

COMPLAINTS PROCEDURE



Ackworth Howard CofE J&I School

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School Governor Services

T 01924 305637; E governor@wakefield.gov.uk
Governors' VLE: <http://www.itslearning.com>

www.wakefield.gov.uk

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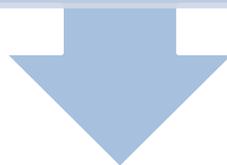
The LA's Social Care Complaints Team provides advice to parents, Headteachers and School Governors on the procedure and what they can do if the procedure is not being followed. Telephone: 01924 302840, Email: socialcarecomplaints@wakefield.gov.uk

PROCEDURE FOR DEALING WITH GENERAL COMPLAINTS

Each stage should be completed before progressing to the next stage.

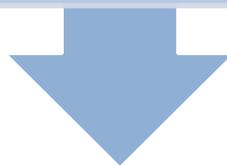
Stage 1 (informal) - Pre-complaint

Expression of concern is raised with members of staff in school as per the school's communication procedures.
If the concern is not satisfied, proceed to formal stages.



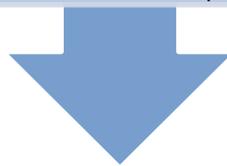
Stage 2 (formal) - Senior Leader Investigation

Complainant submits "Stage 2 Complaint Form" within 3 months of the incident (proceed to stage 3 if about the Headteacher).
Headteacher/Designated Member of Staff carries out an investigation and reports outcome in writing to complainant.
If the complainant is not satisfied, proceed to Stage 3.



Stage 3 (formal) - Governor Investigation

Complainant submits "Stage 3 Complaint Form" within 10 school days of receiving Stage 2 response.
Chair of Governors or Designated Governor carries out an investigation and reports outcome in writing to complainant.
If the complainant is not satisfied, proceed to Stage 4.



Stage 4 (formal) - Complaints Hearing

Complainant submits "Stage 4 Complaint Form" within 10 school days of receiving Stage 3 response.
The complaint is heard by a Panel of Governors.

There is no further right of appeal. If the complainant considers that the complaints procedure has not been followed correctly, they may contact the DfE School Complaints Unit.

SCHOOL COMPLAINTS PROCEDURE

Introduction

School Governing Bodies are under a duty to establish a procedure for dealing with general complaints relating to aspects of the school and to ensure these are publicised to parents and others. How schools choose to publicise this is a matter for local determination but it is recommended by both the LA and the Department for Education (DfE) that this is done online.

This procedure will apply to most general complaints received by the school. However, some complaints are subject to separate statutory procedures instead of the general complaints procedure, for example issues concerning admission appeals, exclusion appeals, decisions about your child's special educational needs or grievances by school staff. These are the subject of separate complaints procedures. Copies of these procedures can be obtained from the school.

General Principles

- The aim of this procedure is to balance the rights and responsibilities of pupils, parents and school staff and to recognise that responsibilities rest with each of these.
- 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.
- The underlying principle is that concerns ought to be handled, if at all possible, without the need for formal procedures. The requirement to have a complaints procedure need not in any way undermine efforts to resolve the concern informally. In most cases, the class teacher will receive the first approach. It would be helpful if staff were able to resolve issues on the spot.

At each stage in the procedure, schools will want to keep in mind ways in which a complaint can be resolved. It might be sufficient to acknowledge that the complaint is valid in whole or in part. In addition, it may be appropriate to offer one or more of the following:

- an apology;
- an explanation;
- an admission that the situation could have been handled differently or better;
- an assurance that the event complained of will not recur;
- an explanation of the steps that have been taken to ensure that it will not happen again;
- an undertaking to review school policies in light of the complaint.

It would be useful if complainants were encouraged to state what actions they feel might resolve the problem at any stage. An admission that the school could have handled the situation better is not the same as an admission of negligence.

