

Rokesly Junior School Complaints Procedure



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Persons Responsible for Review: Headteacher

Complaints procedure

Introduction

Governing bodies are required by law to have a procedure in place to deal with complaints relating to aspects of the school or the provision of facilities or certain services at the school. The law requires that this procedure must be publicised. Our procedure is based on section 29 of the 2002 Education Act and guidelines provided by the Schools Complaints Toolkit published by the DfE in August 2014 and modified in light of their August 2015 update.

Contents

1	General principles and exceptions	2
2	When does a concern become a complaint?	2
3	Raising a concern or complaint	2
4	Special Circumstances	3
5	Stage 1: informal resolution of a concern	3
6	Stage 2: investigation by the HT/CG	4
7	Stage 3: consideration by the Governing Body	5
8	The Panel Meeting	7
9	Closure of complaints	7
10	Appeals to the Secretary of State for Education	8
11	Review	9
12	Glossary	9
	Appendix 1: Formal complaint form	10
	Appendix 2: Complaint appeal form	11

1 General principles and exceptions

At Rokesly we strive to maintain good relationships with all our parents and others involved in the school and where concerns do arise, our aim is to resolve them as soon as we possibly can. This procedure is intended to facilitate smooth resolution of concerns and complaints relating to the school or the services provided.

- 1.1 To enable a proper investigation, concerns or complaints should be brought to the attention of the school as soon as possible. In general, any matter raised more than 3 months after the event being complained about is unlikely to be considered.
- 1.2 Anonymous concerns or complaints will not normally be investigated under this procedure unless there are exceptional circumstances, eg. those involving allegations of child abuse.
- 1.3 Some complaints fall outside the remit of this procedure, eg. staff grievances and disciplinary procedures.
- 1.4 Where a matter can be resolved through a statutory or regulatory appeal it will not be considered as a formal complaint. The key areas for these appeals are:
 - admissions decisions;
 - certain decisions relating to formal assessment of special educational needs;
 - decisions to permanently exclude a child.

2 When does a concern become a complaint?

Any person having an involvement with the school may, from time to time, have concerns about some aspect of school life. The vast majority of these are resolved informally but, occasionally, this approach fails and the person bringing the initial concern may wish to have it investigated further. In this circumstance it becomes a formal complaint and is investigated by the Headteacher (HT) or Chair of Governors (CG) or, in exceptional circumstances, the Vice-Chair of Governors (Vice-CG) or nominated governor). Very rarely, this, too, fails to satisfy and the issue is passed on for consideration by the Governing Body. For the purposes of this procedure, persons bringing either a concern or a complaint are referred to as the 'complainant'.

- 2.1 Normally, a concern or unresolved problem becomes a complaint when the complainant asserts that a school has acted wrongly in some significant decision, action or failure to take action.

3 Raising a concern or complaint

All complainants must feel able to raise concerns or complaints with members of staff informally, either in person, by telephone or in writing.

- 3.1 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 to take it further.
- 3.2 Even when a complaint has been made it may be resolved or withdrawn at any stage.
- 3.3 In instances where a governor is approached with a complaint, the complainant should be directed to the appropriate person. Action should not be taken unilaterally and care

should be taken not to involve other governors as they may be needed to sit on a panel at a later stage.

- 3.4 There are 3 stages to this procedure. The aim at all times is to resolve the problem and reconcile the parties.
- a. Stage 1: the informal stage aims to resolve any concern through informal contact at the appropriate level in school.
 - b. Stage 2: the first formal stage at which written complaints are considered by the HT or CG.
 - c. Stage 3: the second formal stage is only used if Stage 2 has been unsuccessful in resolving the complaint or where the HT or CG judge it would be the best way to proceed. It involves a Complaints Appeal Panel (CAP) of governors.

4 Special Circumstances

4.1 Child protection

Any complaint or other indication that suggests that a child has been at risk of significant harm through violence, emotional abuse, sexual interference or neglect may be referred without further notice to Children's Social Care and/or to the social services authority. If the allegation is against anyone working with children at the school it will be referred directly to the Local Authority Designated Officer (LADO) in the first instance (see *Safeguarding policy* for further details). If a social services authority decides to investigate a situation this may postpone or supersede investigation by the HT or governing body.

4.2 Complaints against the Headteacher

If the complaint is about the HT it should be made to the CG. The *Complaint form* (Appendix 1) should be used. The CG will then decide how the complaint should be investigated.

