another procedure, e.g. disciplinary, then the complainant need only be told that appropriate action will be taken.

57. Further, there may be occasions when a panel would wish to resolve an issue by means which are clearly within the responsibility of the internal management of the school: governors (and Headteachers) need to be mindful of their roles and responsibilities in regulation – see Guide to the law for School Governors.

58. Only in exceptional circumstances should governors consider taking a decision that may undermine the authority of a Headteacher or other staff and governors must consult the Executive Headteacher or Trust Board before doing so.

59. This is the final step of the process for the school (though the recommendations may be such, eg: changes in policy or practice, that it is necessary for the full Governing Body to receive a short report regarding the findings of the investigation. (Please note: this should not mention names).

60. The Chair of Governors is responsible for ensuring that the correct procedures have been followed – see Notes for Guidance at Hearings.

61. Of course, there will be occasions when, despite all stages of the procedures having been followed, the complainant remains dissatisfied. If the complainant tries to reopen the same issue, the Chair of the Governing Body will inform them in writing that the procedure has been exhausted and that the matter is now closed but that the complainant may take their complaint to the EFA or to the appropriate body. Their remit is to review due process, so there is no onus on them to re-open an investigation: they may only decide to do so if they judge that there has not been due process.

Part 3: Notes for Guidance

The Complaints Panel Hearing

62. The hearing should be as informal as possible – many complainants feel nervous and inhibited in a formal setting and parents often feel emotional when discussing an issue that affects their child: the proceedings should be as welcoming as possible and the layout of the room should try to ensure the setting is informal and not adversarial, so as to set the appropriate tone.

63. Any parties being heard may be accompanied by a person of their choice - a friend or representative, and/or a translator - and notes taken should be agreed by attendees.

64. Governors on the panel should make themselves familiar with these procedures before any hearing

65. Witnesses are only required to attend for the part of the hearing in which they give their evidence.

66. Before the hearing starts, the panel should agree which one of them will chair the hearing

67. It will not usually be appropriate for the hearing to consider any issues or material which is introduced at the hearing for the first time. The Chair must insist that this is addressed outside this meeting (but through the use of this guidance as appropriate).

68. The hearing should follow any agreed meetings protocols, and proceedings should be as follows:

    1 After introductions, the complainant should be invited to explain their complaint, and be followed by their witnesses.

    2 The Headteacher may question both the complainant and the witnesses after each has spoken.

    3 The Headteacher is then invited to explain the school's actions and be followed by the school's witnesses.

    4 The complainant may question both the Headteacher and the witnesses after each has spoken.

    5 Up to this point, the panel may ask questions at any time.

6 The complainant is then invited to sum up their complaint.

7 The Headteacher is then invited to sum up the school's actions and response to the complaint.

8 Both parties leave together while the panel decides on the issues.

9 The chair explains that both parties will hear from the panel within a set time scale.

69. It is recommended that any panel or group of three governors considering complaints be clerked. **The clerk** would be the contact point for the complainant and be 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.

70. 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.
- the complainant is notified of the panel's decision, in writing, with the panel's response and what further steps may be planned or available; this is usually within the agreed deadline.

Outline School Complaints Procedure: flowchart

	Complaint raised and received and passed to appropriate member of staff = headteacher, if complaint from anyone other than a parent or carer)
	Complaint heard by staff member (informally and as soon as possible)
Issue resolved: (including no further action)	Issue not resolved
	Complaint heard by headteacher • Acknowledge receipt of complaint • Meet with complainant to clarify complaint • Look into complaint as soon as possible • Inform complainant of outcome (+ write to confirm)
Issue resolved: (including no further action)	Issue not resolved
	Complaint referred to Chair of Governors • Governor's complaints panel arranged • Issue letter inviting complainant to meeting
	Panel meet: decide to dismiss / uphold / decide action / recommend change and issue letter confirming panel decision ***END OF PROCESS FOR SCHOOL***
	Complainant may complain to the EFA or appropriate body who may review due process

Example of a form to record a formal complaint

Please complete and return to ……..(Chair of Governors) who will acknowledge receipt and explain what action will be taken.

Your name:		
Pupil's name:		
Your relationship to the pupil:		
Address:		Postcode:
Day time telephone number:	Evening telephone number:	
Please give details of your complaint.		
What action, if any, have you already taken to try and resolve your complaint. (Who did you speak to and what was the response)?		

What actions do you feel might resolve the problem at this stage?	
Are you attaching any paperwork? If so, please give details.	
Signature:	Date:

Official use	
Date acknowledgement sent:	Complaint referred to:
Acknowledgement sent by:	Date:

Adopted by The Board of Trustees on _____

To be reviewed on _____