- The complaints procedure should be easily accessible and well publicised.
- Complaints should be dealt with as quickly as possible, consistent with fairness to all.
- Dates and times of conversations should always be recorded and made available to investigators, as necessary. It is best practice to take minutes of meetings and discussions.
- A complaint is not part of any staff disciplinary process. Staff who may be questioned as part of a complaints procedure must be treated fairly and have an opportunity to put their case forward. They should be offered support in dealing with any investigation into a complaint.

- Any member of staff who is complained about will have the opportunity to respond to the complaint during the investigation and will be able to see any response sent as a result of the investigation. If, however, during the course of considering a complaint, the Governing Body concludes that disciplinary procedures should be initiated, Governors will consider this as a separate action, as there is an entirely separate procedure for schools to follow in terms of dealing with staff disciplinary matters.
- Confidentiality must be maintained at all times. All conversations and correspondence must be treated with discretion. Parents must feel confident a complaint will not disadvantage their child. Anonymous complaints should be disregarded unless someone else can substantiate the complaint. All parties to a complaint will need to accept that some sharing of information will be inevitable if the complaint is to be investigated fully. However, the sharing of information should be kept to a minimum so not to compromise subsequent stages of the complaints process.
- All staff and Governors should have the opportunity to take part in training to raise awareness of the school's procedures and to develop their skills in dealing with people who wish to complain.
- All complaints should be recorded and monitored to allow any lessons to be learned by the school.
- Further guidance on dealing with complaints can be provided by the Local Authority's Social Care Complaints Team (01924 302840) (socialcarecomplaints@wakefield.gov.uk).

Cut-off Limits

It is expected that complaints will be received as soon as possible after an incident arises; the procedure suggests that this should be within 3 months of the incident occurring unless there are mitigating circumstances. If a complainant wishes to escalate a complaint to the next stage this should also be done in a timely manner; the procedure suggests that this should be within 10 school days following receipt of the response from the previous stage.

Exceptions will be considered if a valid reason is provided; otherwise the complaint will be closed at the end of the last stage reached.

Serial or Persistent Complaints

If properly followed, the complaints procedure will limit the number of complaints that become protracted. However, there will 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 completed and that the matter is now closed. If the complainant writes again on the same issue, then the correspondence may be recognised as 'serial' or 'persistent' and there will be no obligation on the part of the school to respond. It is important to note however that, should the complainant raise an entirely new, separate complaint, it must be responded to in accordance with the complaints procedure. In this circumstance it is not the complainant who is marked as 'serial' or 'persistent'; it is the complaint.

Separately, there is a procedure for dealing with unreasonably persistent complainants appended to this Complaints Procedure.

STAGE ONE – dealing with informal complaints and concerns

1. Guidelines

- 1.1 The vast majority of concerns and complaints can be resolved informally, often straight away by the appropriate staff member, depending on whom the complainant first contacts. 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. To that end, if staff are made aware of the procedures, they will know what to do when they receive a complaint.
- 1.2 Parents must feel able to raise concerns with members of staff without any formality, either in person, by telephone or in writing. On occasion, it may be appropriate for someone to act on behalf of a parent. At first, it may be unclear whether a parent is asking a question or expressing an opinion rather than making a complaint. A parent/carer may want a preliminary discussion about an issue to help decide whether he or she wishes to take the matter further. It would assist the procedure if the school respected the views of a complainant who indicates that he/she would have difficulty discussing a complaint with a particular member of staff. In these cases, the complainant should be referred to another staff member. Where the complaint concerns the Headteacher, the complainant should be referred to the Chair of Governors.

Similarly, if the member of staff directly involved feels too compromised to deal with a complaint, the Headteacher may consider referring the complainant to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the complaint objectively and impartially is crucial.

- 1.3 Where the first approach is made to a Governor, the next step would be to refer the complainant to an appropriate member of staff and advise them about the procedure. It would be useful if Governors did not act unilaterally on an individual complaint outside the formal procedure or be involved at the early stages in case they are needed to sit on a panel at a later stage of the procedure.

