

RECOMMENDED COMPLAINTS PROCEDURE FOR SCHOOLS

This document is for headteachers and governors

**Revised October 2012
(Adopted 27 September 2012: reviewed November
2012 following LA revision. This Policy is reviewed
annually).**



INVESTOR IN PEOPLE

CONTENTS

| | |
|--|----|
| Introduction | 3 |
| Part One: Dealing with Complaints | |
| 1.1 Initial Concerns | 5 |
| 1.2 The Policy's Guiding Principles | 5 |
| 1.3 Investigating Complaints | 6 |
| 1.4 Resolving Complaints | 6 |
| 1.5 Persistent Complaints | 7 |
| 1.6 Time Limits | 7 |
| Part Two: The Formal Complaints Procedure | |
| 2.1 Stage One: Complaint Heard by Headteacher | 8 |
| 2.2 Complaint Heard by Chair of Governors | 10 |
| 2.3 Complaint Heard by Governing Body Complaints Appeal Panel | 12 |
| 2.4 The Remit of the Complaints Appeal Panel | 13 |
| 2.5 Checklist for a Panel Hearing | 14 |
| Appendix A: Stage One Sample letter of outcomes from Headteacher | 17 |
| Appendix B: Stage Two Sample letter of outcomes from Chair of Governors | 18 |
| Appendix C: Stage Three Sample letter inviting complainant to the GB Appeal Panel | 19 |
| Appendix D: Stage Three Sample letter of outcomes from Complaints Appeal Panel | 20 |

Introduction

This guidance and complaints procedure, developed in consultation with stakeholders, is a good practice guide that will apply to most general complaints received by schools. Its aim is to seek a resolution to any complaint and to restore positive relationships.

This policy describes the procedure to be followed when complaints are made by parents/carers and others about the conduct of the school or the actions of any member of staff or Governing Body. It is in line with the recommendations in the DfE guidance *School Complaints Procedures*, 2011. It is recommended by Cambridgeshire County Council Learning Directorate for schools to adopt this policy, as an example of good practice, and that it is publicized to parents and others. It is the responsibility of the school to manage its own complaints and the local authority has no over-riding role other than to give advice, except in the circumstances outlined overleaf.

These types of complaints are subject to other statutory procedures that are separate from this general complaints procedure:

| | |
|--|--|
| Complaint by a member of school staff | School Grievance Procedure. For further information contact the school. |
| Pupil Exclusion | Right to make representations about fixed term exclusion to Governors' Pupil Discipline Committee. Right of appeal to independent panel for permanent exclusion. For further information contact the County Inclusion Manager on 01223 706342. |
| Admission to school | Local authority policy on school admissions with right of appeal to independent panel if admission refused. For further information contact the County Admissions Team on 01223 699200/699662. |
| Child Protection/Safeguarding | Cambridgeshire Safeguarding Children Board procedures apply. For further information contact The Child Protection helpline on 0345 045 5203. |
| Statements of Special Educational Need (SEN) | Local Authority statutory assessment procedures apply if a parent requests a statement. Right of appeal to independent SEN Tribunal. For further information contact the Statutory Assessment and Resources Team on 01480 372600. |

PART 1: DEALING WITH COMPLAINTS

1.1 Initial Concerns

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.

These key messages deal with complaints but 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. Concerns need to be treated seriously and courteously and given the time necessary for the complainant to feel that the matter has been dealt with properly. It would be helpful if staff were able to resolve issues on the spot, including apologising where necessary.

Parents/carers and others should raise concerns with the child's ***class teacher, form tutor or head of year, whoever is most appropriate. (*Delete as applicable)** All colleagues involved in informal concerns will keep written records. Every effort will always be made to resolve the problem at this informal stage, including, possibly, the offer of a conciliation meeting.

Complainants who remain dissatisfied at this stage will be informed that they have the opportunity to make a formal complaint.

Parents can request support from the Education Adviser Team in writing their complaint, and in following the formal procedure, by phoning 01223 706399.

