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# Weobley Schools' Federation

## Complaints Procedure

**February 2018**

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Most parents and carers have a positive relationship with schools, but sometimes a problem may arise. Governing Bodies of schools are required by law under Education Act 2002 (Section 29) to establish a procedure which deals with complaints. This procedure will be used by the School's Governing Body and the Senior Leadership Team when dealing with general complaints; it is for parents, carers and members of the public to use to raise informal and formal complaints with the school and the Governing Body. All Complainants will be treated seriously and courteously and given the time they need to be heard. It is important that complainants have confidence in the procedure and know that their concerns and complaints will be investigated fully and impartially.

All parties need to be clear about the difference between a **concern** and a **complaint**. Concerns should be handled if at all possible, without the need for formal procedures. In most cases, the class teacher will receive the first approach and may be able to resolve an issue immediately. The existence of a complaints procedure should not be seen as a way of undermining efforts to resolve a concern informally.

The formal complaints procedure will need to be used where initial attempts to resolve the issue have been unsuccessful and the person raising the issue remains dissatisfied and wishes to take the matter further.

### **Who is the Procedure for?**

The procedure is for everyone (parents, carers and members of the public) to use to raise informal and formal general comments or complaints with the school and the Governing Body. Complainants will be treated seriously and courteously and given the time they need to be heard. It is important that complainants have confidence in the procedure and know that their concerns and complaints will be investigated fully and impartially.

If a complainant needs some kind of support in order to raise a concern or complaint, then every effort should be made to ensure this is available to enable them to fully participate in the process. (This could include provision of a translation of the procedure, provision of an interpreter etc.)

This procedure does not cover complaints that relate to the matters outlined below, for which there are separate arrangements. Where a complaint is made and subsequently found to fall within the following

categories, it will be investigated in accordance with the appropriate procedures, and the complainant will be notified accordingly:

*Child protection issues; SEND and appeals to SEND tribunals; the curriculum, collective worship or RE; temporary disapplication of the National Curriculum; school admissions and admission appeals; staff disciplinary and grievance matters*

If the complaint is of a serious nature or if the school is unsure as to whether it should be dealt with under the general complaints procedure, they may seek advice from the Local Authority.

If at any point during the procedure it becomes apparent that the complaint is potentially a disciplinary matter relating to a member of staff, the procedure will be stopped and advice sought from the Local Authority. All appropriate and involved parties will be notified.

### **General Principles**

The procedure for handling complaints is intended to:-

- be easily accessible and well publicised
- be simple to understand and use
- encourage resolution of problems by informal means, wherever possible
- be impartial and non-adversarial
- allow swift handling with established time-limits for action and keeping people informed of the progress
- ensure a full and fair investigation
- respect individuals' desire for confidentiality
- address the key issues raised, provide an effective response and appropriate action
- be used by staff and governors consistently, appropriately and confidently.
- require written records of all meetings that take place in relation to both concerns and complaints
- provide information to the school's senior leadership team so that services can be improved

### **The Stages of the Complaints Process:**

The school Complaints Process has four defined stages:

- Stage 1:           The complaint is heard informally by a staff member (not the subject of the complaint)
- Stage 2:           The complaint is formally heard by the Executive Headteacher / Head of School. If the complaint is about the Executive Headteacher/Head of School, this should move directly to Stage 3
- Stage 3:           The complaint is formally heard by the Chair of Governors
- Stage 4:           The complaint is heard by a Governing Body's Complaints Panel

### **Dealing with Complaints – Initial Concerns:**

Schools need to be clear about the difference between a concern and a complaint. Taking informal concerns seriously at the earliest stage will reduce the numbers that develop into formal complaints. However, formal complaints should always follow the complaints procedure.

### **Resolving Complaints:**

At each stage in the procedure, all parties should keep in mind ways in which a complaint can be resolved. It would be useful if complainants state what actions they feel might resolve the problem at any stage.

This procedure will identify areas of agreement between the parties. 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.

### **Vexatious Complaints:**

There may 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 is able to inform them in writing that the procedure has been exhausted and that the matter is now closed.

Problems may arise where the complainants are unreasonable and are not seeking to have a situation remedied but instead are determined to extract retribution for some real or imagined wrong. Complainants will be advised in writing of the school policy for handling unreasonably persistent, harassing or abusive complainants.

### **Time-Limits:**

Complaints should to be considered, and resolved, as quickly and efficiently as possible. Complaints should therefore be raised within 3 months of the event taking place, except in exceptional and mitigating circumstances. However, where further investigations are necessary, new time limits can be set and the complainant sent details of the new deadlines and an explanation for any delay.

