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## School Complaints Procedure

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**Autumn 2017**

## **THE COMPLAINTS PROCEDURE**

### **STAGE 1 GUIDELINES FOR DEALING WITH CONCERNS**

- 1.1 The vast majority of concerns and complaints can be resolved informally. There are many occasions where concerns are resolved straight away through the class teacher or office staff or Headteacher, depending on whom the complainant first approached.
- 1.2 Complainants must feel able to raise concerns with members of staff without any formality, either in person, by telephone or in writing.
- 1.3 At first it may be unclear whether a complainant is asking a question or expressing an opinion rather than making a complaint. A complainant may want a preliminary discussion about an issue to help decide whether he or she wishes to take the issue further.

#### **A model procedure for schools to use at Stage 1**

- 1.4 Complainants may be offered an opportunity to discuss their concern with the appropriate member of staff designated to deal with the situation who will clarify with the complainant the nature of the concern, and reassure them that the school wants to hear about it. The member of staff may be able to explain to the complainant how the situation happened. It can be helpful to identify at this point what sort of outcome the complainant is looking for.
- 1.5 If the member of staff first contacted cannot immediately deal with the matter, s/he should make a clear note of the date, name, contact address or phone number and a brief note on the nature of the complaint.
- 1.6 All members of staff should know how to refer on a concern, if necessary, to the person with responsibility for the particular issue raised by the complainant. S/he should check later to make sure that the referral has been successful.
- 1.7 In smaller schools or on certain major issues, the Headteacher may decide to deal with concerns directly at this stage.
- 1.8 If the concern relates to the Headteacher, the complainant should be advised to contact the Chair of the Governing Body, giving them details of how to do so.
- 1.9 The staff member dealing with the concern should make sure that the complainant is clear what action (if any) or monitoring of the situation has been agreed, putting this in writing only if this seems the best way of making things clear. However, a note should be made of the action and retained.

- 1.10 Where no satisfactory solution has been found within a maximum of 15 school days, complainants should be asked if they wish their concern to be considered further. If they do then they should be given clear information, both orally and in writing, about how to proceed and about any independent advice available to them.

## **STAGE 2**

### **GUIDELINES FOR DEALING WITH COMPLAINTS**

- 2.1 At stage 2 it has become clear that the concern is a definite complaint. In some cases the Headteacher or senior member of staff will already have been involved in looking at the matter; in others it is his/her first involvement. In either case, it is helpful for the Headteacher (or the person delegated to investigate) to use guidelines to ensure consistency among cases, and to make sure that nothing happens at this stage which could make it difficult for later stages to proceed smoothly.
- 2.2 As Headteachers have responsibility for the day-to-day management of their schools, they also have responsibility for the implementation of a complaints procedure, including the decisions about their own involvement at various stages. One of the reasons for having various “stages” in a complaints procedure is to reassure complainants that their grievance may be heard by more than one person.

#### **A model procedure for school to use at Stage 2**

- 2.3 The Headteacher (or designate) acknowledges the complaint orally or in writing, within a maximum of 3 school days of receiving the complaint, confirming the exact nature of the complaint. The acknowledgement should give a brief explanation of the school’s complaint procedure and a target date for providing a response to the complaint. This could be within 15 school days, if this proves impossible, a letter should be sent explaining the reason for the delay and giving a revised target date for a response.
- 2.4 The Headteacher (or designate) provides an opportunity for the complainant to meet him/her to supplement any information provided previously. It should be made clear to the complainant that if s/he wishes, s/he may be accompanied to any meeting by a friend, relative, representative, or advocate who can speak on his or her behalf; and that interpreting facilities are available if needed.
- 2.5 If necessary, the Headteacher (or designate) could interview witnesses and take signed statements from witnesses and those involved. If the complaint concerns a pupil, the pupil identified should be interviewed. The pupil should preferably be interviewed with another member of staff present and in the case of a serious complaint with their parents present.
- 2.6 It is strongly advised that the Headteacher (or designate) should keep a written record of interviews, telephone conversations, and other documentation.