1.2 The School's Guiding Principles

Our Complaints Procedure:

- Is **simple** to understand and use;
- Encourages resolution of problems by **informal** means wherever possible;
- Is easily **accessible** and **publicized**;
- Enables **swift** handling within established **time-limits** for action, and keeping people informed of progress;
- Ensures a full and **fair** investigation by an independent person where necessary;
- Is **impartial**;
- Is **non-adversarial**;
- respects people's desire for **confidentiality**;
- Addresses all the points at issue, with provision of an **effective** response and **appropriate** redress, where necessary;
- Provides **information** to the school's Senior Management Team/Governing Body so that services can be improved.

1.3 Investigating Complaints

It is suggested that at each stage, the person investigating the complaint (the complaints co-ordinator), makes sure that they:

- establish what has happened so far, and who has been involved;
- clarify the nature of the complaint and what remains unresolved;

Autumn Term 2012

- meet with the complainant or contact them (if unsure or further information is necessary);
- clarify what the complainant feels would put things right;
- interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish;
- conduct the interview with an open mind and be prepared to persist in the questioning;
- keep notes of the interview.

1.4 Resolving Complaints

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.

1.5 Persistent Complaints

If properly followed, a good 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 GB is able to inform them in writing that the procedure has been exhausted and that the matter is now closed.

1.6 Time Limits

Complaints need to be considered, and resolved, as quickly and efficiently as possible. An effective complaints procedure will have realistic time limits for each action within each stage, within ten working days. Working days are when the school is open and children are in attendance. However, where further investigations are necessary, new time limits can be set and the complainant sent details of the new deadline and an explanation for the delay.

PART 2: THE FORMAL COMPLAINTS PROCEDURE

The Stages of Complaints

2.1 Stage One: Complaint Heard by Headteacher

When they express an interest in making a formal complaint, parents/carers will be given a copy of the complaints leaflet and reminded of the ten school working day time limits included in the process.

Formal complaints should be made in writing, should state clearly that a formal complaint is being made and will normally be investigated, in the first instance, by ***the Headteacher or designated senior manager, (*Delete as applicable)** who will provide a response (See Appendix A).

If a complainant has difficulties in the writing of a formal complaint, s/he will be referred to Cambridgeshire County Council's Schools Helpline (01223 706399) for assistance.

If the complaint directly concerns the Headteacher complainants will contact, in writing as above, the Chair of Governors, who will investigate the complaint (See Stage Two).

Any other governors in receipt of complaints will refer them to the Headteacher or the Chair of Governors, as appropriate, and will not, themselves, become further involved.

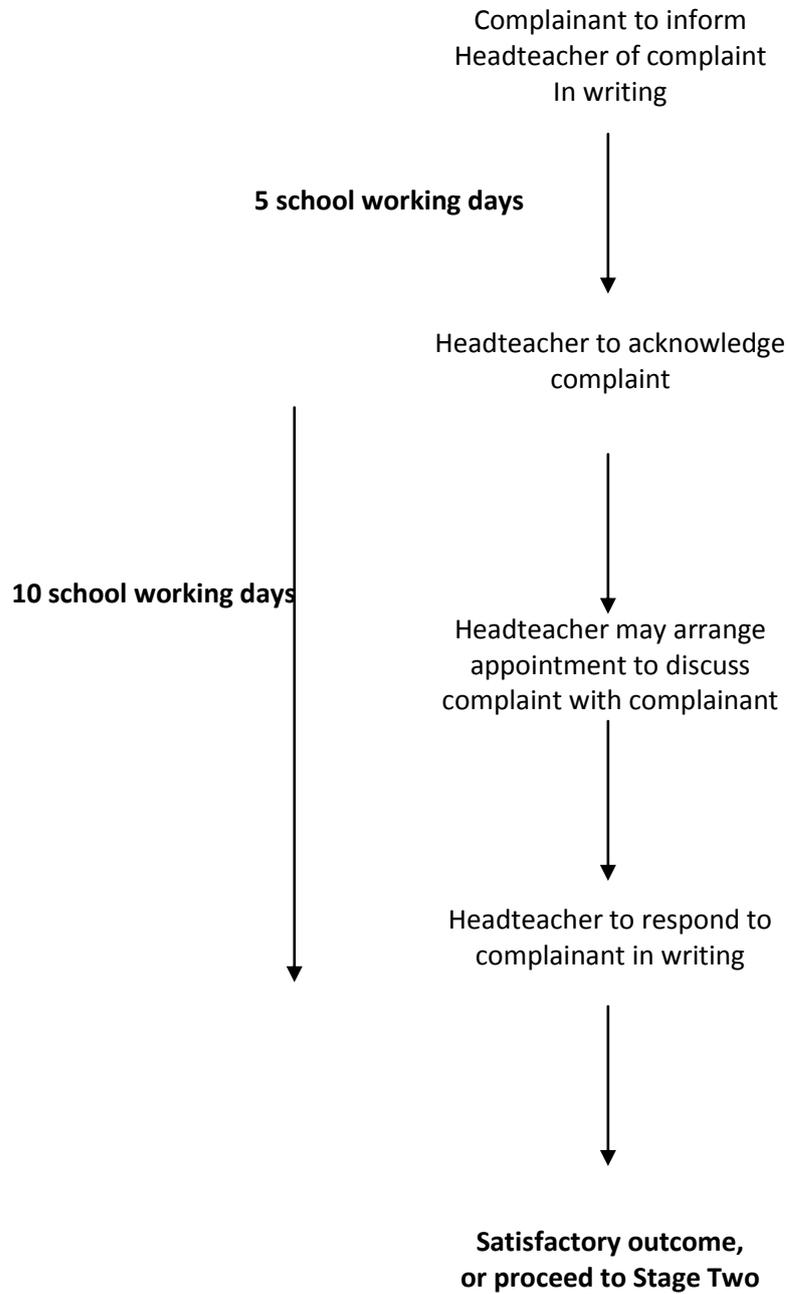
If the Headteacher considers that the complaint is complex, for example, if it contains many different elements, or may have a legal dimension, s/he will refer it to the school's Education Adviser for possible support.

