

Complaint Policy

Purpose

To deal with complaints against the school as required by section 29 of the Education Act 2002. The documents 'Best Practice Advice for School Complaints Procedure 2016: Department advice for maintained schools, maintained nursery schools and local authorities (DfE, 2016)' has been taken into consideration.

Scope

This policy will relate to the actions of staff and application of school procedures where they affect individual pupils, except where matters are subject to separate procedures e.g. curriculum, exclusions, admissions etc.

'Any person, including members of the general public, may make a complaint about any provision of facilities or services that a school provides, unless separate statutory procedures apply (such as exclusions or admissions). Schools must not limit complaints to parents or carers of children that are register at the school' (DfE). See Appendix 1

This policy should be read alongside the school's policy on Unreasonable Complaints.

General Principles

- An anonymous complaint will not be investigated under this procedure unless there are exceptional circumstances
- To allow for a proper investigation, complaints should be brought to the attention of the school as soon as possible. Any matter raised more than three months after the event will not be considered unless there are exceptional circumstances
- Investigation of any complaint will begin within five school days of receipt of the complaint, except in exceptional circumstances. The investigation will be completed as soon as reasonably practicable.

Complaining about the actions of a member of staff other than the headteacher

Informal stage

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. Many concerns can be resolved by simple clarification or the provision of information and it is anticipated that most complaints will be resolved by this informal stage.

In the case of serious concerns it may be appropriate to address them directly to the Headteacher. An unreasonable refusal to attempt an informal resolution may result in the procedure being terminated forthwith and any dispute in relation to the "reasonableness" may be determined through the review process.

Stephen Hawking School Complaint Policy

Formal Stage

If the complaint is not resolved at the informal stage the complainant must put the complaint in writing and pass it to the Headteacher, who will be responsible for its investigation.

The complainant should include details which might assist the investigation, such as names of potential witnesses, dates and times of events, and copies of relevant documents. In addition the Headteacher may meet with the complainant to clarify the complaint.

The Headteacher will collect such other evidence as he/she deems necessary. Where this involves an interview with a member of staff, who is the subject of the complaint, that member of staff may be accompanied by a friend or representative if they wish.

The investigation will begin as soon as possible and when it has been concluded, the complainant, and the member of staff concerned, will be informed in writing of the outcome. This may be to the effect that:

- There is insufficient evidence to reach a conclusion, so the complaint cannot be upheld
- The concern is not substantiated by the evidence
- The concern was substantiated in part or in full. Some details may then be given of action the school may be taking to review procedures etc. but details of the investigation or of any disciplinary procedures will not be released
- The matter has been fully investigated and that appropriate procedures are being followed, which are strictly confidential (e.g. where staff disciplinary procedures are being followed)

The complainant will be told that consideration of their complaint by the headteacher is now concluded.

If the complainant is not satisfied with the manner in which the process has been followed, the complainant may request that the Governing Body review the process followed by the Headteacher in handling the complaint.

Any such request must be made in writing within two weeks of receiving notice of the outcome from the Headteacher and include a statement specifying any perceived failures to follow the procedure.

The procedure described in the Appeal Section will be followed.

If the complainant considers that the decision of the Headteacher is perverse, or that the Headteacher has acted unreasonably in considering the complaint, then the complainant may bring a complaint against the Headteacher under part B of this procedure. This will provide an opportunity for the evidence to support such a complaint to be investigated.

Complaining about the actions of the headteacher

Informal stage

The complainant is usually expected to arrange to speak directly with the headteacher. In the case of serious concerns it may be appropriate to raise them directly with the Chair of the Governing Body. Many concerns can be resolved by simple clarification or the provision of information.

If the matter is not resolved, if both parties agree, a third party may be invited to act as a mediator at a further meeting. A refusal, unreasonably, to attempt an informal resolution may result in the procedure being terminated forthwith.

Formal Stage

If the complaint is not resolved at the informal stage the complainant must put the complaint in writing and pass it to the Chair of the Governing Body who will determine which of the agreed procedures to invoke. If it is determined that the complaint is "General", the Chair will arrange for its investigation.

The complainant should include details which might assist the investigation, such as names of potential witnesses, dates and times of events, copies of relevant documents etc. In addition, the complainant will be invited to meet with the Chair to present oral evidence or to clarify the complaint.

The Chair will collect such other evidence as is deemed necessary. This may include the interviewing of witnesses and others who may provide relevant information.

The Headteacher will be provided with a copy of the complaint and any additional evidence presented by the complainant or collected by the Chair. Once there has been an opportunity for the Headteacher to consider this, he will be invited to meet separately with the Chair in order to present written and oral evidence in response. The Headteacher may be accompanied at this meeting by a friend or representative.

When the investigation has been concluded, the complainant and the Headteacher will be informed in writing of the outcome. The complainant will not be informed of any disciplinary/capability action. The complainant will be told that consideration of their complaint by the Chair is now concluded.