- 2.7 Once all the relevant facts have been established, the Headteacher (or designate) should then produce a written response to the complainant, or may wish to meet the complainant to discuss/resolve the matter directly.
- 2.8 A written response should include a full explanation of the decision and the reasons for it. Where appropriate, this should include what 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 Governing Body within a maximum of 10 school days of receiving the outcome letter.
- 2.9 If a complaint is against the action of a Headteacher, the Chair of the Governing Body should carry out all the Stage 2 procedures.

### **STAGE 3 RECONCILIATION STAGE**

This stage in the procedure can follow Stage 2 where the earlier stage has been investigated by a senior member of staff other than the Headteacher.

If the complainant is not content with the decision reached by the designate in response to their complaint they may then refer the matter to the Headteacher. An agreed period of time for this to take place could be established –within a maximum of 15 school days.

The Headteacher should endeavour to resolve any complaint referred to them at this stage and should seek to arrange a meeting with the complainant as soon as practical.

The meeting offers an opportunity to reassess all the issues, discuss any further findings from the Headteachers investigation, clarify the action to be taken by the school and allay the complainants worries in order to seek reconciliation.

Should the complainant still be dissatisfied then they should be directed to put their complaint in writing to the Chair of Governors.

### **STAGE 4 GUIDELINES FOR A COMMITTEE OF GOVERNORS DEALING WITH COMPLAINTS**

#### **A model procedure for review by the Governing Body**

- 3.1 Upon receipt of a written complaint appropriate to this stage of the procedure or where a complainant appeals against the decision of the Headteacher (Stage 2 of the procedure) within an agreed period, within a maximum of 15 school days of receipt of the decision letter, the Headteacher must notify the Chair of Governors so that a review can be instituted.

- 3.2 The Clerk to the Governing Body should write to the complainant to acknowledge the Chair of Governors has received a written request for a review. The letter could also explain that the complainant has the right to submit any further documents relevant to the complaint. These should be made available immediately so that they can be circulated to all committee members.
- 3.3 The committee of the Governing Body should set a timetable for the investigation and should communicate the timetable to the complainant.
- 3.4 The Clerk to the Governors should arrange to convene the Complaints Committee elected from members of the Governing Body. (It may be necessary for the Governing Body to appoint reserves to this committee to ensure that three governors are available to carry out their task within the set time).
- 3.5 The Complaints Committee members should be governors who have had no prior involvement with the complaint. If s/he has not previously been involved, the Chair of the Governing Body should chair the committee; otherwise the Vice-Chair should do so. **Generally it is not appropriate for the Headteacher to have a place on the committee.**
- 3.6 The Chair/Vice Chair should ensure that the complaint is heard by the committee within a maximum of 20 school days of receiving the letter. All relevant correspondence regarding the complaint must be made available to the committee members at least 5 days before the hearing.
- 3.7 The Chair/Vice-Chair should write and inform the complainant, Headteacher, any relevant witnesses, and members of the committee at least 5 school 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 and the complainant's right to submit further written evidence to the committee.
- 3.8 The Chair/Vice-Chair of the Governing Body should invite the Headteacher to attend the committee meeting and prepare a written report for the committee in response to the complaint. The Headteacher may also invite members of staff directly involved in matters raised by the complainant to respond in writing or in person to the complaint. Any relevant documents including the Headteacher's report should be received by all concerned – including the complainant – at least 5 school days prior to the meeting.
- 3.9 The involvement of staff other than the Headteacher is subject to the discretion of the Chair of the committee.
- 3.10 It is the responsibility of the Chair of the committee to ensure that the meeting is properly minuted.
- 3.11 The aim of the meeting should be to resolve the complaint and achieve a reconciliation between the school and the complainant. However, it has to

be recognised that sometimes it may only be possible to establish facts and make recommendations which will satisfy the complainant that his or her complaint has been taken seriously.

3.12 The committee should remember that many complainants are unused to dealing with groups of people in formal situations and may feel inhibited when speaking to the committee. It is therefore recommended that the Chair of the committee ensures that the proceedings are as informal as possible.