- The CG may ask the HT to respond to the complaint in writing within 10 school days. If so, the complainant will be sent a copy of the response and asked to indicate, within 5 school days, whether or not it resolves the problem. If the complainant is not satisfied with the HT's response the CG should convene a governing body Complaints Appeal Panel (CAP) – Stage 3.
- Where the facts of the complaint are clearly established, the CG may directly convene a CAP.

4.3 Complaints against governors

If the complaint is wholly or mainly about a governor or the Governing Body it should be made to the CG; if it is about the CG it should be made to the Vice-CG.

5 Stage 1: informal resolution of a concern

As a matter of daily routine, schools receive numerous queries from parents and other interested parties. Most of these are resolved simply by providing information or through the arrangement of an informal meeting.

- 5.1 The initial approach should normally be made to the individual member of staff who is likely to be able to provide the necessary information, or if in doubt, to the School Administrator. In the case of serious concerns it may be more appropriate to address them directly to the HT (or to the CG if the complaint is about the HT).

- 5.2 Where the concern relates to issues outside the classroom, such as school meals and lunchtime supervision, or general issues affecting the school, such as heating, the complainant should be directed to the School Administrator in the first instance.
- 5.3 Where the concern is about teaching, pupil behaviour or other issues in the classroom the complainant should be directed to the class teacher who will try to resolve the issues. The class teacher should discuss the desired outcome with the complainant. This often helps to defuse potential anger and frustration and will ensure the complaints system is more effective for both parties, who can then work together towards achieving the desired outcome.
- 5.4 If the complaint is about a class teacher, the complainant has the option of raising it either with the teacher concerned or directly with the Headteacher. It is understandable that in certain situations the complainant may feel that the issue is too sensitive, or may feel compromised in raising it initially with the class teacher, and in these instances the Headteacher should be approached instead. The Headteacher will attempt to resolve the problem informally but, depending on the nature of the complaint, may consider using the formal stages of this procedure.
- 5.5 Brief notes should be made of any meetings, telephone calls and action taken. All parties concerned should be clear about what action (if any) or monitoring of the situation has been agreed. This provides a record about the nature of the concern and the attempts to resolve it which could be useful should it remain unresolved and continue to the next stage. Copies of any written communication should be centrally filed.
- 5.6 If the issue cannot be resolved immediately, our aim is to do so within 10 days and we will provide updates where possible.
- 5.7 The procedure is likely to stop at this stage if the issue has been resolved satisfactorily, or a shared understanding has been reached.
- 5.8 Where no satisfactory solution has been reached, complainants should be advised how to make a formal complaint in writing to the HT / CG should they wish to pursue the matter further. To assist in this process they should be given a copy of this procedure and should complete a *Complaint form* (Appendix 1).
- 5.9 At this point, the concern becomes a formal complaint and will be dealt with at the next stage.

6 Stage 2: formal investigation by the Headteacher or Chair of Governors

Where the informal approach was deemed inappropriate or where it failed to resolve the problem satisfactorily, the issue may be raised formally as a complaint. This should normally be done in writing within 3 months of the original incident using the *Complaint form* attached (Appendix 1).

- 6.1 All details that might assist the investigation (such as: dates and times of events; names of potential witnesses; copies of relevant documents) should be included.
- It is ALSO important to include a clear statement of the desired outcomes. Without this, it is difficult to proceed.

- 6.2 The completed form, together with all related material, should be placed in a sealed envelope, addressed to the Headteacher (HT) or Chair of Governors (CG) and left with the School Administrator.
- 6.3 The HT or CG should acknowledge the complaint in writing within 5 school days. In some cases the HT or CG will have already been involved to some degree; in others it will be their first involvement. A meeting will normally be arranged with the complainant to clarify details including those of the resolution being sought. A decision can then be taken about the need for further investigation and the appropriate procedure to be followed. This may involve additional meetings with the complainant.
- 6.4 If the complaint has been investigated at Stage 1, the result of the investigation must be made available to the CG by the HT.
- 6.5 The HT or CG will make a judgement as to whether to investigate at this stage or to progress directly to Stage 3 and convene a governing body Complaints Appeal Panel.
- 6.6 If necessary, the HT or CG will interview witnesses and take statements from those involved.
- 6.7 If the complaint is against a member of staff the HT or CG will talk to the member of staff concerned.
- 6.8 Reasonable written records of meetings, telephone conversations and copies of documentation should be made and centrally filed.
- 6.9 Once all the relevant facts have been established, a written response will be produced. The HT or CG may wish to meet the complainant to discuss the matter before confirming the outcome in writing.
- 6.10 The outcome letter should include a full explanation of the decision and the reasons for it. Where appropriate, it should include what action the school will take as a result of the complaint.
- 6.11 Stage 2 should normally be completed within 15 school days of receipt of the *Complaint form*. However, where the case is complex, it may prove difficult to meet this timeframe. In such a case, the HT or CG should write to the complainant giving a revised target date.
- 6.12 Complainants not satisfied with the response and who wish to take the matter further should write to the CG within 10 school days of receipt of the outcome letter, using the *Record form* provided (Appendix 2). The outcome letter should contain the name and contact details of the CG.

