

## **Procedure for responding to non-curricular complaints**

Version – 2.0

Reviewed – June 2016

Next Review – June 2018

Person Responsible – Headteacher

*Updated in accordance with the Schools complaints Procedure January 2016*

## Procedure for responding to non-curricular complaints

### Introduction

The school Complaints Procedure policy has been developed using the Best Practice Advice for School Complaints Procedures 2016. It has been agreed by the whole staff and has the full agreement of the Governing Body. The policy was approved and ratified by the Full Governing Body on the:-

Date ..... Signed .....

The School publishes details of its Complaints Procedure, on the school website.

There are other specific complaints procedures available . If the complaint relates to any of the following, the appropriate procedure should be followed:

- the National Curriculum and Collective Worship – refer to the school's policy on Complaints about the Curriculum
- pupil admissions – concerns should be raised with Local Authority
- pupil exclusion – guidance is issued by the DfE, the governing body will form a panel to hear exclusion cases
- special educational needs – refer to the school's policy on SEND
- child protection –Local Authority should be notified
- employee grievances and disciplinary proceedings – refer to the school's policy on Staff grievances and disciplinary procedures

### Aims

At Hanbury CofE First School, we aim to maintain a caring, supportive and disciplined learning environment where children benefit from the best possible education. All staff are committed to this aim. We would like to know if you think we are not meeting your expectations so that we have an opportunity to respond. This procedure contains advice for resolving complaints and advice on the conduct of meetings.

The school's complaints policy contains 4 levels:-

- Stage 1a – informal (complaint heard by staff member)
- Stage 1b – informal (complaint heard by Complaints Co-ordinator)
- Stage 2 – formal (complaint heard by Headteacher)
- Stage 3 – formal (complaint heard by Governors' Complaints Appeal Panel)
- Stage 4 – formal (complaint sent to Secretary of State for Education)

Every attempt will be made to adhere to the time limits detailed in the procedures, but these may in exceptional circumstances be exceeded. In such cases the School/ Governors will advise the reasons and set a new time-scale.

A complaint will usually be considered as 'out-of-time' if it is raised more than three months after the matter is known to the complainant but exceptional circumstances will be considered

Anonymous complaints will not be investigated, except in exceptional circumstances – such as child protection issues.

**The aim of this procedure is to resolve concerns at the earliest opportunity, and effect reconciliation if there has been friction.** If the complaint needs to be formalised, the complainant will be asked to write down the substance of the complaint on a form, which is found in Annex D. This form will also invite a view about what actions might be felt to resolve the problem. Should the complainant have communication preferences due to disability or learning difficulties then an alternative method of contact can be used such as telephone or in person. Notes of the conversation will be kept for future reference.

### **Possible resolutions**

Many concerns may be resolved by explanations, others by a simple apology. Other complaints may result from a school procedure which could have been handled differently. Such an acknowledgement would be an appropriate resolution, as would assurances that events complained about, (if justified) will not recur. Others may be resolved by an undertaking to review school policies in the light of a complaint.

Where concerns are not resolved on an early timescale, the procedure allows for formal consideration by the Headteacher, and later still, by a Governors' Complaints Panel.

Occasionally, a complainant may remain dissatisfied, even though this procedure has been used through all its stages. However, it will not normally be possible to re-open the same issue. In such circumstances, the Chair of Governors will inform the complainant that the procedures have been exhausted and that the matter is closed.

### **School Complaints Procedure in Detail**

#### **Stage 1a (Informal – Meeting with Staff Member)**

Where any member of staff becomes aware of a voiced concern, they should deal with it themselves if it is appropriate, and they feel comfortable in doing so. Many concerns can be resolved by simple clarification or the provision of information. It is anticipated that most concerns can be readily resolved at this informal stage. Where the person approached feels uncomfortable with dealing with the matter directly, he/she should involve, the Complaints co-ordinator.

In the case of serious concerns (or where the school deems it more appropriate to do so) it may be necessary to refer these matters directly to the Headteacher.

Where the complaint is specifically about the Headteacher, similarly the complainant should discuss this with him/her at this stage first.