2. Procedure

- 2.1 Parents/carers need to be given an opportunity to discuss their concerns with the appropriate member of staff, who can clarify the nature of their concern and reassure them that the school wants to hear about it. The member of staff may explain to the parent/carer how the situation arose. It may also be helpful, at this point, to identify what sort of outcome the parent/carer is looking for.
- 2.2 The member of staff will need to respond appropriately, taking into account the seriousness of the complaint. In many cases, this will lead to immediate resolution of the issue.
- 2.3 If the member of staff first contacted cannot deal immediately with the matter, or if they need to refer the matter to someone else, they will need to make a clear note of the date, name and contact address/phone number of the complainant.

In either case, the member of staff should subsequently ensure that appropriate action is taken to deal with the matter speedily.

- 2.4 Where the concern relates specifically to the Headteacher, the parent should be given the opportunity to meet with the Headteacher to discuss and resolve the problem. In some circumstances, the complainant may prefer to contact the Chair of Governors and this should be accommodated.
- 2.5 The staff member dealing with the complaint should make sure that the complainant is clear what will happen next (if anything). This should be put in writing only if it seems the best way of making the outcome clear.
- 2.6 Where no satisfactory resolution has been found, the complainant may wish their concern to be considered further. If so, they should be advised about how to proceed with their complaint and about any independent advice available to them.

STAGE TWO – Formal consideration by the Headteacher (or other appropriate person)

3. Guidelines

- 3.1 It should by now have become clear that the concern is a definite complaint. In some cases, a school senior leader will already have been involved in looking at the matter. In others, it will be his/her first involvement. In either case, it will be helpful for the Headteacher (or member of staff designated to investigate the complaint) to adhere to these guidelines to ensure consistency amongst cases and to make sure that nothing happens, at this stage, which could make it difficult for the later stages to proceed smoothly.
- 3.2 As Headteachers have responsibility for the day-to-day running of their schools, they have responsibility for the implementation of the complaints procedure, including decisions about their own involvement at Stages 1 and 2. One of the reasons for having the various stages in a complaints procedure is to reassure the complainant that more than one person is hearing their complaint.
- 3.3 Headteachers will need to make arrangements to ensure that their involvement does not predominate at every stage of a particular complaint. For example, arrangements may be made for other staff to deal with concerns at Stage 1, while the Headteacher deals with contact with complaints at Stage 2. Even at this stage, the Headteacher may designate another member of staff to investigate the complaint and collate some of the information from the various parties involved. If the Headteacher has been extensively involved at Stage 1 it may be more appropriate to proceed to Stage 3.

4. Procedure

- 4.1 Complaints should be made via a “Stage 2 Complaint Form” unless the complainant is unable to express the complaint in written form (advice and support is available from the LA’s Social Care Complaints Team). The “Stage 2 Complaint Form” should be **submitted within 3 months of the incident occurring** unless the complainant has valid reasons.
- 4.2 **The complainant’s “Stage 2 Complaint Form” should be acknowledged in writing within 5 school days of receipt.** The acknowledgement will give a brief explanation of the school’s complaints procedure and a target date for providing a response to the complaint. **This will normally be within 10 school days.** Where this is not possible, a letter needs to be sent to the complainant explaining the reasons for the delay and giving a revised response date.
- 4.3 Schools should endeavour even at this stage to reach an agreed solution to the complaint. It needs to be remembered that the aim is to resolve the matter in the interests of all involved. Prolonging a complaint longer than is necessary may be harmful to any or all parties involved.
- 4.4 The Headteacher should investigate the complaint appropriately. A suggested approach to investigating a complaint can be found in School Governor Services’ “Guidance to Complement the Model Complaints Procedure”.
- 4.5 Once all relevant facts have been established, the Headteacher will then produce a written response to the complainant and may also wish to meet the complainant to discuss/resolve the matter directly. A written response will include a full explanation of the decision and the reasons for it. Where appropriate, this will include what action the school will take to resolve the complaint.
- 4.6 Where the complaint is against the Headteacher, it should proceed straight to stage 3.

