



Crown Lane Primary School & Children's Centre

working together

SCHOOLS COMPLAINTS POLICY & PROCEDURE

**Approved by: Schools Human Resources
Trade Unions**

School Complaints Procedure

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1. Introduction

1.1 From 1 September 2003, Governing Bodies of all maintained schools and nursery schools in England are required, under Section 29 of the Education Act 2002, to have a procedure in place to deal with complaints relating to the school and to any community facilities or services that the school provides. The law also requires the procedure to be publicised.

1.2 The majority of schools already have a complaints procedure in place, based on Local Authority (LA) or Diocesan Board models. This document has been produced after consultation with trade unions by the LA and is therefore recommended to Governing Bodies as a model document. It is anticipated that this document will be considered by the governing body, who will then decide whether they wish to adopt the model complaints procedure. The decision on whether or not to adopt this procedure must be recorded by the clerk.

2. The Education Act 2002

Section 29 of the Education Act 2002 requires that:

1. *The governing body of a maintained school (including a maintained nursery school) shall*
 - a. *establish procedures for dealing with all complaints relating to the school or to the provision of facilities or services under section 27, other than complaints failing to be dealt with in accordance with any procedures required to be established in relation to the school by virtue of a statutory provision other than this section, and*
 - b. *publicise the procedures so established.*
2. *In establishing or publicising procedures under subsection (1), the governing body shall have regard to any guidance given from time to time (in relation to England) by the Secretary of State.*

Section 39 of the Education Act 2002 provides the following:

1. *“maintained school” means a community, foundation or voluntary school, a community or foundation special school or a maintained nursery school;*
2. *“maintained nursery school” means a nursery school which is maintained by a local education authority and is not a special school;*

3. Publicising the Procedure

3.1 There is a legal requirement for the Complaints Procedures to be publicised. It is up to the Governing Body to decide how to fulfil this requirement but details of the Complaints Procedures may be included in:

- The School’s website
- the school prospectus;
- the Governors’ report to parents;
- the information given to new parents when their children join the school;
- the information given to the children themselves;

- the home-school agreement;
- home school bulletins or newsletters;
- documents supplied to community users including course information or letting agreements;
- a specific complaints leaflet which includes a form on which a complaint can be made;
- posters displayed in areas of the school that will be used by the public, such as reception or the main entrance

4. Aim

4.1 The schools Governors and the Headteacher are committed to providing the best educational experience they can for all pupils attending this school. They recognise the value to all concerned of dealing fairly, speedily and effectively with any complaint against their decisions, actions or omissions, which a pupil or parent or other aggrieved person may have. To this end, they have adopted the underlying principles and procedures set out in this document for dealing with complaints relating to schools and community services as required by section 29(1) (a) of the Education Act 2002. The policy allows for a concern or complaint relating to the school, or the services that it provides to be raised.

5. Scope

5.1 The Complaints Policy applies to all matters relating to actions of staff and application of school procedures where they affect the individual *pupils* concerned, except matters relating to;

- admissions to schools
- exclusions
- special education provision
- school re-organisation
- matters concerning the curriculum under Section 19 and 23 of the Education Reform Act 1988
- child protection
- public examinations
- school records on individual pupils
- Safeguarding referrals

Schools have a duty to safeguard and promote the welfare of their pupils under section 75 of the Education Act 2002. This includes making referrals to the appropriate organisation, usually the Local Authorities children's Social Care services if there is a concern about the welfare of a child.

- Allegations of Abuse
Allegations of abuse against a member of staff will be dealt with under the School's Safeguarding and Disciplinary procedures.

6. General Principles

6.1 The procedure is designed to ensure that wherever possible, an informal resolution is attempted. All stages of the complaints procedure should be investigatory rather than adversarial

- 6.2 To allow for a proper, full and fair investigation, complaints should be brought to the attention of the school as soon as possible. Any complaint which is raised more than 3 months after the event will not be considered except in exceptional circumstances.
- 6.3 All complaints will be treated as confidential. Only those individuals concerned with investigating the complaint will have access to the file. No information regarding the investigation will be made available publicly unless required by law.
- 6.4 The responsibility for dealing with complaints lies with the school. The Local Authority / Diocese will redirect any complaints received by them to the school and the complainant informed accordingly.