3.13 If either party should intend to introduce previously undisclosed evidence or witnesses, it is in the interests of natural justice to adjourn the meeting so that the other side has time to consider and respond to the new evidence.

3.14 The meeting should allow for

- the complainant to explain their complaint and the Headteacher to explain the school's response
- the Headteacher to question the complainant about the complaint and the complainant to question the Headteacher and/or other members of staff (if invited to be present by the Chair of the committee) about the school's response
- committee members to have an opportunity to question both the complainant and the Headteacher
- any party to have the right to call witnesses (subject to the approval of the Chair) and all parties having the right to question all the witnesses
- final statements by both the complainant and the Headteacher.

3.15 The Chair of the committee should explain to the complainant and the Headteacher that the committee will consider its decision, and a written decision will be sent to both parties within a maximum of 15 school days. The complainant, Headteacher, other members of staff and witnesses should then leave.

3.16 The committee should then consider the complaint and all the evidence presented and (a) reach a unanimous, or at least a majority, decision on the complaint and (b) decide upon the appropriate action to be taken to resolve the complaint and (c) where appropriate, suggest recommended changes to the school's systems or procedures to ensure that problems of a similar nature do not happen again.

3.17 A written statement outlining the decision of the committee must be sent to the complainant and Headteacher.

3.18 The chair should ensure that parents are aware that they can complain to the Ombudsman (in rare circumstances but particularly in relation to admissions)

or the Secretary of State for Education and Employment if they are unhappy with the outcome of the review.

3.19 The school should ensure that a copy of all correspondence and notes are kept on file in the school's records.

#### **Complaints concerning the teacher/s with responsibility for investigating Complaints**

Where a complaint concerns in whole or part the conduct of the teacher responsible for investigating complaints, the teacher should, on receipt of the formal complaint, immediately refer the matter to the Headteacher.

The Headteacher may either designate another member of staff to act as the teacher with responsibility for investigating the complaint, or s/he may her/himself deal with the complaint.

#### **Complaints concerning the Headteacher, a Governor or the Governing Body**

In these cases the Chair of the Governing Body must investigate the complaint.

The complainant can appeal against the decision of the Chair within a maximum of 15 school days of receipt of the decision letter. The Governing Body can either delegate the appeal to the complaints committee, or may, where they think it appropriate, appoint 3 other governors to form a complaints panel to investigate and make a recommendation by majority decision to the Governing Body.

#### **Complaints concerning the Chair of Governors**

A senior member of staff or Headteacher, upon receiving a formal complaint against the Chair, must notify the clerk, who must then table the complaint at an extraordinary meeting of the Governing Body. The Chair must withdraw from any discussion. The Governing Body will refer the matter to the Complaints Committee of the governing body.

#### **Withdrawal of Complaints**

Formal complaints may be withdrawn at any stage by notice in writing.

#### **Complaints by members of the Governing Body and pupils**

Governing Bodies shall establish such procedures, as they feel appropriate for dealing with complaints from members of the Governing Body and pupils.

A complaint by a governor may be discussed at a full meeting of the Governing Body.

A Governing Body can delegate the responsibility of managing complaints by pupils to the professionals. Pupils need to know clearly how they can register their complaint and they need assurance that it will be dealt with expediently.

#### **Complaints Procedure**

This should be publicised in the school prospectus and made widely known to parents e.g. induction meetings of new pupils, on the Schools website.

#### **Complaints Register**

A register of all formal complaints made under the complaints procedure should be maintained. The register should include the following:

- a) name and address of the complainant
- b) a brief description of the complaint
- c) a record of the time taken to resolve the matter
- d) the outcome of the complaint.