STAGE THREE – Formal consideration by the Chair of Governors (or other designated Governor)

5. Guidelines

- 5.1 If the complainant is not satisfied with the response of the Headteacher, the complainant should submit a completed “Stage 3 Complaint Form” in order for their complaint to be considered further. It is likely that this will be the first involvement of the Chair of Governors and therefore they will be able to look at the case from a new impartial perspective. **It is important that other Governors on the Governing Body do not receive details of complaints at Stages 1 to 3, in order to ensure their impartiality should a complaint proceed to Stage 4.**

6. Procedure

- 6.1 Complaints should be made via a “Stage 3 Complaint Form” unless the complainant is unable to express the complaint in written form (advice and support is available from the LA’s Social Care Complaints Team). The “Stage 3 Complaint Form” should be **submitted within 10 school days following receipt of the response from Stage 2**, unless the complainant has valid reasons.
- 6.2 **The complainant’s “Stage 3 Complaint Form” should be acknowledged in writing within 5 school days of receipt.** The acknowledgement will give a target date for providing a response to the complaint. **This will normally be within 10 school days.** Where this is not possible, a letter needs to be sent to the complainant explaining the reasons for the delay and giving a revised response date.
- 6.3 The Chair of Governors, on behalf of the school, should again endeavour at this stage to reach an agreed solution to the complaint. The aim remains to resolve the matter in the interests of all involved and prolonging a complaint longer than is necessary may be harmful to any or all parties involved.
- 6.4 The Chair of Governors (or designated Governor) should investigate the complaint appropriately. A suggested approach to investigating a complaint can be found in School Governor Services’ “Guidance to Complement the Model Complaints Procedure”.
- 6.5 Once all relevant facts have been established, the Chair of Governors will then produce a written response to the complainant and they may also wish to meet the complainant to discuss/resolve the matter directly. A written response will include a full explanation of the decision and the reasons for it. Where appropriate, this will include what action the school will take to resolve the complaint.

STAGE FOUR – Formal Consideration by a Panel of Governors

7. Guidelines

- 7.1 All complaints that reach this stage will have done so because the complainant has not been satisfied by the responses received at Stages 1 through 3.
- 7.2 The complainant should complete and submit a “Stage 4 Complaint Form” to request that their complaint is put before a panel of Governors. The Chair, or a nominated governor, will then convene a meeting of the Complaints Panel.
- 7.3 The Complaints Panel hearing is the last stage of the complaints procedure and is not convened merely to rubber-stamp previous decisions.
- 7.4 It is important that the hearing should not only be independent and impartial but that it is seen to be so. This is to prevent any allegations of unfairness or bias. As such, only Governors who have had no prior knowledge or involvement in the case should sit on the Complaints Panel. Individual complaints should 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.
- 7.5 It is therefore important that individual Governors do not become embroiled in complaints at earlier stages because of potential prejudice. If individual Governors are approached about a complaint they should not respond but should refer the complainant to the complaints procedure and/or the appropriate member of school staff.
- 7.6 As Stage 4 is the last chance for a solution or compromise to be reached, every effort should be made to reach agreement through conciliation or mediation. Help and advice from the LA’s Social Care Complaints Team may be particularly helpful at this stage. Parents/carers are also encouraged to seek advice at this stage if they have not previously done so.
- 7.7 It is important that the panel of Governors views the complaint as being against the school rather than an individual staff member whose actions may have led to the original complaint.

8. Procedures

- 8.1 A Complaints Panel hearing should be requested by submitting a “Stage 4 Complaint Form” unless the complainant is unable to express the complaint in written form (advice and support is available from the LA’s Social Care Complaints Team). The “Stage 4 Complaint Form” should be **submitted within 10 school days following receipt of the response from Stage 3**, unless the complainant has valid reasons.
- 8.2 Following receipt of a Stage 4 request, the procedures outlined below will need to be followed:
 - (i) The school will write to the complainant to acknowledge receipt of the written request **within 5 school days**.