7. Definition of a complaint

- 7.1 A complaint is a clear expression of dissatisfaction, however made, by a person or persons with a legitimate interest in the school (but not being employed at the school or on the governing body) about the standard of teaching, the conduct, actions, or lack of action, of members of the teaching or non teaching staff employed at the school and anybody else working under the direction of the Headteacher, which affects an individual or group.
- 7.2 Complaints about persons outside of the school will initially be dealt with by the Headteacher as site manager and be referred to the appropriate authority.

Anonymous complaints

- 7.3 There is no duty for Headteachers or Governors to pursue anonymous complaints because there is no named complainant to respond to. However, if such complaints allege or imply a serious matter that may be to the detriment of the school, then it will be at the Chair of Governor / Headteacher's discretion to consider whether a case needs further investigation or not. Further investigation may be carried out in exceptional circumstances such as child protection issues or bullying allegations, where the school would involve appropriate external agencies.

Vexatious Complaints

- 7.4 There will be occasions when, on proper investigation a complaint is deemed to be unfounded, malicious or vexatious or when despite all stages of the procedure having been followed the complainant remains dissatisfied and wishes to reopen the same issue. In these circumstances the Chair of the Governing Body will inform the complainant in writing that the procedure has been exhausted and that the matter is closed.

8. Managing and Recording Complaints

- 8.1 Schools should record the progress of the complaint and the final outcome. A complaint may be made in person, by telephone, or in writing (including email). An example of the School's Formal Complaint Form can be found at Appendix 1. At the end of a meeting or telephone call, the member of staff should ensure that the complainant and the school have the same understanding of

what was discussed and agreed. A brief note of meetings and telephone calls can be kept and a copy of any written response added to the record.

8.2 The Governing Body should monitor the level and nature of complaints and review the outcomes on a regular basis to ensure the effectiveness of the procedure and make changes where necessary. Complaints information shared with the whole Governing Body will not name individuals.

8.3 As well as addressing an individual's complaints, the process of listening to and resolving complaints will contribute to school improvement. When individual complaints are heard, schools may identify underlying issues that need to be addressed. The monitoring and review of complaints by the school and the Governing Body can be used to evaluate the school's performance.

Selecting the most appropriate procedure

8.4 It is important to follow the appropriate procedure from the outset, in order to seek to identify a resolution for the complainant as quickly as possible and so that the interests of the individuals concerned are safeguarded.

8.5 The school will therefore review the nature of any enquiry or complaint and inform the complainant of the process being used to seek a resolution. The table below describes the nature of the enquiry, the body who manages the enquiry and the relevant procedure being used. The list provides the main examples and is not exhaustive.

Nature of Contact	Appropriate person to manage enquiry/complaint	Relevant policy / procedure
Request for published information	School Office	Freedom of Information request
Request for Pupil information	Headteacher (HT)	Data Protection Act
Complaint about Governing Body policy	Clerk to Governors / Chair of Governors (CoG)	Complaints Procedure
Complaint about provision of services or facilities by the school	HT / CoG	Complaints Procedure
Allegation about the conduct of a member of staff	HT (or CoG if the allegation is about the HT)	Disciplinary Procedure <i>(Confidential to the school and employee concerned)</i>
Allegation about verbal or physical assault by an employee on a pupil	HT / child protection lead. (Or CoG if the allegation is about the HT)	Local Child Protection procedures followed by Disciplinary Procedure <i>(Confidential to the school and employee concerned)</i>
Allegation about the capability of a member of staff	HT (or CoG if the allegation is about the HT)	Capability Procedure <i>(Confidential to the school and employee concerned)</i>
Conduct of another pupil (eg. bullying)	HT or Senior Leader	Behaviour Policy <i>(Confidential to the school and parents of alleged perpetrator)</i>
Discipline of a pupil	HT or Senior Leader	Behaviour Policy <i>(Confidential to the school and parents of pupil)</i>
Decision to remove licence for a person to enter school premises.	Clerk to Governors/ CoG	Governing Body Appeal committee

9. Procedure

(Where the headteacher is mentioned in this following stages, please read Chair of Governors if the complaint is about the Headteacher.)

Stage 1 – Informal Stage

- 9.1 Complaints are best resolved by approaching the individual directly. A local resolution is generally much quicker and less formal.
- 9.2 The complainant is normally expected to arrange to communicate directly with the member of staff concerned. This may be by letter, by telephone or in person by appointment, requested via the school office. Many concerns can be resolved during an informal meeting by simple clarification or the provision of information and it is anticipated that most complaints will be resolved by this informal stage.
- 9.3 If the complainant is reluctant to do this, then a conciliation meeting with the Headteacher or their nominee will be arranged within 15 working days.