<b><u>Example Complaints Proforma</u></b>	
<b>Stage 2 Complaints</b>	
Date complaint referred to Headteacher	
Complainant acknowledged - orally/by letter and date	
School's complaint procedure forwarded	Yes/No
Target date for response	
General nature of complaint	
Date of meeting with complainant	
Others present	
Statements attached	Yes/No
Witnesses interviewed	
Pupils interviewed in presence of	
Date	
Records of correspondence/telephone calls etc. attached	Yes/No
Meeting date with complainant or date letter sent	
Written response attached	Yes/No
Complaint referred to governing body, date	



## **COMPLAINTS COMMITTEE**

### **Role**

The committee has the power to make decisions on behalf of the governing body and may

- uphold the complaint
- uphold it in part, or
- dismiss it

Where the issue under consideration does not fall within the remit of the committee, the members may still wish to make recommendations. A Complaints Committee should be appointed at the Governing Body meeting in the Autumn Term. The composition of this Committee should be considered carefully. Dealing with any complaints that reach this stage is likely to be challenging but careful planning early on can avoid unnecessary complications. Consider the following:

### **Membership**

The most important point to remember is that any Complaint Committee members should not have had previous significant involvement with the complaint under review.

For example, it would be better as a principle not to appoint

- a parent governor who potentially is likely to have significant involvement because of regular visits to the school site or a teacher governor.

Whoever is appointed should be prepared to attend any meeting at short notice.

It is suggested that three governors (excluding the Headteacher) form the Complaints Committee. Substitutes should be appointed to take the place of any committee member who might be unavailable. The minutes of the Autumn Term governors' meeting should show exactly who should be called for a meeting and in what order.

### **Chair**

Where possible the Governing Body should appoint a Chair for the Complaints Committee at the same time as they decide on the membership of the committee. This avoids uncertainty all round and allows the Chair of the committee to take control of the situation before the meeting as well as during and after it. This is essential for a successful outcome. Previous experience of chairing a meeting is preferable. Governors should be aware that these meetings can be difficult and that the unexpected frequently occurs.

### **Clerk**

The clerk should draw up the agenda and make all the necessary arrangements for the meeting.

## **COMPLAINTS COMMITTEE MEETING**

### **Before a meeting**

A copy of the agenda, the complaint, and any written response from the Headteacher should be sent to Complaints Committee members and the Chair of Governors at least five school days before the meeting. Each member must immediately read the papers to check that they have no significant involvement with the case under consideration, but should not discuss it with anyone else. If they need to withdraw from the committee the clerk should organise a substitute. It is essential to withdraw at this stage so that a substitute can be arranged.

### **Practical arrangements**

The tone of the meeting is often set by what happens when the complainant first arrives. Therefore it is worth the Chair considering the following:

*What time will participants be asked to arrive?*

*Who will greet participants when they arrive?*

*Will anyone wait with them?*

*Where will other people wait? (Separate places for complainants and school representatives may be advisable).*

*Will there be any refreshments provided?*

*Where will the meeting take place?*

*How will the meeting room be arranged? (Small informal arrangements are usually best)*

*What route will the complainant and school representatives take to the meeting room?*

### **The meeting**

The same rules apply as for other committee meetings of governors. For example, governors are not bound to accept tabled papers and may adjourn if they feel that they need time to consider an unexpected issue, including procedural issues.

### **Chair's role**

#### **During the meeting**

- Take control of the meeting with confidence; use their judgement to move the meeting on when necessary and aim towards a resolution by coming to a conclusion on the written and oral evidence presented at the meeting.
- Convey to all concerned that as Chair you are acting impartially by treating all participants even handedly.
- The complainant and the Headteacher (with their friends/advocates) should be invited in and asked to leave together.
- At the discretion of the Chair witnesses should be invited to join the meeting when their input is required and to leave immediately afterwards
- It is not appropriate for a child/pupil to attend.
- Having ascertained the names of all those waiting outside the meeting room, start the meeting by agreeing with the committee who should be invited in to - 15 -

speak to the committee and in what order; at no time should the complainant, Headteacher or a witness be able to talk to committee members without both the complainant and Headteacher being present; these arrangements may have to be modified if one or more of the parties have absented themselves from the meeting.

