# Humshaugh C of E (Aided) First School

## Complaints Procedure

## For use by parents and members of the public

This procedure is for use for complaints against the school, a member of staff or the governing body. It is expected that complaints will be lodged as soon as possible after any incident occurs and this would usually be expected to be within 3 months. There are separate arrangements, laid down by law to cover the following:

- Appeals against admissions to schools.
- Appeals about statutory assessments and against Education Health Care Plans.
- School re-organisation proposals.
- Matters likely to require a Child Protection Investigation
- Appeals against the Exclusion of Children from School
- Whistleblowing
- Staff Grievance & Disciplinary procedures
- Services provided by other providers who may use the school premises or facilities.

For further guidance on any of the above please contact the Head teacher.

**Stage One: Complaint Heard by Staff Member/Head teacher/ Chair of Governors.**

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 members of staff are made aware of the procedures, they know what to do when they receive a complaint.

In the first instance the complaint should be discussed between the person making the complaint and the member of staff involved. If a complainant indicates that they would have difficulty discussing a complaint with that particular member of staff they should be referred to another staff member. Where the complaint concerns the head teacher, or a governor, the complainant should be referred to the chair of governors if the complainant feels unable to discuss with the individual involved. Complaints against the Chair of Governors should be addressed to the Clerk to Governors.

Similarly, if a member of staff/head teacher/chair of governors feels too compromised to deal with a complaint it should be referred to another member of staff or another governor. The ability to consider the complaint objectively and impartially is crucial and it is also important to give an indication of timescale if it is found that the complaint requires further investigation.

If a complainant first approaches a governor, they should be referred, via the Head Teacher, to the appropriate person i.e. the member of staff concerned or the chair of governors. **Governors should 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 committee at a later stage of the procedure.**

It is hoped the majority of complaints can be resolved at this informal stage and to this end it may be useful to involve the Client Relations service, within the Children's Services Directorate of the Local Authority, who are available to advise parents on the complaints process and may on occasion help to facilitate contact with the school. The School Support Service can advise the school on procedure.

**Stage Two: Formal Consideration of Complaint.**

If the complainant is dissatisfied with the outcome of Stage 1 or the way the complaint has been handled at stage one and wishes to pursue their initial complaint further, the head teacher/chair of governors may delegate the task of formally investigating the complaint to another staff member or another governor.

The head teacher/chair of governors may also, in exceptional circumstances, commission an investigating officer report to be undertaken by an external consultant. The person making the complaint should be informed that an investigation is underway and that they will receive a response within 25 working days, or a letter explaining the reason for any subsequent delay.

Once the relevant facts have been established and conclusions drawn, the head teacher/chair of governors/nominated officer should relay the decision, and the reason for the decision, in writing to the complainant.

**Mediation (Optional stage)**

*The School **may** offer the option of mediation following the investigative stage of the complaint consideration, if the complainant is not satisfied with the outcome at Stage 2, this is not instead of Stage 3 rather as as additional way of reaching agreement and securing a way forward. Complainants do not have to accept mediation nor do the school have to offer this step if it is felt to be inappropriate.*

**Stage Three: Complaint Heard by Governing Bodies Complaints Committee**

If the complainant is still dissatisfied with the outcome they should contact the head teacher/chair of governors/nominated officer giving details of the complaint within ten school days of receipt of the stage 2 decision letter. The chair or nominated officer governor will convene a governing body complaints committee, if they consider it appropriate, after considering the report of the investigating officer and the request of the complainant - the usual practice at Stage 3 would be to convene a Panel as the complainant should be allowed to complete the complaints procedure in full.

When convened, the committee will consist of a minimum of three governors with delegated powers. The committee will be appointed by the chair of governors with the chair of the committee being appointed when they meet. The complaints committee will take a decision as to any action to be taken in response to the complaint. For example they may choose to:

- convene a hearing at which the complainant will be invited to put forward their case. This should be held within 20 working days of the decision to hold the hearing;
- dismiss the complaint in whole or in part;
- uphold the complaint in whole or in part;
- recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not recur.

In reaching a decision the committee may take the advice of such bodies as they see fit, in particular the Local Authority and where appropriate the Diocesan Authority. If it is decided that it is appropriate to hold a hearing, the clerk of the complaints committee will inform both parties in writing of the decision of the committee within five school days.

If, after following the school's own complaints procedure, the complainant is dissatisfied with the outcome at Stage 3, or if there are reasons why they cannot use that procedure - for example, they feel their complaint has not been or will not be given a fair consideration due to a conflict of interest – they can forward their complaint to the Department for Education, using the online **school complaints form**.

It should be noted that these complaints committees are not a form of legal proceeding and therefore it is inappropriate for either the school or the complainant to bring legal representation. The exception to this would be if a member of staff, as a witness, wished to bring individual union or legal representation. If a complainant should decide to commence legal action against the school in relation to their complaint then the school would consider suspending the complaints procedure until such legal proceedings had concluded.