- (ii) The acknowledgement will inform the complainant that a panel of Governors will consider the complaint **within 20 school days**. Where this is not possible, the reason for delay should be explained to the complainant along with a suggested revised target date.
- (iii) The letter will ask the complainant (if they have not already done so) to submit, as soon as possible, a written statement setting out clearly the aspects of the complaint that they wish to be considered. The Headteacher and/or appropriate member of staff will also be invited to provide a written statement.

The letter will also explain that the complainant and the Headteacher have the right to submit any further documents relevant to the complaint. Both parties should send such documentation to the Chair of the Complaints Panel **at least eight school days** before the complaint hearing.

The notification to the Complainant and Headteacher should also inform them of their right to be accompanied to the meeting by a friend/advocate/interpreter.

- (iv) The designated Chair will convene the meeting of the Governors' Complaints Panel, ensuring that selected Governors have no prior knowledge of the complaint in question. No governor may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it. In deciding the make-up of the panel, Governors need to 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 Headteacher or any other member of staff should not be a member of the Complaints Panel.

- (v) The Panel may decide to hold an initial meeting to decide on a date for the hearing and to consider the statement from the complainant and the response statement from the Headteacher to determine what other evidence they might need to establish the facts.

The Panel may invite members of staff and other witnesses directly involved in matters raised by the complainant to produce a written statement and/or to attend the hearing.

**NB. The Headteacher is required to attend the complaints hearing.
Members of staff named in the complaint have a right to attend the hearing.**

- (vi) It is the responsibility of the Chair of the Panel to ensure that the meeting is properly minuted. School Governor Services, upon request, are usually able to provide a trained meetings clerk to undertake this duty. Complainants are not permitted to tape record the hearing but may take hand written notes of the meeting themselves.
- (vii) It is strongly advised that an officer from the LA's Social Care Complaints Team attends the meeting to advise the Panel on procedure.

Guidance on the role of the Chair of the Panel and a checklist for a Panel hearing can be found in School Governor Services' "Guidance to Complement the Model Complaints Procedure".

8.3 The Complaints Panel can:

- dismiss the complaint in whole or in part;
- uphold the complaint in whole or in part;
- decide on the appropriate action to be taken to resolve the complaint;
- recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not recur.

There are several points which any Governor sitting on the Complaints Panel needs to remember:

- a. It is important that the hearing is independent and impartial and that it is seen to be so.
- b. The aim of the hearing, which needs to be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant. However, it has to 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.
- c. An effective Panel will acknowledge that many complainants feel nervous and inhibited in a formal setting. Parents often feel emotional when discussing an issue that affects their child. The Panel Chair will ensure that the proceedings are as welcoming as possible. The layout of the room will set the tone and care is needed to ensure the setting is informal and not adversarial.
- d. Extra care needs to be taken when the complainant is a child. Careful consideration of the atmosphere and proceedings will ensure that the child does not feel intimidated. The Panel needs to be aware of the views of the child and give them equal consideration to those of adults. Where the child's parent is the complainant, it would be helpful to give the parent the opportunity to say which parts of the hearing, if any, the child needs to attend.

8.4 At the conclusion of the meeting the Chair should explain that the Panel will consider all the representations made and will make its decision and write to all parties (please see paragraph 8.7) with the outcome **within 10 school days**.

8.5 The Headteacher, the complainant and any witnesses should then withdraw from the room at the same time to allow the Panel to reach its decision. The person taking minutes of the meeting on behalf of the Panel should ensure that one party is not left alone with the Panel in the absence of the other. The decision should cover:

- (a) findings on the substantive complaint;
- (b) any appropriate action to be taken by the school or the complainant;
- (c) where appropriate, any suggested changes to the school's systems or procedures to ensure that problems of a similar nature do not happen again.

8.6 A report and any recommendations should be presented to the school's Governing Body at the next full meeting.

- 8.7 A written statement outlining the decision of the Panel must be sent to the complainant, Headteacher and any staff named in the complaint.