In some cases, a complaint may lead to disciplinary action against an individual, for which there are separate procedures. If this is the case the complainant will be informed that the complaint will be pursued through disciplinary action. Under the Governing Body's disciplinary procedures, the outcome of these procedures is confidential.

The investigator will aim to complete the investigation and respond to the parent within ten working school days. If they cannot provide a full response within ten working school days then they will write to the complainant explaining this and giving a date by which they will provide a full response.

If the complainant is dissatisfied with the Headteacher's response, s/he may contact the Chair of Governors (See Stage Two).

Stage One: Complaint Heard by the Headteacher



2.2 Stage 2: Complaint Heard by Chair of Governors

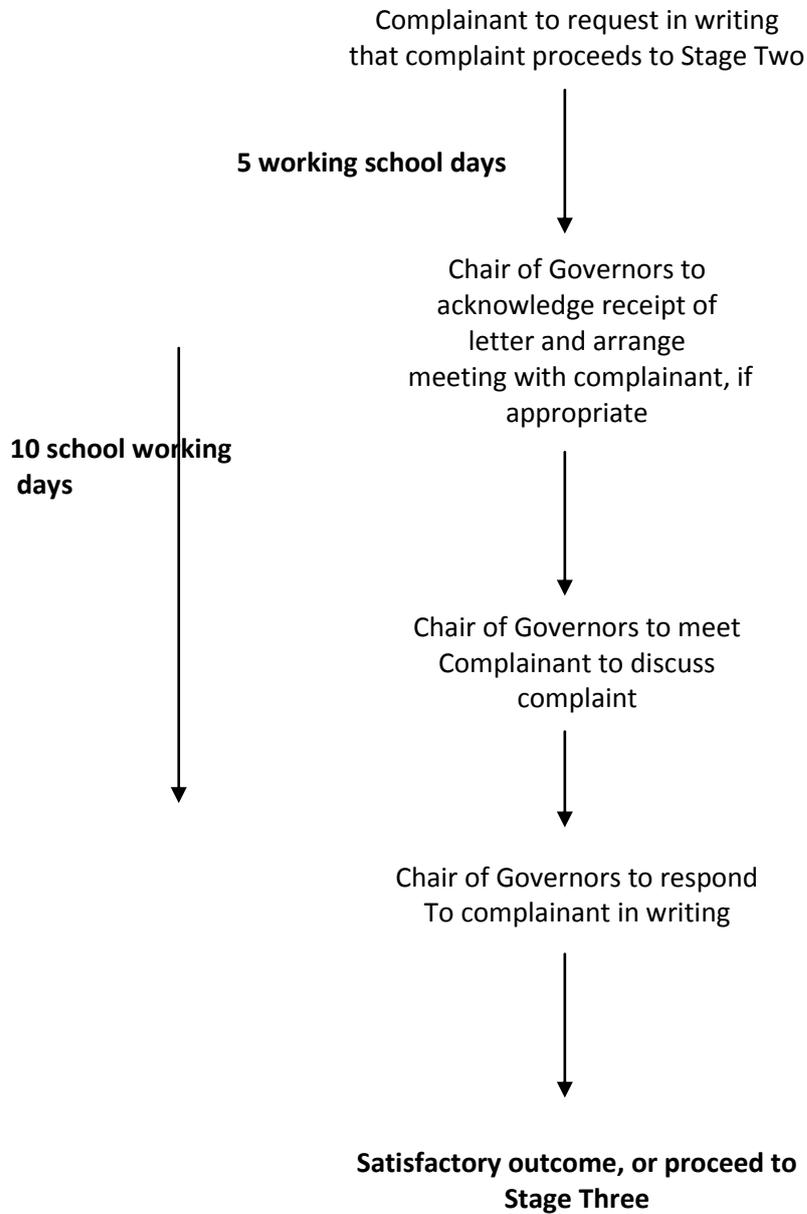
The Chair of Governors will determine a method of further investigation and provide a formal response to the complainant using the template in Appendix B.