- If witnesses are waiting, the Chair should try to ensure that they are called in due course if required or sent home early if it becomes apparent that they will not be seen.
- Once the main participants have joined the meeting, explain the proceedings.
- Begin to hear the complaint being firm about keeping to the agenda and reminding participants as necessary about the procedure, e.g. if interruptions occur.
- Bear in mind that all participants will be under stress; be even-handed in the treatment of all participants.

### Explaining the proceedings

- Introduce the people round the table.
- Explain that the agenda will be followed.
- Run down the items briefly and let the participants know if they will be able to hear the decision at the end of the meeting.
- If the complaint is complex and there are some aspects of it that fall outside the committee's remit, clarify this and explain exactly which aspects of the complaint can be addressed by the committee; later, advise the complainant as to how best to follow up any complaint that could not be dealt with by the committee. Alternatively, the committee may wish to consider making representations to the responsible authority for those areas that fall outside its remit.
- Make it clear that although the meeting will be as informal as possible, it is intended to keep to the agenda to allow everyone to have a fair hearing.
- Explain that the complainant will speak without interruption and then allow the Headteacher and complaints committee members to ask any questions to clarify any issues raised; then the Headteacher's response will be heard, again without interruption and there will be an opportunity for the committee and the complainant to ask any questions about what has been said and so on.
- Indicate any time limits to adhere to.

### Concluding the discussion

- It is important that all the participants feel that they have had every opportunity to be heard but if they are beginning to repeat themselves at the "further questions or points" stage, move the meeting on by proceeding to the summing up. The complainant and Headteacher should then be invited to sum up if they wish but if the issues are clear, formal summing up may not seem to be appropriate.
- Confirm the arrangements for the participants to receive the decision of the meeting.
- Write down the decision of the committee so this can be accurately recorded in the minutes.
- If the participants are invited back to hear the decision, make it clear to all parties that no further discussion is possible. - 16 -

The decision letter and minutes

- The clerk to the Complaints Committee should send a copy of the decision letter to the complainant, Headteacher and Chair of Governors.
- The clerk to the complaints committee should write the minutes and send them to the governing body clerk for distribution to the rest of the governing body; the minutes should record the procedure followed, the decision reached and any recommendations made.
- It is usual for all documents relating to a complaint to be kept confidential.

After the meeting

The chair of the committee should receive a copy of the minutes for confirmation

**GENERAL INFORMATION**  
**FORMAL COMPLAINT TO A SCHOOL'S GOVERNING BODY:**  
**MODEL AGENDA**

1. Apologies.
2. To consider members' declaration of interests, entitlement to vote and any requirements to withdraw from the meeting.
3. To confirm the order of the procedure.
4. To agree whether the decision should be conveyed orally to all parties at the end of the meeting (as well as in writing afterwards).
5. Invitation to complainant and Headteacher to join meeting and introduction to governors.
6. Introduction and explanation of procedure.
7. To note the role of the clerk at the meeting.
8. Complainant's presentation and witnesses and questions to both by Headteacher and/or governors.
9. Headteacher's response and witnesses and questions to both by complainant and/or governors.
10. Any further questions or points from any of the parties.
11. Opportunity for summing up by Headteacher.
12. Opportunity for summing up by complainant.
13. Summing up by the Chair.
14. Complainant and Headteacher leave meeting.
15. To decide on the complaint. The committee can
  - uphold the complaint in full
  - uphold it in part, or
  - dismiss it.
16. To consider whether and how to refer issues of principle or general practice to another forum, such as the governing body, or to an individual such as the Headteacher.
17. To inform the complainant and the Headteacher of the governing body's decision and further rights of representation (if agreed at 4 above).
18. Confidentiality: to consider whether any items are confidential and should therefore not be available to persons wishing to inspect governing body papers.

**CONCERNS AND COMPLAINTS ABOUT SCHOOLS**  
**SUGGESTED GUIDANCE NOTES THAT CAN BE USED FOR PARENTS**

**If you have a concern or complaint**

We would like you to tell us about it. We welcome suggestions for improving our work in the school. Be assured that no matter what you wish to tell us, our support and respect for you and your child in the school will not be affected in any way. Please tell us of your concern as soon as possible. It is difficult for us to investigate properly an incident or problem which has happened some time ago.