It is not appropriate for a complaint to be directed through a Governor. Any Governor receiving a complaint will give advice that there is an established procedure, and refer the complainant to the appropriate person. (This is because a Governor acting unilaterally could prejudice the involvement of Governors at a later stage)

The concern will be noted (including the outcome) and copied to the Headteacher. Where the

subject of the complaint is the Headteacher, he/she will copy the record to the Chair of Governors.

### **Stage 1b – (Informal – Meeting with the Complaints Co-ordinator)**

If the concern has not been resolved following discussion with the staff member then the Complaints Co-ordinator will be asked to hear the concern and will discuss the matter in a meeting with the staff member and complainant present with a view to reaching a satisfactory outcome.

Where informal attempts by the school have failed to bring about a satisfactory resolution for the complainant, the complainant is entitled to request that the complaint be treated more formally. Unless the complaint directly concerns the Headteacher, it will be him/her who deals with this next stage (Stage 2).

If the complaint is specifically about the Headteacher, and s/he has had the opportunity in Stage one to discuss the matter, the complainant can then directly contact the Chair of Governors about Stage 2.

### **Stage 2 (Formal) Dealt with by the Headteacher**

If the complaint concerns the Headteacher, the Chairman of Governors is personally responsible for following the procedures in Stage 2. Otherwise, the Headteacher deals with this Stage.

Before proceeding with a formal investigation, the Headteacher may wish to meet with the individual and discuss his/her concerns and wishes. It may still be appropriate and satisfactory to reach an informal resolution at this point. If not, the Headteacher will decide whether the individual's complaint will be dealt with by this policy or another statutory procedure. In the latter case, the Headteacher will advise the complainant on what will need to be done.

This stage can be initiated if/ when dissatisfaction with the outcome of stage one is received by the school. At this point, a copy of this Procedure will be sent to the complainant within 3 school days, together with the formal complaint form (Annex D)

The form is structured so that each party has a common understanding about the complaint. As the main purpose of the process is to achieve reconciliation, complainants are also asked what actions might resolve the problem.

After the formal complaint form is returned, or an alternative method of communication used, it will be acknowledged within 3 school days and the investigation will commence.

This is the first stage of the formal complaints process and as a result, all communications between parties will be recorded.

The head may delegate the task of collating the information to another staff member, but not the decision on the action to be taken. The investigation should involve the review of any relevant

documentation and information. If necessary, witnesses will need to be interviewed and statements taken from those involved. If the complaint centres around a pupil, the pupil will also usually be interviewed.

The outcome of the investigation should be communicated to complainants, either at a meeting (followed up in writing) or as a written response. This response should explain the outcome and should be supported by reasons for reaching this decision and what action, if any, will be taken. (If management action is subsequently required against an employee of the school, the complainant will not have access to this information). This response should be provided within 10 school days of acknowledging the complaint.

If the complainant is still dissatisfied with the response given and would like to take the complaint further, they should make this clear in writing to the Headteacher. On receipt, s/he will send on the complaint form and all associated information to the Chair of Governors. [In the case of the Headteacher, if he/she is dissatisfied, and wishes to take it further, the Chair should be so advised, and Stage 3 initiated]

### **Stage 3 (Formal) Dealt with by Governing Bodies Panel Complaints Appeal Panel**

The complainant needs to write to the Clerk to the Governing Body giving details of the complaint and asking that it is put before the appeal panel. An alternative method of communication can be agreed if necessary. The Chair, or if the Chair has been involved at any previous stage in the process, a nominated governor, will convene a GB complaints panel. The Clerk to the Governors' Complaints Panel will acknowledge (to the complainant) receipt of their letter within 5 school days.

This letter will inform the complainant that the complaint will be heard by Governors' Panel within 15 school days. In exceptional circumstances, the complainant will be notified where this timed period will need to be extended and the reasons for this.

The Clerk of the Panel will convene a meeting, and arrange a time and date for the meeting. All relevant documentation from the Headteacher, Chair of Governors and the complainant will be distributed to all parties in advance of the meeting.

The governors' appeal hearing is the last school-based stage of the complaints process and is not convened merely to rubber-stamp previous decisions.

Individual complaints would not be heard by the whole GB 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.