If the Chair of Governors feels that it would not be appropriate for him/her to investigate the complaint, s/he may delegate the Vice-Chair of the Governing Body or another governor to carry out the task and report confidentially to him/her. The complainant will receive a written response to his/her complaint using the template in Appendix B.

When receiving the results of an investigation into a formal complaint carried out by/on behalf of the Chair of Governors, complainants should be informed of their right to request a review by a Panel of the Governing Body (Stage Three) and reminded that the time limit for requesting a review hearing is ten working school days from the date of receiving feedback from the investigation.

A formal complaint against a governor other than the Chair should be referred to the Chair, who will investigate and then decide on any appropriate action. In extreme cases this might include making a recommendation to the Governing Body about possible suspension (See *A Governor's Guide to the Law*).

Complaint Heard by Chair of Governors, or Nominated Governor



2.3 Stage 3: Complaint Heard by Governing Bodies Complaints Appeal Panel

If complainants are not satisfied with the response at Stage 2 they may ask for the complaint to be reviewed by the Complaints Appeal Panel of the Governing Body. This panel will be composed of three or five members of the School's Governing Body who have no connection with the issues under review. The panel may choose their own chair. The proposed date for the Panel to provide a response following the Review should normally be communicated to the complainant within ten working school days of receipt of the request for the Review.

The complainant and the school will be invited to submit any further written submissions to be reviewed by the panel.

The Committee will decide if the complaint has merit by reviewing the written information and any written submissions provided by any party, and will make any recommendations it feels appropriate to enable resolution of the matter. The outcomes of this panel review will be communicated in writing to both sides by the Chair of the Panel within ten working school days of the review, with reasons for the outcomes.

In the event of a formal complaint being made against the Chair of Governors, the complaint will be reviewed by the Grievance Panel/Hearings Committee of the Governing Body. The Committee will decide if the complaint has merit by reviewing the written information and will make any recommendations it feels appropriate to enable resolution of the matter. The outcomes will be communicated in writing within ten working school days to both sides by the Chair of the Panel, with reasons for the outcomes given.

The Review should normally take place within thirty working school days of receipt of the request. If this is not possible, the complainant will be informed of the review date.

The panel may request an Education Adviser from the local education authority to attend the meeting, to support the process. Academies must have an external adviser to support the process.

2.4 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 hearing will be held in private and is a confidential meeting. The aim will always be to resolve the complaint and achieve reconciliation between the school and the complainant. However, it has to be recognised 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. The governors sitting on the panel need to be aware of the complaints procedure.