### **Standards for handling complaints:**

- We can receive complaints by letter or email, or alternatively if required during a face to face meeting
- You can expect to be treated with courtesy, respect and fairness at all times.
- We expect that you will also treat our staff dealing with your complaint with the same courtesy, respect and fairness
- We will treat your complaint in confidence within the school/LA
- We will deal with your complaint promptly.
- We will acknowledge receipt of a written complaint within five working days you can expect to have a full reply within 20 working days.
- We will not treat you less favourably than anyone else because of your:
  - sex or legal marital or same-sex partnership status: this includes family status, responsibility for dependants, and gender (including gender reassignment, whether proposed, commenced or completed)
  - sexual orientation
  - colour or race: this includes ethnic or national origin or nationality
  - disability
  - religious or political beliefs, or trade union affiliation
  - any other unjustifiable factors, for example language

### **Third Party Reporting:**

Complainants may wish to have a third party act on their behalf. A third party is any person or organisation acting on behalf of or making enquiries for the complainant. For example, third parties may include:

- advice organisations
- professionals such as social workers, community psychiatric nurses or doctors, solicitors
- family members or friends
- interpreters for second language
- interpreters for the deaf

Where a third party is helping a complainant with a particular complaint, we need written consent to that effect. Where we have this authority, we will endeavour to take all possible steps to keep the third party informed of progress on the complaint.

#### **Confidentiality:**

All complaints received will be dealt with confidentially and in accordance with the requirements of the Data Protection Act 1998, subject to the need to disclose information as required by statutory authorities, and/or as a result of statutory, legal or parliamentary obligations placed on the Commission.

## **Complaints Procedure**

### **1. Informal**

It is in everyone's interest that complaints are resolved at the earliest possible stage.

The experience of the first contact between the complainant and the school can be crucial in determining whether the complaint will escalate. Anyone, (parents, carers or members of the public), must feel able to raise a concern or make a comment about what goes on in school with members of staff, the Executive Headteacher, Head of School or other nominated senior member of staff, without formality. Informal complaints can be made in person, by telephone or in writing.

Most concerns, comments and complaints can usually be resolved informally by contacting the appropriate member of staff, the Executive Headteacher / Head of School or other nominated senior member of staff at the school, and do not develop into formal complaints. The ability to consider the complaint objectively and impartially is crucial.

Anyone who wishes to raise a concern should ask for an appointment to meet with an appropriate member of staff at an agreed time. At the meeting, the nature of the concern should be clarified and brief details recorded.

The parties involved should discuss and be encouraged to offer their view of what would be a realistic resolution to the problem.

If the member of staff first contacted cannot deal with the matter personally, he/she may need to refer the matter to a colleague. Before doing so, the nature of the concern should be clarified, details recorded (name of person, contact address or phone number, nature of concern, date when concern raised and date(s) of any relevant incident or event) and the person should be notified of the likely time-scale of a response.

If the matter cannot be resolved at this stage, and the person wishes to take the matter further, they should be given clear information about how to proceed with a formal complaint.

**At this stage, members of the Governing Body should not be approached in case they are needed at a later stage of the procedure.**

## **2. Formal Complaint heard by the Executive Headteacher / Head of School**

All formal complaints should be submitted to the Executive Headteacher / Head of School , unless the complaint is in respect of the Executive Headteacher / Head of School , in which case it should be submitted to the Chair of Governors (Stage 3).

All written complaints should be formally acknowledged within **five school days**, and a full written response should be sent within **twenty school days**. If this is not possible for any reason, i.e. the complaint is complex, the complainant should be notified of the delay, and reason in writing, and a new expected response date should be agreed.

If the matter cannot be resolved at this stage, and the complainant wishes to take the matter further, they should be given clear information about how to proceed with a formal complaint at Stage 3.

## **3. Formal Complaint heard by the Chair of Governors**

All formal complaints which remain unresolved following an investigation carried out by the Executive Headteacher / Head of School or are complaints about the Executive Headteacher / Head of School should be submitted to the Chair of Governors for further consideration.

All written complaints should be formally acknowledged within **five school days**, and a full written response should be sent within **twenty school days**. If this is not possible for any reason, i.e. the complaint is complex, the complainant should be notified of the delay, and reason in writing, and a new expected response date should be agreed.

If the matter cannot be resolved at this stage, and the complainant wishes to take the matter further, they should be given clear information about how to proceed with a formal complaint at Stage 4.