The Panel may wish to share a draft of the decision with the LA's Social Care Complaints Team before it is sent to the complainant and Headteacher. They may also wish to obtain legal advice from the Local Authority's Legal Services on the content of the decision letter.

If any disciplinary action is to be taken against a member of staff then, to protect his/her rights, only the phrase "**appropriate action has or will be taken**" should be used.

- 8.8 The Chair of the Panel will need to ensure that a copy of all correspondence is kept on file in the Governors' records. Where relevant, these records should be kept separately from the pupil's personal records.

- 8.9 It is good practice that the Headteacher reports termly to Governors on compliments and complaints received, together with the outcome of each.

CLOSURE OF COMPLAINTS

- Very occasionally, the school will feel that it needs, regrettably, to close a complaint where the complainant is still dissatisfied.
- The Governing Body will do all it can to help to resolve a complaint against the school but sometimes it is simply not possible to meet all of the complainant's wishes. Sometimes it is simply a case of "agreeing to disagree".
- If a complainant persists in making representations to the school – to the Headteacher, designated Governor, Chair of Governors or anyone else, this can be extremely time-consuming and can detract from the responsibility to look after the interests of all the children.
- For this reason, correspondence (including personal approaches, as well as letters and telephone calls) will be closed on a complaint where it is felt that all reasonable action to resolve the complaint has been taken and that the Complaints Procedure has been fully completed. Correspondence received from the complainant subsequent to closure should be kept on file, indefinitely, as should notes of telephone calls and any further personal calls referring to the matter. This will be important if the DfE asks for copies later.
- If deadlines set out within the Complaints Procedure are not met (without a valid reason), the complaint will be closed at the end of the last stage reached.
- In exceptional circumstances, closure may occur before a complaint has reached Stage Four of the procedure. This is because a complaints panel takes considerable time and effort to set up and so it must be clear that it is likely to assist the process of investigating the complaint.

The Chair of Governors (or designated Governor) may decide, therefore, that every reasonable action has been undertaken to resolve the complaint and that a Complaints Panel would not help to move things forward.

If a complainant has completed the school's Complaints Procedures (with or without recourse to a Complaints Panel) and is still unhappy with the outcome or decision from the Governing Body, they have the right to refer their complaint to the Secretary of State by writing to the address below:

Department for Education
School Complaints Unit
Ministerial and Public Communications Division
2nd Floor, Piccadilly Gate
Store Street
Manchester
M1 2WD

The Secretary of State has a duty to consider all complaints raised however they can only act where the Governing Body has acted unlawfully or unreasonably and where it is expedient or practical to do so. The Secretary of State's powers, in respect of state-maintained schools in England, are delegated to the School Complaints Unit. The School Complaints Unit will examine if the complaint procedure and any other relevant statutory policies were followed in accordance with the provisions they set out. The School Complaints Unit also examines policies to determine if they adhere to education legislation. **However, the department will not re-investigate the substance of the complaint. This remains the responsibility of schools.**

UNREASONABLY PERSISTENT COMPLAINANTS

The great majority of people with complaints or concerns about the school behave reasonably in pursuing their complaint. This means that they:

- treat all school staff with courtesy and respect;
- respect the needs of pupils and staff within the school;
- avoid the use of violence (including threats of violence) towards people and property;
- do not use intimidating/aggressive behaviour or inappropriate language towards school staff;
- recognise the time constraints under which members of staff work and allow the school a reasonable time to respond to a complaint;
- recognise that resolving a specific problem can sometimes take some time;
- follow the school's complaints procedures.

However, a small number of complainants may be deemed “**unreasonably persistent complainants**”. This means that, in complaining about issues, either formally or informally, they behave unreasonably, for example by:

- actions which are obsessive, persistent, harassing, prolific, repetitious; and/or
- prolific correspondence or excessive e-mail or telephone contact about a concern or complaint; and/or
- an insistence upon pursuing unmeritorious complaints and/or unrealistic or unreasonable outcomes; and/or
- an insistence upon pursuing meritorious complaints in an unreasonable manner.