Note: *Where the complaint concerns the Headteacher or a Governor and cannot be satisfactorily resolved by the Headteacher/Governor, then a written complaint must be passed to the Chair of Governors to be dealt with as in stage 2 below.*

Where an incident has resulted in personal injury the Headteacher must inform the Chair of Governors and the Local Authority (if a Community School) through the normal procedures with particular reference to the child protection procedures if applicable. Where a complaint involves injury to a child, either by a member of staff or another child, the Headteacher, when investigating, must be careful about taking statements which could undermine any investigation by the police or social services. It is advisable in these circumstances to be guided by the Local Authority Designated Officer /Safeguarding Team and/or School's Human Resources.

Stage 2 – Formal Stage

- 9.4 If the complaint is not resolved at the informal stage the complainant may choose to put the complaint in writing and pass it to the Headteacher who is responsible for the complaint being investigated appropriately. The Headteacher may delegate the investigation of the complaint to another member of the leadership team or request a Governor investigates.

The School's Formal Complaints Form is provided to assist the complainant and the completed form should be passed to the school office, marked private and confidential and addressed for the attention of the Headteacher or the clerk to governors as appropriate.

- 9.5 The complaint should include details that might assist the investigation, such as names of potential witnesses, where they might be contacted, the subject of the complaint, his/her name and position (if known), what happened, i.e. the incidents with an account confined to the facts, dates, time and location of the incident, copies of relevant documents and any other relevant information.

It is very important that you include a clear statement of the actions that you would like the school to take to resolve your concern. Without this, it is much more difficult to proceed

- 9.6 The Headteacher will ensure that a written acknowledgement is sent to the complainant within 3 working days of receiving the complaint and will give a target date for providing a response, which would normally be within 20 working days. If this target is not met a letter should be sent within the 20 working days explaining the reason for the delay and providing a revised target response date.

A copy of the School's complaints procedure should be enclosed with the letter.

- 9.7 The person who is complained against will be informed and provided with the relevant details of the complaint so that he/she can answer the allegations and be made aware that an investigation is taking place. He/she should be invited to submit a written response; this should normally be within 5 working days.
- 9.8 The Head teacher may invite the complainant to a meeting to clarify the concerns and to explore the possibility of a resolution.
- 9.9 If the complaint is not resolved at this meeting, the complaint will be fully investigated, using the appropriate procedure. In any case the complainant will be written to within 7 days of the school receiving the formal complaint, of how the school intends to proceed. The notification will include an indication of the anticipated timescale.
- 9.10 Any investigation will begin as soon as possible and when it has been concluded, the complainant will be informed in writing of its conclusion.
- 9.11 The Headteacher will collect such other evidence, as he/she deems necessary, such as witness statements. This may involve the Headteacher meeting with and interviewing the complainant, the subject of the complaint and any other witnesses to clarify the complaint. Where this involves an interview with a member of staff, who is the subject of the complaint, a work colleague or trade union representative may accompany that member of staff if they wish and that member of staff is entitled to 5 days notice of the interview.
- 9.12 When the investigation of a complaint (under this procedure only) has been concluded all parties will be informed in writing of the outcome. This will include an outline of the complaint, the main findings of the investigation and the decision reached and where appropriate, what action the school is proposing to take to resolve the complaint. The response should also inform the complainant that should they remain dissatisfied, they would have a right for their complaint to be reviewed by the Governing Body, Stage 3.

Stage 3 – Review

- 9.13 Where the complainant is dissatisfied with the outcome of the school's responses and wishes to pursue the complaint further, the complainant may request that the governing body reviews the process followed by the school in

handling the complaint. Any such request must include a statement specifying any perceived failings in either procedure or decisions made. A request for a review that is based solely on dissatisfaction of the response/outcome decision will not normally be accepted.

The request for a review by a panel of governors must be made in writing to the Chair of Governors within 10 school days of receiving notice of the outcome, and include a statement specifying any perceived failures to follow the procedure.

The School's Complaint Review Form (example at Appendix 2) is provided to assist the complainant and the completed form should be passed to the school office, marked private and confidential and addressed for the attention of the Chair of Governors.

Review Process

9.14 An acknowledgement should be sent by the school within 3 working days of receiving the request and should inform the complainant that a panel of three Governors (not including the Headteacher or school staff Governors) would normally be set up to review the complaint within 20 working days from the receipt of the request.