## **4. Hearing by Complaints Panel**

An issue that has not been resolved through informal and formal procedure (Stages 1, 2 and 3) will escalate to a full investigation by a Governing Body's Complaints Panel who will be charged with seeing the complaint through. The Education Act 2002 (Section 29) requires Governing Bodies to establish these procedures and hear complaints. This committee will be the last school-based stage of the Complaints Process.

The complainant should write to 'The Clerk to the Governing Body' (marking it 'private and confidential – complaint') giving details of the complaint and asking for it to be dealt with at Stage 4. The Clerk to the Governing Body or Chair of the Panel should write to the complainant within five school days of receipt and advise them of the name of the Governor who will chair the Stage 4 panel, and outline the timescales for the process. The Chair of the Panel will then convene a meeting of the Governing Body Complaints Panel, usually within 20 school days of receipt of the letter. If there is a longer delay (i.e. due to school holidays), the complainant needs to be informed and given an estimated date of when the committee will meet.

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.

It should be made clear who can attend the meeting and advise both the complainant and the person/people subject to the complaint that they may bring someone to support or represent them. The date, time and venue of the hearing, should be agreed to ensure that they are convenient and accessible to all parties.

The Chair should arrange for copies of all the relevant documentation to be sent to all people invited, ensuring that everyone has copies to read through at least 5 school days before the date of the meeting.

Should the complaint be lengthy, it is wise for the Chair to speak with the complainant prior to the meeting and identify “bullet point issues of complaint.” This should ensure that the relevant people attend the hearing.

It is recommended that the Panel meet prior to the hearing to agree any questions that they may have from the paperwork, and also to agree how questions will be raised during the hearing.

#### **Proceedings at the Meeting:**

1. The Chair of the Complaints Committee will introduce him/herself and ask the people present to introduce themselves. It needs to be made clear at the start of the meeting, who can be present for what part of the meeting. The Chair will then explain the purpose and format of the meeting and advise those present that at any time they can ask for a short break. It should be noted that complainants may feel uncomfortable speaking in front of a large number of people, and therefore it may be more productive for people to be invited into part of the hearing only.

2. The complainant will be asked to give a verbal statement in support of his/her written letter of complaint and why he/she feels that the issue has not been resolved. He/she will be permitted to call witnesses and to produce relevant documentation.

3. The person subject to the complaint will be given the opportunity to ask questions:

- of the complainant on the evidence given by him/her and
- of any of the witnesses the complainant has called on their evidence.

4. The Chair and other Complaints Panel members will take the opportunity to ask questions and seek clarification.

5. The person subject to the complaint will be given the right of reply, to state his/her case, to call witnesses and to produce relevant documentation.

6. The complainant will be given the opportunity to ask questions:

- of the person subject to the complaint on the evidence given by him/her
- of any of the witnesses the person subject to the complaint has called on their evidence.

7. The Chair and other Complaints Panel members will take the opportunity to ask any further questions they may have. When the Complaints Panel members understand all the issues, the Chair will ask all parties to leave, except the members and the clerk.

#### **After the meeting:**

The Complaints Panel members then discuss the issues in private and will need to consider the information, come to a decision and suggest a way to resolve the issue taking into account the best interests of the child or children.

When the Complaints Panel have reached a decision the Chair will inform everyone concerned in writing of its conclusion as soon as possible, but in any event, within 10 school days of the meeting.

**The decision of the Complaints Panel is final.** They will report their findings to the Governing Body ensuring that any issues coming out of the investigation are put into action.

Once a Complaints Panel has heard a complaint and it is clear that correct procedures have been followed, that specific complaint cannot be reopened or re-heard. **The matter will then be closed as far as the school is concerned.** The complainant should also be made aware that there is a right of appeal to the Local Authority if the complainant is still dissatisfied. If a request is received in this respect, the complainant should be advised that they should write to:

The School Complaints Unit (SCU) Sanctuary Buildings  
Department for Education  
2nd Floor, Piccadilly Gate  
Manchester  
M1 2WD

#### **What will the Department for Education do?**

If a complaint has exhausted the local procedures, The School Complaints Unit will examine if the complaints policy and any other relevant policies were followed; they will also determine whether the policies adhere to education legislation. The Schools Complaints Unit will not re-investigate the substance of the complaint. This remains the responsibility of schools.

If legislative or policy breaches are found, the Schools Complaints Unit will report them to the school and the complainant and, where necessary, require remedial action to be taken. Failure to carry out remedial actions could ultimately result in a formal Direction being issued by the Secretary of State.

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