7 Stage 3: consideration by the Governing Body

Where a complaint reaches this stage in the procedure, the CG will set up a Complaints Appeal Panel (CAP) comprising 3 governors with no prior, direct involvement with the complaint and a clerk. In deciding the make-up of the CAP, where possible the CG should try and ensure that it is a cross-section of the categories of governor and sensitive to the issues of race, gender and religious affiliation. The hearing should take place within 25 school days of receipt of the *Complaint appeal form*. Following the hearing, the response from the panel to the complainant should be provided within 10 school days. The entire process at this stage

should be completed within 35 school days. However, this timeframe may prove difficult for complex complaints. In such cases the Chair of the CAP (C.CAP) or Clerk should write to the complainant and HT giving a revised target date.

- 7.1 The purpose of the CAP is to consider the complaint on the basis of the written evidence and direct discussion and resolve the problem, as far as is possible, to the satisfaction of all parties. The CAP should reconsider the issues raised in the original complaint and should not confine itself to consideration of procedural issues.
- 7.2 It is essential that an appeal hearing is independent, impartial and seen to be so. If any governor, including the CG, has had any prior involvement in the complaint, they must not sit on the CAP.
- 7.3 The clerk is not an elected representative of the Governing Body but is hired by the school to take notes and provide independent procedural advice. Notes of relevant facts are taken to assist the CAP in coming to a decision. These notes will be circulated to the panel, complainants and defendants.
- 7.4 Complainants wishing to have the dispute assessed by the Governing Body, having completed the *Complaint appeal form* (Appendix 2) and sent it to the CG, should receive an acknowledgement within 5 school days. Help will be provided for those having difficulty recording their complaint in writing. Where possible, previous letters, associated papers etc should be included along with the form.
- 7.5 In exceptional circumstances, the complainant may contact the CG directly in person. In these cases, the CG should record the details of the conversation and provide a written record for information and approval. This should ensure the same level of understanding and expectation for both parties.
- 7.6 The CG should send a copy of the *Complaint appeal form* and acknowledgement to the HT and the Clerk.
- 7.7 Once the panel has been set up, either the C.CAP (elected by the panel members) or the Clerk, should write to the complainant and the HT with a date (or a selection of dates) for the hearing and an explanation of how it will be conducted. The date and time of the hearing should, within reason, be convenient to all parties and the notification should allow at least 15 school days notice. If a mutual date cannot be agreed, the hearing may take place without the complainant.
- 7.8 It is essential that all those present at the hearing are working from the same set of documents. Written material relevant to the complaint must be seen by all parties in advance. All relevant documents should be sent to the Clerk at least 10 school days before the hearing to be compiled and circulated to the CAP members, the complainant and the HT.
- 7.9 If either party wish to call witnesses, the agreement of the C.CAP must be obtained in advance of the hearing. The C.CAP will need to know the names of the witnesses and which parts of the complaint they have been directly involved with to ensure they are only present at the appropriate parts of the hearing.
- 7.10 Late evidence or new witnesses will not normally be accepted unless there is an exceptional reason for the lateness. If either party wishes to introduce new evidence or witnesses, it is in the interest of natural justice to ensure that the other side has time to consider it and prepare a response, so the meeting may need to be adjourned.

7.11 Recorded submissions, either audio or visual, will not be accepted unless directly related to the complaint. If accepted (at the discretion of the C.CAP), as with written material, they must be seen by all parties in advance.

8 The Panel hearing

The C.CAP is responsible for ensuring that the hearing is properly conducted but should aim to keep the proceedings as informal as possible. Complainants who may not be used to speaking at such a hearing should be put at ease.