**What to do first**

If primary school:

Most concerns can be sorted out quickly by speaking with your child's class teacher.

If secondary school:

Most concerns can be sorted out quickly by speaking with your child's form tutor or head of year. Any teacher or the office staff can help you find the right member of staff. If you have a concern which you feel should be looked at by the Headteacher in the first instance you can contact him/her straightaway if you prefer. It is usually best to discuss the problem face to face. You may need an appointment to do this, and can make one by ringing or calling in to the school office. You can take a friend or relation to the appointment with you if you would like to so that they can support you.

All staff will make every effort to resolve your problem informally. They will make sure that they understand what you feel went wrong, and they will explain their own actions to you. They will ask what you would like the school to do to put things right. Of course, this does not mean that in every case they will come round to your point of view but it will help both you and the school to understand both sides of the question. It may also help to prevent a similar problem arising again.

**What to do next**

If you are dissatisfied with the teacher's response (or with the Headteacher's initial reaction if he/she has already been involved) you can make a complaint to the Headteacher.

If your complaint is about an action of the Headteacher personally, then you should refer it to the Chair of Governors. His/Her details will probably be available on the School Website.

You may also find it helpful at this stage to have a copy of the full statement of the General Complaints Procedure as this explains in detail what procedures are followed. This is available from the school office.

The Headteacher will ask to meet you for a discussion of the problem. Again you may take a friend or someone else with you if you wish. The Headteacher will conduct a full investigation of the complaint and may interview any members of staff or pupils involved. You will receive a written response to your complaint.

### **If you are still unhappy**

The problem will normally be solved by this stage. However, if you are still not satisfied you may wish to contact the Chair of the Governing Body to ask for referral of your complaint to the Complaints Committee of the governing body. It will then be heard by a group of three governors who have no previous knowledge of the problem and so will be able to give it a fresh assessment. You will be invited to attend and speak to the committee at a meeting which the Headteacher will also attend. The General Complaints Procedure statement explains how these meetings operate.

### **Further action**

Complaints about school problems are almost always settled within schools but in exceptional cases can be referred to the Secretary of State for Education if it is not resolved during stages one to four. It may be possible to refer the problem to an outside body such as the Ombudsman (for example if the complaint relates to admissions).

**Independent Advice Contacts – The names of these Associations can be passed onto Parents who may find them useful in helping them with issues relating to their child:**

**Wirral Parent Partnership** is an impartial information, support and advice service for parents/carers of children with special educational needs and/or disabilities and also for professionals working to support those needs. Through a variety of means Wirral Parent Partnership Service works closely with parents/carers, schools, the Local Authority, local support services and voluntary organisations to increase parental understanding of special educational needs to enable parents/carers to become more involved in their children's educational development.

**WIRED (Parent Partnership) may be able to help a parent if:**

- You think your child needs extra help at school.
- Your child is at risk of exclusion due to his/her behaviour.
- She/he has a Statement of Educational Needs.
- You would like your child's needs to be formally assessed.
- You are attending a school meeting.
- You need help with understanding or completing paperwork

**WIRED ADDRESS**

Wirral Parent Partnership Wirral Business Park Arrowe Brook Road Upton, Wirral, CH49 1SX  
 Tel: 0151 670 1500 Fax: 0151 670 1600

**Tel:** 0844 880 1500 **Fax:** 0151 670 1600 **Email:** [ppadmin@wired.me.uk](mailto:ppadmin@wired.me.uk)

After all attempts and avenues have been exhausted you have the right to contact the Education Funding Agency (EFA) via the Department for Education to have the matter reviewed. They have guidelines which they follow as to whether they can investigate a complaint further, they can be contacted at:

Department for Education

Castle View House

East Lane

Runcorn

Cheshire

WA7 2GJ

Website [www.education.gov.uk](http://www.education.gov.uk)

**Child Protection** – If there is a complaint received from a pupil, parent, carer regarding a School Employee then contact Local Area Designated Officer immediately on 666 4582