



# General Complaints Procedure

The school operates a 5 stage process:-

### **Stage One: First Contact**

- 1.1 Parents/Guardians have an opportunity to discuss their concern with the appropriate member of staff who clarifies with the parent the nature of the concern, and reassures them that the school wants to hear about it. The member of staff may explain to the parent/guardian what happened concerning the situation. It can be helpful to identify at this point what sort of outcome the parent is looking for.
- 1.2 If the staff member who was initially contacted/in contact cannot immediately deal with the matter, s/he makes a clear note of the date, name, contact address or telephone number.
- 1.3 Any member of staff will know how to refer, if necessary, to the person with responsibility for the particular issues raised by the parent. S/he will check later to make sure the referral has been successful.
- 1.4 If the concern relates to the Headteacher, the parent is advised to contact the Chair of the Governing Body.
- 1.5 The staff member dealing with the concern makes sure that the parent 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.
- 1.6 Where no satisfactory solution has been found within 10 days, parents may wish to take their concern to be considered further. If so, they are given clear information, both orally and in writing, about how to proceed and about any independent advice available to them.

### **Stage Two: Referral to the Headteacher for Investigation**

- 2.1 The Headteacher (or designate) acknowledges the complaint orally or in writing within 3 working days of receiving the written complaint. The acknowledgement gives a brief explanation of the school's complaints procedure and a target date for providing a response to the complaint. This should normally be within 10 working days; if this proves impossible, a letter is sent explaining the reason for the delay and giving a revised target date.
- 2.2 The Headteacher (or designate) provides an opportunity for the complainant to meet him/her to supplement any information provided previously. It is 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.

- 2.3 If necessary, the Headteacher (or designate) should interview witnesses and take statements from those involved. If the complaint centres around a pupil, the pupil should also be interviewed. Pupils would normally be interviewed with parents/guardians present. In some situations, circumstances may prevent this, e.g. where this would seriously delay the investigation of a serious/urgent complaint or where particular circumstances mean that a pupil has specifically said s/he would prefer that parents or guardians were not involved. In such circumstances another member of staff with whom the pupil feels comfortable should be asked to attend. If a member of staff is complained against, the needs of that person should be borne in mind.
- 2.4 The Headteacher (or designate) keeps written records of meetings, telephone conversations and other documentation.
- 2.5 Once all the relevant facts have been established, the Headteacher (or designate) should then produce a written response to the complaint, or may wish to meet the complainant to discuss/resolve the matter directly.
- 2.6 A written response includes a full explanation of the decision and the reasons for it. Where appropriate, this includes what action the school will take to resolve the complaint. The complainant is advised that should she/he wish to take the complaint further he/she should notify the Chair of the Governing Body within five weeks of receiving the outcome letter.
- 2.7 If a complaint is against the action of a Headteacher, or if the Headteacher has been very closely involved at Stage One, the Chair of the Governing Body should carry out all the Stage Two procedures.

### **Stage Three: Review by the Governing Body**

- 3.1 Upon receipt of a written request by the complainant for the complaint to proceed to Stage Three the procedures outlined below should be followed:-
- 3.2 The Clerk to the Governing Body should write to the complainant to acknowledge receipt of the written request. The acknowledgement should inform the complainant that the complaint is to be heard by a panel made up of 2 members of the Governing Body and one person who will be independent of the management and running of the school within 20 working days of receiving the complaint. The letter should also explain that the complainant has the right to submit any further documents relevant to the complaint. These must be received in time for the documents to be sent to the panel.
- 3.3 The Clerk to the Governors will arrange to convene a Governors' Complaints Panel elected from members of the Governing Body and an independent person.

- 3.4 The Panel 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 Panel; otherwise the Vice Chair should do it. Generally it is not appropriate for the Headteacher to have a place on the Panel.
- 3.5 The Chair/Vice Chair will ensure that the complaint is heard by the Panel within 20 working days of receiving the letter in 3.2. All relevant correspondence regarding the complaints should be given to each Panel member as soon as the composition of the Panel is confirmed. If the correspondence is extensive, the Chair of the Panel should prepare a thorough summary for sending to Panel members.
- 3.6 The Chair/Vice Chair will write and inform the: complainant, Headteacher, any relevant witnesses, and members of the Panel at least 5 working days in advance, of the date, time and place of the meeting. The notification to the complainant should also inform him/her of the right to be accompanied to the meeting by a friend/advocate/interpreter. The letter will also explain how the meeting will be conducted and the complainant's right to submit further written evidence to the Panel.
- 3.7 The Chair/Vice Chair of the Governing Body should invite the Headteacher to attend the Panel meeting and prepare a written report for the Panel 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 working days prior to the meeting.
- 3.8 The involvement of staff other than the Headteacher is subject to the discretion of the Chair of the Panel.
- 3.9 It is the responsibility of the Chair of the Panel to ensure that the meeting is properly minuted.
- 3.10 The aim of the meeting should be to resolve the complaint and achieve 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 at least been taken seriously.
- 3.11 The Panel should remember that many parents are unused to dealing with groups of people in formal situations and may feel inhibited when speaking to the Panel. It is therefore recommended that the Chair of the Panel ensures that the proceedings are as informal as possible.

- 3.12 If either party wishes 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.
- 3.13 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 about the school's response.
  - Panel 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.
- 3.14 The Chair of the Panel will explain to the complainant and the Headteacher that the Panel will now consider its decision, and a written decision will be sent to both parties within 15 working days. The complainant, Headteacher, other members of staff and witnesses will then leave.
- 3.15 The Panel will then consider the complaint and all the evidence presented and either:
- (a) reach a unanimous, or at least a majority decision on the complaint
  - or
  - (b) decide upon the appropriate action to be taken to resolve the complaint
  - or
  - (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.
- 3.16 A written statement outlining the decision of the Panel must be sent to the complainant and Headteacher. The letter to the complainant should explain whether a further appeal can be made, and if so, to whom.
- 3.17 The school should ensure that a copy of all correspondence and notes are kept on file in the school's records. These records should be kept separately from the pupil's personal records.

#### **Stage Four: L.E.A. Involvement**

- 4.1 If a complainant wishes to go beyond the governors' complaints panel, then he/she should contact the L.E.A. who may agree to arbitrate.

**Stage 5: Beyond the L.E.A.**

**5.1 The Secretary of State:**

Complaints can be taken to the Secretary of State for Education and Employment under Section 496 of the Education Act 1996, on the ground that a Governing Body or L.E.A. is acting or proposing to act unreasonably, or under Section 497 of the same Act, on the grounds that either the governing Body or the L.E.A. has failed to discharge it's duties under the Act. The Secretary of State may contact the Governing Body or the L.E.A. for more information in order to consider the complaint. These powers relate to County Schools and Voluntary Schools and Grant-Maintained Schools and City Technology Colleges.

**5.2 The Local Government Ombudsman:**

Complaints about the mal-administration of Local Authority Services, including the way it operates any general school complaints procedure, could be made to the Ombudsman. However, the Ombudsman does not look at internal school management matters and usually expects that thorough attention has been given to a complaint locally before investigation by the Ombudsman.

**REVIEWED: March 2018**