- 8.1 The complainant has the right to be supported by a friend, supporter or interpreter. Likewise, the Headteacher and any teacher involved has the right to be accompanied by a friend, colleague or professional representative, eg. a member of the LA, their professional association or union. In each case the C.CAP should be informed.
- 8.2 The hearing should be conducted in private, with each party treating the other with respect and courtesy. It is important that all proceedings are kept confidential by all parties.
- 8.3 The hearing should allow for:
- the complainant to express the desired outcome;
 - the complainant to explain the complaint followed by their witnesses, each to be questioned by the HT once they have spoken;
 - the HT to explain the response followed by the school's witnesses, each to be questioned by the complainant once they have spoken;
 - the panel to be able to put questions at any time;
 - a final statement by the complainant and HT.
- 8.4 Each party must be given the opportunity of putting their case forward and asking questions without undue interruption.
- 8.5 At the end of the hearing, everyone, apart from the panel and Clerk, will leave. The panel will consider the complaint and all the evidence presented and reach a unanimous, or at least a majority, decision. An outcome letter will be sent to both parties within 10 school days.
- 8.6 The outcome letter should state whether the complaint has been upheld, in full or in part, the recommended redress, if any, and the reasons for the panel's decisions. Where appropriate the CAP can decide on the action to be taken to resolve the complaint and/or suggest changes to the school's system or procedures to ensure that problems of a similar nature do not recur.
- 8.7 The letter should advise that, if unhappy with the process, the complainant is entitled to have the handling of the complaint reviewed by the Secretary of State for Education (see below).
- 8.8 A copy of all correspondence and notes will be kept on file in the school's records but separate from pupils' personal records.

9 Closure of complaints

It is recognised that, very occasionally, any institution might feel the need to stop their complaints procedure leaving the complainant still dissatisfied. Whilst we will always do our

utmost to resolve complaints made against the school, sometimes it is simply not possible to meet all of the complainant's wishes. Sometimes it is simply a case of 'agreeing to disagree'.

- 9.1 A complaints panel takes considerable time and effort to set up and we must be sure that it is likely to assist the process of resolving the complaint. In exceptional circumstances, therefore, the CG may decide that every reasonable action has been undertaken to resolve the complaint and that a CAP would not help to move things forward, in which case closure may occur before a complaint has reached stage 3 of this procedure.
- 9.2 If a complainant persists in making representations on the same subject to the school (ie. to any member of staff or governing body) or to the local authority, this can be extremely time-consuming and can detract from our responsibility to look after the interests of all the children in our care. For this reason we are entitled to close correspondence (including personal approaches, as well as letters, emails and telephone calls) on a complaint which we feel we have taken all reasonable steps to resolve and consider that continuation is unlikely to succeed. Unrelated complaints, however, will be treated in the normal way.

10 Appeals to the Secretary of State for Education

Where a complaint has been closed (with or without recourse to a CAP) and the complainant is still unhappy with the outcome, he or she can contact the Secretary of State for Education via the DfE website www.education.gov.uk, by telephoning 0370 000 2288 or by writing to: The School Complaints Unit (SCU), Department for Education, Piccadilly Gate, Store Street, Manchester, M1 2WD.

- 10.1 A copy of the complaint outcome should be enclosed with the letter to the DfE. This will save time in that the DfE will not need to ask for our view of what has happened.
- 10.2 Complainants should be aware that, unless the school is shown to have behaved unreasonably or not to have followed their own procedures, there is likely to be little further action that can be taken as governing bodies are empowered to deal with many issues without reference to either the local authority or the Secretary of State.
- 10.3 For the Secretary of State to intervene following a complaint, he or she needs to be sure that either
 - the school has acted or is proposing to act unreasonably in the exercise or performance of its functions imposed by or under the Education Act 1996; or
 - the school has failed to discharge any duty imposed by or for the purposes of the Education Act 1996.
- 10.4 The department will not re-investigate the substance of the complaint. This remains the responsibility of schools.
- 10.5 If legislative or policy breaches are found, SCU 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.
- 10.6 Guidance on making a submission about a school complaint to the Department for Education can be found on their website.

11 Review

This procedure, along with the *Complaints policy*, will be reviewed by the CC&PC committee every 3 years or sooner if the need arises.

12 Glossary

CAP	Complaints Appeal Panel
C.CAP	Chair of the Complaints Appeal Panel
CG	Chair of Governors
DfE	Department for Education
HT	Headteacher
LA	Local Authority
LADO	Local Authority Designated Officer
SCU	School Complaints Unit
Vice-CG	Vice- Chair of Governors