9.15 The review will normally be conducted through a consideration of written submissions, but reasonable requests to make oral representations will be considered sympathetically.

If oral representations proceed, the Chair of Governors will write and inform all appropriate parties of the date, time and place of the review meeting at least 5 working days in advance of it. Any relevant documentation relating to the complaint should also be issued to all parties at this time.

Oral representation

9.16 The panel will hear the complaint at a meeting attended *separately* by the complainant and the representatives from the school. Written evidence is also reviewed by the panel and submitted in advance to all parties and verbal evidence will be given at the review meeting.

9.17 The meeting will be conducted in an informal manner with each party treating the other with respect and courtesy.

Part 1

1. The complainant and any representative will enter the room.
2. The Chair of the panel will welcome the complainant, introduce the members of the panel, explain the process of the hearing and confirm the complaint that is to be heard.
3. The Chair of the panel will confirm that all parties have copies of the documentation submitted by the complainant and the Headteacher, as well as the names of any witnesses the complainant has indicated s/he wishes to call.

4. The panel will hear the complaint
5. The panel will then have the opportunity of asking the complainant questions regarding the complaint
6. The complainant will call any witnesses
7. After the witness(es) have given their statements the panel may then ask any questions of the witness(es) regarding their statements
8. The complainant or their representative will then have the opportunity of summing up their complaint.
9. The Chair of the panel will explain that the panel will consider the issues and a written decision will be sent in writing within 5 working days.
10. The complainant and any representative will then withdraw.

Part 2

1. The Headteacher and any representative will enter the room
2. The Chair of the panel will introduce the members of the panel, explain the process of the hearing and confirm the complaint that is to be heard.
3. The Chair of the panel will confirm that all parties have copies of the documentation submitted by the complainant(s) and the Headteacher, and the names of any witnesses that the Headteacher has indicated s/he wishes to call.
4. The Headteacher will respond to the complaint
5. The panel will then have the opportunity of asking the Headteacher any questions regarding her/his response.
6. The Headteacher will call any witnesses
7. After the witnesses have given their statements the panel may then ask any questions of the witness(es) regarding their statements
8. The Headteacher or his/her representative will then have the opportunity of summing up their response
9. The Chair of the panel will explain that the panel's conclusion will be sent, in writing, within 5 working days.
10. The Headteacher and her/his representative will then withdraw.

The Complaints Panel will then consider the complaint and all the evidence presented and:

- a) reach a decision on the complaint and the reasons for it
- b) decide upon the appropriate action to be taken to resolve the complaint. (There may be instances where this involves recommending the use of the disciplinary or capability procedures)

- c) where appropriate, suggest recommended changes to the school's systems or procedures to try to ensure that complaints of a similar nature are not made in the future and
- d) provide a written response within 5 working days.

Further Stages

9.18 Following the Governors' Review, it is open to the complainant to pursue their complaint with the Secretary of State for Education or the office of the Ombudsman. The governing body will give full consideration to any recommendations or directions the Secretary of State may make. The complainant will be advised of this course of action should they remain dissatisfied with a decision made by the Governors' committee.

Appendix 1

SCHOOL'S FORMAL COMPLAINT FORM

Name:

Relationship with School
(eg parent of a pupil)

Address

Daytime Telephone number

Evening Telephone Number

Summary of Complaint

Please set out the details of your complaint (providing as much detail as possible, particularly dates, times, locations and the identities of those involved). You may attach additional sheets if required but please be as concise as possible.

Individuals involved:

Please provide the names, job title and contact details of any people involved in your complaint, including witnesses.

Have you tried to resolve the complaint informally?

If yes please provide a brief summary of the outcome and why you feel that your complaint has not been resolved satisfactorily.

Yes

If no, please provide a brief summary why you have not tried to resolve the complaint informally.

No

Resolution:

Please provide a brief summary of what actions you think may resolve the issue at this stage

Signature

Date:

Appendix 2

SCHOOL'S COMPLAINT REVIEW FORM

Name:

Relationship with School
(eg parent of a pupil)

Address

Daytime Telephone number

Evening Telephone Number

Date initial complaint was submitted

Date response received from School

Response received from

Summary of Reason for Review

Please set out the details of why you are requesting a review (providing as much detail as possible) and attach a copy of your complaint and the response from the school.

[Empty text box for Summary of Reason for Review]

Resolution:

Please provide a brief summary of what actions you think may resolve the issue at this stage

[Empty text box for Resolution]

Signature

[Signature box]

Date:

[Date box]