If the complainant is not satisfied with the manner in which the process has been followed, or considers that the decision of the Chair is perverse, or that the Chair has acted unreasonably in considering the complaint, then the complainant may request that the Governing Body review the handling of the complaint by the Chair.

Any such request must be made in writing within two weeks of receiving notice of the outcome from the Chair and include a statement specifying any perceived failures.

Appeal process

Stephen Hawking School Complaint Policy

Any review of the process followed by the Headteacher or the Chair shall be conducted by a panel of three members of the Governing Body.

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

The panel will first receive written evidence from the complainant. The panel will then invite the Headteacher or the Chair, as appropriate, to make a response to the complaint.

The panel may also have access to the records kept of the process followed.

Appeals will related specifically to the procedures followed and not to the decision of the headteacher or Chair of Governors

The complainant, and the Headteacher or the Chair, as appropriate, will be informed in writing of the outcome. This may be to the effect that:

- There is insufficient evidence to reach a conclusion, so the complaint cannot be upheld
- The concern is not substantiated by the evidence
- The concern was substantiated in part or in full but that the procedural failure did not affect the outcome significantly so the matter is now closed
- The concern was substantiated in part or in full and the Governing Body will take steps to prevent a recurrence or to rectify the situation (where this is practicable)

Notes

The complainant is not entitled access to any details of the investigation except for any statements that may have been provided by their child. Any information relating to the application of disciplinary procedures is strictly confidential. If a complainant believes that the Governing Body has acted illegally or arbitrarily in handling the complaint, then the complainant may make representations to the Department of Education (DfE) (Appendix 2).

At any point in these proceedings the headteacher or Chair of Governors may ask an independent person to complete / review the investigation

Appendices

Appendix 1 – Complaints not in the scope of the school's complaints policy

Appendix 2 – the role of the school complaint unit

Appendix 3 – Roles and responsibilities

Stephen Hawking School Complaint Policy

Please complete this form and return it to the Headteacher / Clerk to Governing Body, who will acknowledge its receipt and inform you of the next stage in the procedure.

Your name:

Relationship with school (e.g. parent of a pupil on the school's roll):
.....

Pupil's name (if relevant to your complaint):
.....

Your Address:

Daytime telephone number:

Evening telephone number:

Please give concise details of your complaint, including dates, names of witnesses etc., to allow the matter to be fully investigated:

You may continue on separate paper, or attach additional paperwork, if you wish.

Number of additional pages attached =

Stephen Hawking School Complaint Policy

What action, if any, have you already taken to try to resolve your complaint? (i.e. who have you spoken with or written to and what was the outcome?)

What actions do you feel might resolve the problem at this stage?

Signature:

Date:

School use

Date form received:

Received by:

Date acknowledgement sent:

Acknowledgement sent by:

Complaint referred to:			
Date:			

Appendix 1 - Complaints not in the scope of the school's complaints policy

Stephen Hawking School Complaint Policy

A complaints procedure should cover all complaints about any provision of facilities or services that a school provides with the **exceptions** listed below, for which there are separate (statutory) procedures.

Exceptions	Who to contact
<ul style="list-style-type: none">• Admissions to schools• Statutory assessments of Special Educational Needs (SEN)• School re-organisation proposals• Matters likely to require a Child Protection Investigation	Concerns should be raised directly with the local authority (LA).
<ul style="list-style-type: none">• Exclusion of children from school	Further information about raising concerns about exclusion can be found at: www.gov.uk/school-discipline-exclusions/exclusions .
<ul style="list-style-type: none">• Whistleblowing	The school has an internal whistleblowing procedure for employees and voluntary staff. Other concerns can be raised directly with Ofsted by telephone on: 0300 123 3155, via email at: whistleblowing@ofsted.gov.uk or by writing to: WBHL, Ofsted Piccadilly Gate Store Street Manchester M1 2WD. The Department for Education is also a prescribed body for whistleblowing in education.
<ul style="list-style-type: none">• Staff grievances and disciplinary procedures	These matters will invoke the school's internal grievance procedures. Complainants will not be informed of the outcome of any investigation.
<ul style="list-style-type: none">• Complaints about services provided by other providers who may use school premises or facilities.	Providers should have their own complaints procedure to deal with complaints about service. They should be contacted directly.

Appendix 2 – The role of the DfE

If a complaint has completed the local procedures and the complainant remains dissatisfied, they have the right to refer their complaint to the Secretary of State. The

Stephen Hawking School Complaint Policy

Secretary of State has a duty to consider all complaints raised but will only intervene where the governing body has acted unlawfully or unreasonably and where it is expedient or practical to do so.

The DfE considers complaints relating to LA maintained schools in England on behalf of the Secretary of State. The DfE will look at whether the complaints policy and any other relevant statutory policies were adhered to. The DfE also looks at whether statutory policies adhere to education legislation. However, the DfE will not normally re-investigate the substance of the complaint. This remains the responsibility of schools.