The governing body may nominate a number of members with delegated powers to hear complaints at that stage, and set out its terms of reference. These can include:

- drawing up its procedures;
- hearing individual appeals;
- making recommendations on policy as a result of complaints.

The Chair of the Panel will ensure that the complainant is notified of the panel's decision, in writing, with the panel's response (including the reasons for the decision) within **5 school days** of the meeting.

### **Stage 4 (Formal) Complaint sent to Secretary of State for Education**

The complaint should be sent to :-

The School Complaints Unit (SCU)  
Department for Education  
2<sup>nd</sup> Floor, Piccadilly Gate  
Manchester  
M1 2WD

SCU will:-

- Examine policies – adherence to education legislation
- See if policies were followed
- They do not re-investigate the substance of the complaint

## **Annex A – The Act**

Section 29 of the Education Act 2002(1)The governing body of a maintained school shall—

(a)establish procedures for dealing with all complaints relating to the school or to the provision of facilities or services under section 27, other than complaints falling to be dealt with in accordance with any procedures required to be established in relation to the school by virtue of a statutory provision other than this section, and

(b)publicise the procedures so established.

(2)In establishing or publicising procedures under subsection (1), the governing body shall have regard to any guidance given from time to time (in relation to England) by the Secretary of State or (in relation to Wales) by the National Assembly for Wales.

(3)The governing body of a maintained school may require pupils in attendance at the school to attend at any place outside the school premises for the purposes of receiving any instruction or training included in the secular curriculum for the school.

(4)In subsection (3) “maintained school” does not include a maintained nursery school.

(5)The governing body and head teacher of—

(a)a community or voluntary controlled school,

(b)a community special school, or

(c)a maintained nursery school,

shall comply with any direction given to them by the local education authority concerning the health and safety of persons on the school's premises or taking part in any school activities elsewhere.

## **Annex B – A model complaints procedure**

### **The stages of the complaint**

Stage 1a (informal): complaint heard by staff member

Stage 1b (informal : complaint heard by the Complaints Co-ordinator)

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.

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 complaints co-ordinator can refer the complainant to another staff member. Where the complaint concerns the headteacher, the complaints co-ordinator can refer the complainant to the Chair of Governors.

Similarly, if the member of staff directly involved feels too compromised to deal with a complaint, the complaints co-ordinator 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.

Where the first approach is made to a governor, the next step would be to refer the complainant to the appropriate person 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.

Stage 2 (formal): complaint heard by headteacher

The headteacher's influence will already have shaped the way complaints are handled in the school. At this point, the complainant may be dissatisfied with the way the complaint was handled at Stage 1 as well as pursuing their initial complaint. The head may delegate the task of collating the information to another staff member but not the decision on the action to be taken.

Stage 3 (formal): complaint heard by Governing Bodies Complaints Appeal Panel

The complainant usually needs to write to the Clerk to the Governing Body giving details of the complaint and asking that it is put before the appeal panel. The Chair, or if the Chair has been involved at any previous stage in the process, a nominated governor, will convene a GB complaints panel.

The governors' appeal hearing is the last school-based stage of the complaints process and is not convened merely to rubber-stamp previous decisions.

Individual complaints would not be heard by the whole GB 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.

The governing body may nominate a number of members with delegated powers to hear complaints at that stage, and set out its terms of reference. These can include:

- drawing up its procedures;
- hearing individual appeals;
- making recommendations on policy as a result of complaints.

The procedure adopted by the panel for hearing appeals would normally be part of the school's complaints procedure. The panel can be drawn from the nominated members and may consist

of three or five people. The panel may choose their own Chair.

### The remit of The Complaints Appeal Panel

The 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 a complaints panel needs to remember:

a. It is important that the appeal 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. 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.

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.

e. The governors sitting on the panel need to be aware of the complaints procedure.

### Roles and responsibilities

#### The role of the clerk

The department strongly recommends that any panel or group of governors considering complaints be clerked. The clerk would be the contact point for the complainant and be required 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;
- collate any written material and send it to the parties in advance of the hearing (recommended at least five school days in advance);



- meet and welcome the parties as they arrive at the hearing;
- record the proceedings;
- notify all parties of the panel's decision.