**Making a complaint to the Department should only happen once all other routes have been followed.** The exception to this may be where there is a child protection concern, or where a child is missing education.

More information about making a complaint can be found on the DfE website: http://www.education.gov.uk/schools/leadership/schoolperformance/b00212240/making-complaint-school/how-to-complain

*If a complaint has been made by a number of parents and it is about a whole school issue they may, at any stage of the procedure, ask the Chief Inspector of schools to investigate their complaint. The Chief Inspector may or may not require the school's complaints procedure to be exhausted before he decides whether or not to investigate.*

*However, should the school become the focus of a complaint campaign; receiving a large volume of connected complaints all based on the same subject or from complainants unconnected with the school then the school reserves the right to deal with these complaints by means of either a template response or a general response posted on the school website.*

*A separate policy is in place in respect of serial and persistent complainants.*

**Exemplar complaint form**

**Please complete and return to Jude Long (complaints co-ordinator) who will acknowledge receipt and explain what action will be taken. If you have difficulties completing the form please contact the school so specific arrangements to consider your complaint can be made.**

**Your name:**

**Pupil's name (if applicable):**

**Your relationship to the pupil (if applicable):**

**Address:**

**Postcode:**
**Day time telephone number:**
**Evening telephone number:**
**E mail:**
**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 Only**
**Date acknowledgement sent:**
**By whom:**
**Complaint referred to:**

**Date:**

**Complainant**
The complainant is the person who raises their issue with the school in line with the school's complaints procedure. Individuals are expected to engage with the process in an open and honest manner in order to try to reach an equitable outcome. Complainants need to consider what they would feel to be appropriate outcomes from the process. Complainants must not try to pursue their complaint outside the process as this can cause difficulties in accessing sufficient individuals without connections to the complaint if too many people are contacted at the initial stages.

**Initial Contact**
Anyone who is contacted by the complainant would be the initial contact - the only role this person would have within the process would be to ensure that the complainant had a copy of the complaints procedure and how to move this forward. No discussion of the actual complaint should take place other than to identify who the complaint should properly be addressed to.

**Stage 1 Contact**
The complaints procedure expects that all complaints should be resolved at the earliest opportunity with the person most associated with the allegation being made - this could be a class teacher or other member of staff. A face to face discussion would usually be the first step and many complaints can be brought to a conclusion at this stage. Otherwise, the Head Teacher might take this role if the member of staff or the complainant is not comfortable with the usual arrangements. Exceptionally, if the complaint is about the Head Teacher and they are not able to participate in the Stage 1 discussion, the Chair of Governors might take this role or delegate to another appropriate Governor.

**Nominated Officer**
Depending on the level at which the Stage 1 discussion is held, this role may be taken by a senior leader; the Head Teacher; a Governor designated by the Chair or the Chair of Governors themself. The role of Nominated Officer would be to commission an investigation report from an Investigating Officer. The Nominated Officer would prepare a brief for the Investigating Officer to follow based on the substance of the complaint. On receipt of the Investigating Officers report the Nominated Officer would draw up and send a Stage 2 Outcome Letter to the Complainant. The Nominated Officer would also consider the appropriate response to complainants not satisfied at Stage 2. The Nominated Officer would also present the school case to the Panel at Stage 3 should this be required.

**Investigating Officer**
Depending on the level at which the Stage 1 discussion is held, this role may be taken by a senior leader; the Head Teacher; a Governor designated by the Chair or the Chair of Governors themself. Exceptionally, if there is no-one with sufficient independence, an Investigating Officer may be commissioned from outside of the school but it is likely that there would be a cost to this. The Investigating Officer would interview witnesses; scrutinise documentation, formulate conclusions and draw up recommendations within a report prepared for the Nominated Officer.

**Panel Chair or Member**
Should the complaint move to Stage 3 a Panel might be drawn up to consider the school case - both complainant and Nominated Officer would attend to present their case; each would be able to call witnesses as appropriate. The Chair of the Panel would be voted from within the panel and would be responsible for communicating the judgement to the Panel in a Stage 3 outcome letter.

**Witnesses**
Individuals identified as having specific knowledge in respect of the complaint would be identified as potential witnesses - these witnesses would be interviewed by the Investigating Officers and statements drawn up for signature. These statements would form part of the evidence in support of the Investigating Officer's conclusions and recommendations within their report to the Nominated Officer.

**Support for Procedure**
Schools that buy into the Clerking or Governance Advice SLA may access support from the School Support Team - Schools outside these SLA's would need to purchase such support on a "pay as you go" basis.

**Sanctions -** Complainants should understand that the purpose of having a complaints procedure is to secure better outcomes for the future; it is not a means for punitive actions against individuals. In exceptional circumstances where capability or disciplinary action might be identified as necessary, complainants would have no right of access to that information or any subsequent outcomes.