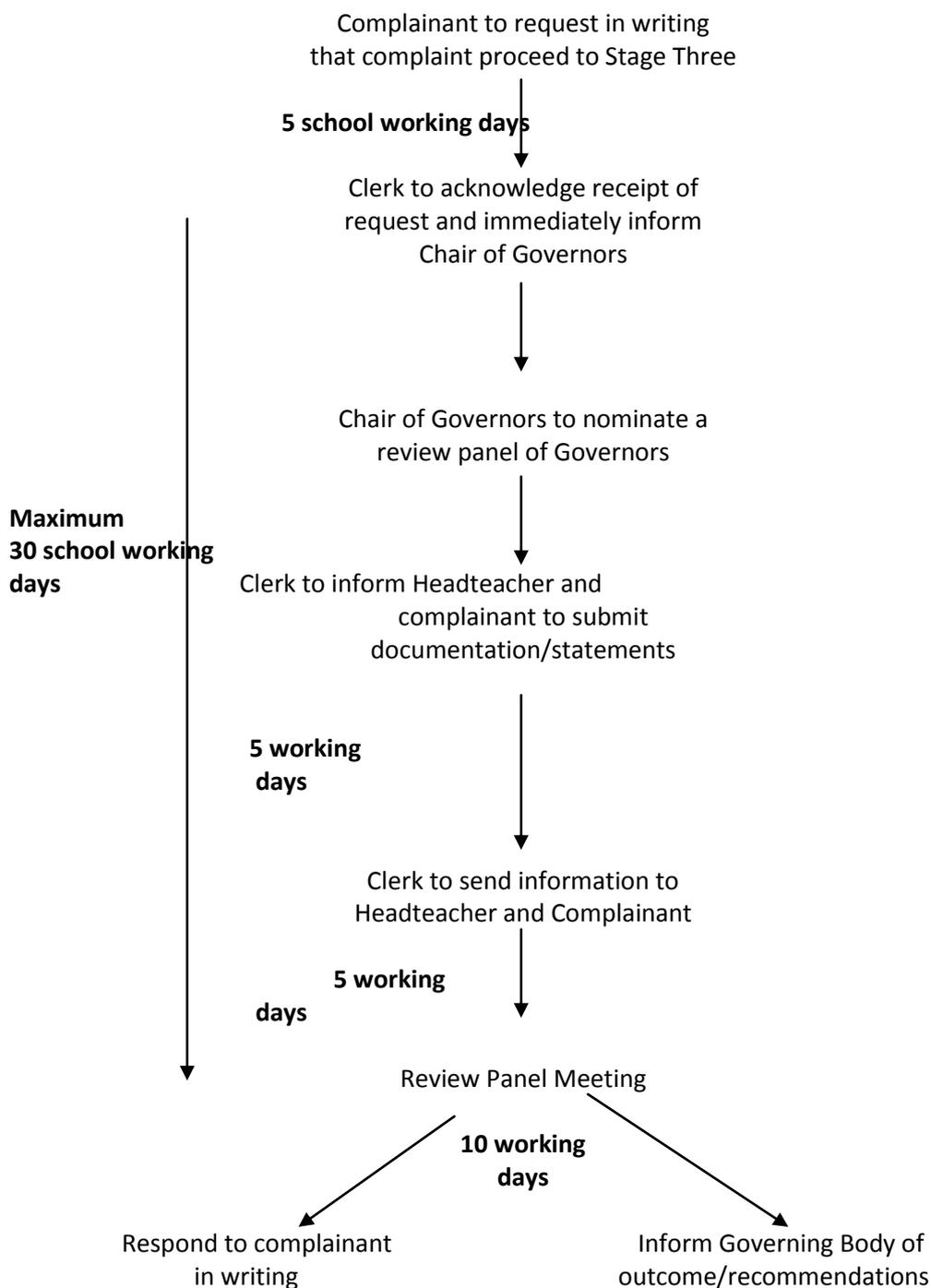
2.5 Checklist for a Panel Hearing

Where the school policy allows the attendance and verbal evidence from the complainant and the Headteacher the hearing will be led by the Chair of the panel.

The panel needs to take the following points into account:

- The hearing is as informal as possible.
- After introductions, the complainant is invited to explain their complaint.
- The headteacher may question the complainant.
- The headteacher is then invited to explain the school's actions.
- The complainant may question the Headteacher.
- 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.
- The Chair explains that both parties will hear from the panel in writing within 10 working days.
- Both parties leave together while the panel looks at any written evidence and decides on the issues.

Stage 3: Complaint Heard by Governing Bodies Complaints Appeal Panel



Under this complaints procedure there is no provision for further appeal beyond Stage Three. The final course of action available to complainants is to write to the Secretary of State for Education at Sanctuary Buildings, Great Smith Street, Westminster, London SW1P 3BT to ask for their case to be reviewed (See Appendix D).