As best practice, the Clerk should share copies of the panel meeting minutes with all parties involved in the panel hearing, providing a reasonable opportunity for the minutes to be agreed and if necessary, challenged.

It is not unknown for complainants to raise additional complaints because they do not agree with the record of the meeting.

#### The role of the Chair of the Governing Body or the nominated governor

The nominated governor role:

- Check that the correct procedure has been followed;
- If a hearing is requested, notify the clerk to arrange the panel.

The role of the Chair of the Panel

The Chair of the Panel has a key role, ensuring that:

- the remit of the panel is explained to the parties and each party has the opportunity of putting their case without undue interruption;
- the issues are addressed;
- key findings of fact are made;
- parents and others who may not be used to speaking at such a hearing are put at ease;
- the hearing is conducted in an informal manner with each party treating the other with respect and courtesy;
- the panel is open minded and acting independently;
- no member of the panel has a vested interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure;
- each side is given the opportunity to state their case and ask questions;
- written material is seen by all parties. If a new issue arises it would be useful to give all parties the opportunity to consider and comment on it.

#### Notification of the panel's decision

The Chair of the Panel needs to ensure that the complainant is notified of the panel's decision, in writing, with the panel's response (including the reasons for the decision); this is usually within a set deadline which is publicised in the procedure. The letter needs to explain if there are any further rights of appeal and, if so, to whom they need to be addressed. The final stage of appeal is to the Secretary of State for Education.

Complainants should be advised to write to The School Complaints Unit (SCU) at:

Department for Education  
2nd Floor, Piccadilly Gate  
Manchester  
M1 2WD

Or use the online form on the DfE's website

What will the Department for Education do?

If a complaint has exhausted the local procedures, SCU will examine if the complaints policy and any other relevant policies were followed in accordance with the provisions set out. SCU 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.

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.

#### Checklist for a panel hearing

The panel needs to take the following points into account:

- The hearing is as informal as possible.
- Witnesses are only required to attend for the part of the hearing in which they give their evidence.
- After introductions, the complainant is invited to explain their complaint, and be followed by their witnesses.
- The headteacher may question both the complainant and the witnesses after each has spoken.
- The headteacher is then invited to explain the school's actions and be followed by the school's witnesses.
- The complainant may question both the headteacher and the witnesses after each has spoken.
- The panel may ask questions at any point.
- The complainant is then invited to sum up their complaint.
- The headteacher is then invited to sum up the school's actions and response to the complaint.
- Both parties leave together while the panel decides on the issues.
- The Chair explains that both parties will hear from the panel within a set time scale.

#### **Annex C – Summary for Dealing with Complaints**

Stage 1 – Complaint heard by staff member and Complaints Co-ordinator at stage 1b. Ensure complaints co-ordinator informed of outcome

If not resolved, then escalate to Stage 2 – Complaint heard by headteacher

- ☐ Acknowledge receipt of complaint
- ☐ Write to complainant with outcome of investigation
- ☐ Ensure complaints co-ordinator informed of outcome
- ☐ Offer escalation to Stage 3 if dissatisfied

If not resolved, then escalate to Stage 3 – Governor's complaints panel meeting arranged ☐

Issue letter inviting complainant to meeting

- ☐ Issue letter confirming panel decision
- ☐ Ensure complaints co-ordinator informed of outcome
- ☐ Advise of escalation routes to the Secretary of State for Education

#### **Annex D – Example of a Complaint Form**

Please complete and return to .....(complaints co-ordinator) who will acknowledge receipt and explain what action will be taken.

Your name:

Pupil's name (if relevant):

Your relationship to the pupil (if relevant):

Address:

Postcode: Day time telephone number: Evening telephone number:

Please give details of your complaint.

What action, if any, have you already taken to try and resolve your complaint. (Who did you speak to and what was the response)?

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

Are you attaching any paperwork? If so, please give details.

Signature:

Date:

Official use Date acknowledgement sent:

By who:

Complaint referred to:

Date:

Further information

Useful resources and external organisations

☐ National Governors Association

Other relevant departmental advice and statutory guidance

☐

Best Practice Advice for School Complaints Procedures 2016