The DfE will not overturn a school's decision about a complaint except in exceptional circumstances where it is clear the school has acted unlawfully or unreasonably. If the DfE finds that the school has not handled a complaint in accordance with its procedure, we may request that the complaint is looked at again.

If legislative or policy breaches are found, the DfE will report them to the school and the complainant, and where necessary, ask for corrective action to be taken. The DfE normally also seeks written assurances as to future conduct. Failure to carry out remedial actions or provide written assurances could ultimately result in a formal Direction being issued by the Secretary of State in accordance with their powers under sections 496 and 497 of the Education Act 1996.

Schools may wish to contact the DfE for advice on whether they have acted reasonably; for example: in closing down a complaint from a serial complainant before the local procedure has been completed. However, the DfE will not be able to advise on how to resolve the complaint.

Further information can be obtained from the DfE's website:
www.gov.uk/complain-about-school/state-schools

Appendix 3 - Roles and responsibilities

The Complainant

The complainant or person who makes the complaint will receive a more effective response to the complaint if he/she:-

Stephen Hawking School Complaint Policy

- co-operates with the school in seeking a solution to the complaint;
- expresses the complaint in full as early as possible;
- responds promptly to requests for information or meetings or in agreeing the details of the complaint;
- asks for assistance as needed;
- treats all those involved in the complaint with respect.

The Complaints Co-ordinator (or headteacher)

The complaints co-ordinator should:-

- ensure that the complainant is fully updated at each stage of the procedure;
- ensure that all people involved in the complaint procedure will be aware of the legislation around complaints including the Equality Act 2010, Data Protection Act 1998 and Freedom of Information Act 2000;
- liaise with staff members, headteacher, Chair of Governors and Clerk to ensure the smooth running of the complaints procedure;
- keep records;
- be aware of issues regarding:-
 - sharing third party information;
 - additional support - this may be needed by complainants when making a complaint including interpretation support.

The Investigator

The Investigator is the person involved in Stages 1 and 2 of the procedure. The Investigator's role can include:-

- providing a comprehensive, open, transparent and fair consideration of the complaint through:-
 - sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved;
 - consideration of records and other relevant information;
 - interviewing staff and children/young people and other people relevant to the complaint;
 - analysing information;
- effectively liaising with the complainant and the complaints co-ordinator as appropriate to clarify what the complainant feels would put things right;
- identifying solutions and recommending courses of action to resolve problems;
- being mindful of the timescales to respond; and
- responding to the complainant in plain and clear language.

The person investigating the complaint should make sure that they:

- conduct interviews with an open mind and be prepared to persist in the questioning;
- keep notes of interviews or arrange for an independent note taker to record minutes of the meeting.

The Panel Clerk (this could be Clerk to the Governors or the Complaints Coordinator)

The Clerk is the contact point for the complainant for the panel meeting and is expected 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;

Stephen Hawking School Complaint Policy

- 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;
- circulate the minutes of the panel hearing;
- notify all parties of the panel's decision;
- liaise with the complaints co-ordinator.

The Panel Chair

The Panel Chair has a key role in ensuring that:-

- the meeting is minuted;
- the remit of the panel is explained to the complainant and both they and the school have the opportunity of putting their case without undue interruption;
- the issues are addressed;
- key findings of fact are made;
- parents/carers and others who may not be used to speaking at such a hearing are put at ease – this is particularly important if the complainant is a child/young person;
- the hearing is conducted in an informal manner with everyone treated with respect and courtesy;
- the layout of the room will set the tone – care is needed to ensure the setting is informal and not adversarial;
- the panel is open-minded and acts independently;
- no member of the panel has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure;
- both the complainant and the school are given the opportunity to state their case and seek clarity;
- written material is seen by everyone in attendance – if a new issue arises it would be useful to give everyone the opportunity to consider and comment upon it; this may require a short adjournment of the hearing;
- liaise with the Clerk and complaints co-ordinator.

Panel Member

Panellists will need to be aware that:-

- it is important that the review panel 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.
- the aim of the hearing, which will be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant;

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

Many complainants will feel nervous and inhibited in a formal setting and parents/carers often feel emotional when discussing an issue that affects their child. Therefore, the panel chair will ensure that the proceedings are as

Stephen Hawking School Complaint Policy

welcoming as possible, taking extra care when the complainant is a child/young person and present during all or part of the hearing;

Careful consideration of the atmosphere and proceedings will ensure that the child/young person does not feel intimidated. The panel should respect the views of the child/young person and give them equal consideration to those of adults.

If the child/young person is the complainant, the panel should ask in advance if any support is needed to help them present their complaint. Where the child/young person's parent is the complainant, the panel should give the parent the opportunity to say which parts of the hearing, if any, the child/young person needs to attend.

The parent should be advised however that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting which the panel considers not to be in the child/young person's best interests.

The welfare of the child/young person is paramount.