If, at any point, the complainant, having exhausted the complaints procedure, attempts to re-open the same complaint, s/he will be informed in writing that the procedure has been exhausted and that the matter is now closed.

Autumn Term 2012

Reports will be made to the Governing Body on the number/nature of formal complaints lodged, but only after such complaints are fully closed.

Appendix A

Stage One: Sample letter of Outcomes from Headteacher

Dear <insert name>

I acknowledge receipt of your letter dated <insert date>.

Further to our meeting on <insert date>, I wish to confirm the outcome of my investigation into the matter.

<Insert summary of discussion and outcomes>

I have investigated your complaint by:

-
-
-

I found the following:

-
-
-

Further action/Recommendations:

-
-

I hope that you are satisfied that your concerns have been dealt with appropriately. You have the right to progress to the second stage of our complaints procedure if you remain dissatisfied. If so, please write to the Chair of Governors, c/o the school, within 10 working days of receiving this letter.

For independent information and advice on how to proceed with your concern please contact the County Education Advisers Team on 01223 706399.

Thank you for the time you have taken in conveying your concerns to the school. We value your comments.

Yours sincerely

xxx

Autumn Term 2012

Appendix B: Stage Two Sample letter of outcomes from Chair of Governors, or Nominated Governor

Dear *<insert name>*

Further to our meeting on *<insert date>* **OR** Further to your letter dated *<insert date>* I have now had an opportunity to investigate your concerns and am able to report the following:

<insert a summary of concerns raised, investigation and outcomes>

I hope that you are satisfied that your concerns have been dealt with appropriately. You have the right to progress to the third stage of our complaints procedure if you remain dissatisfied. If so, please write to the Chair of Governors, c/o the school, within 10 working days of receiving this letter.

For independent information and advice on how to proceed with your concern please contact the County Education Adviser Team on 01223 706399.

Thank you for the time you have taken in conveying your concerns to the school. We value your comments.

Yours sincerely
xxx

Autumn Term 2012

**Appendix C: Sample letter inviting complainant/headteacher to the Governing Bodies
Complaints Appeal Panel Meeting**

Dear *<insert name>*

The Governors Complaint Appeal Panel has met to plan our investigation of your complaint and I am now in a position to provide full details of the Complaints Appeal Panel Meeting to be held on *<insert date>* at *<insert location>*.

Please could you send me any additional information or documentation relevant to your complaint at least 10 working days before the meeting.

The meeting will take place at *<insert time>* and you are asked to report to the *<insert location>*. You will be shown to a waiting area. I will collect you and the headteacher from the waiting area to be introduced to the panel at the same time.

The Appeal Panel Meeting will be attended by:

<insert names and roles>

You are entitled to be accompanied by a friend or representative if you wish. I would be grateful if you would confirm the following by *<insert date>*:

- Confirm your attendance at this meeting; and
- Let me know the name of any friend or representative who will accompany you, and in what capacity they are attending (e.g. interpreter or friend).

All documentation will be sent to you 5 working days before the meeting. Finally, may I remind you that the consideration of this complaint and all related documentation should be treated as confidential.

Yours sincerely

<insert name>

Clerk to the Complaints Appeal Panel

Autumn Term 2012

Appendix D: Stage Three Letter of outcome from Appeal Panel Meeting

Dear *<insert name>*

Thank you for joining *<insert names of other 2 Governors>* and myself on *<insert date>* to review your complaint against *<insert name of school>*.

I am grateful to you for the time and effort you have put into presenting your case *<insert for/against>* the complaint.

I am writing to let you know the conclusions and recommendations we reached.

<insert summary of conclusions and recommendations>

A record of your complaint will be kept on file by the school.

Should you remain concerned that the governors have acted or are proposing to act unreasonably, or that the Governing Body has failed to discharge its duties under legislation, the final course of action available to you is to write to the Secretary of State for Education at Sanctuary Buildings, Great Smith Street, Westminster, London SW1P 3BT to ask for your case to be reviewed.

It is the panel's hope that you will feel that your complaint has been heard and reviewed fairly and that all issues have been investigated appropriately.

Yours sincerely

<insert name>

Chair of the Complaints Appeal Panel

cc headteacher *<insert name of school>*