



**Revised September 2018**

## **School Complaints Procedure**

### **1. Purpose of the Complaints Procedure**

This procedure aims to reassure parents and others with an interest in the school that:

- any complaint against the school will be dealt with in a fair, open and responsive way, with the aim of achieving a speedy and satisfactory resolution; and
- the school recognises that a willingness to listen to questions and criticism and to respond positively, can lead to improvements in school practices and provision for pupils.

### **2. Scope of the Procedure**

2.1 A complaint is defined as a clear statement of dissatisfaction about any specified aspect of the school's work including how we work with children with Special Educational Needs and Disabilities (SEND).

2.2 This procedure deals with specified day-to-day complaints against the management and/or operation of the school which fall outside the scope of the following procedures:

- Complaints which have an alternative statutory avenue of appeal or complaint, i.e. admissions, exclusions, SEND assessments, Section 409 Curriculum Complaints and those covered by the Education (School Records) Regulations 1989.
- Serious complaints which must be dealt with by specific employment procedures e.g. allegations of professional abuse, criminal offences or those that are potentially staff disciplinary issues.

2.3 Complainants may be anyone e.g. parents, guardians, grandparents, neighbours of the school or anyone with an interest in the work of the school. However, it is expected that it will be mainly parents or guardians who will make use of this procedure. The term 'parent' is therefore used throughout the

procedure as a generic term but the procedure also applies in relation to any other type of complainant.

2.4 Complaints may be made by telephone, e-mail, in person or be written.

### **3. General**

3.1 The school and/or parent may request advice or guidance from Herefordshire Council's Children and Young People's Services department at any stage in the procedure. In particular, the Council offers advice on the application of the procedure in practice at each stage and ensuring the matter is being dealt with appropriately, including the attendance of the school's Link Adviser at Governor Complaint Panel hearings. It is not responsible, however, for investigating the complaint or for making decisions on the outcomes.

3.2 Records of all conversations and meetings with parents to resolve complaints will be kept. At a Governors' Complaints Panel meeting, minutes will be taken. To help prevent recurring complaints, copies of correspondence and notes will be kept on file in the school's records, separately from individual pupil records.

3.3 If at any stage in the procedure it becomes apparent that the complaint falls outside of this general complaints procedure, parents will be informed.

3.4 There may be rare occasions when, despite all the stages of the procedure having been followed, a parent remains dissatisfied. If the parent seeks to re-open the same issue, the school reserves the right to inform him/her in writing that the procedure has been exhausted and the matter is closed.

### **4. Stage 1: Informal Stage**

4.1 On occasions, a parent may raise a concern directly with school staff without any formality. At this stage, it may be unclear whether the parent is making a complaint, seeking information or has misunderstood a situation. In any effect, the school aims to resolve the concern at this point in a speedy and effective way.

4.2 However, if the concern is not resolved immediately and a complaint is confirmed by the parent, the opportunity to discuss the matter with an appropriate member of staff will be given. In the first instance, this will usually be the class teacher or curriculum co-ordinator but if appropriate, the Headteacher. In the case of complaint against the Headteacher, this stage will always be heard directly by the Headteacher herself.

4.3 The member of staff will discuss the issue with the parent and those involved in school, with the aim of resolving the complaint as soon as possible. The parent will be informed of the outcome of the investigation and what action, if any, the school proposes to take.

4.4 If the informal process has been exhausted and no satisfactory solution has been found, the parent will be asked by the member of staff dealing with the complaint whether (s)he wishes the complaint to be considered formally at stage two of this procedure.

4.5 If wishing to proceed with the complaint, the parent will be invited to put the complaint in writing to the Headteacher using the form attached at Appendix 1. The form should be sent to the Headteacher within **ten school days**. Advice on how to complete the form may be requested from Herefordshire Council's Children and Young People's Services department.

## **5. Stage 2: Referral to the Chair of Governors or Headteacher for further investigation**

5.1 Where the complaint has been addressed by the Headteacher at stage one, this stage will be heard by the Chair of Governors. Where another staff member has addressed the complaint at stage one, this stage will be heard by the Headteacher.

5.2 The Chair of Governors or Headteacher will acknowledge the written complaint within **five school days** of receipt and provide an opportunity to meet the parent to discuss the complaint.

5.3 The Chair of Governors or Headteacher will investigate the complaint and a written response will normally be made within **ten school days** of receipt of the complaint. If this is not possible, a letter will be sent explaining the reason for the delay and providing a revised target date.

5.4 The written response will include full reasons for the conclusions reached by the Chair of Governors or Headteacher and what action, if any, the school proposes to take to resolve the matter.

5.5 If the parent still remains dissatisfied, (s)he will be advised that, in order to progress the complaint further at Stage 3, (s)he must notify the Clerk to the Governing Body in writing **within ten school days**, copying the original complaint form.

5.6 The Clerk will then ensure that the parent is offered the opportunity of taking the complaint to the Governors' Complaints Panel at Stage 3 of this Procedure.

## **6. Stage 3: Review by the Governors' Complaints Panel**

6.1 Complaints only rarely reach this level. However, when the need arises, the Governors' Complaints Panel (established according to the suggested composition detailed in Appendix 2 attached) will consider complaints at this stage.

6.2 A written acknowledgement of the complaint and the request for it to be heard at Stage 3 of the Procedure will be sent to the parent by the Clerk to the Governors within **five school days**.

6.3 The letter will inform the parent that the complaint will be heard by the Governors' Complaints Panel (GCP) within **twenty school days** of receiving the complaint. It will also inform the parent of the right to submit any further documents other than the complaint form and that these must be made available to the Clerk to the Governors within **five school days** of receipt of the acknowledgement letter. The right to call witnesses to the meeting, subject to the approval of the Chair of the GCP, and the right of the parent to be accompanied by a companion of her/his choice, will also be explained in the letter.

6.4 The Clerk to the Governors will send a copy of the letter of acknowledgement of the complaint to the Chair of Governors and/or Headteacher and request a written report in response to the complaint to the GCP within **five school days** of receipt of the letter.

The right to call witnesses, subject to the approval of the Chair, will also be explained.

6.5 The Clerk to the Governors will then convene a GCP meeting, having consulted with all parties on convenient times. The date, time and venue for the meeting will then be confirmed at least **five school days** in advance.

6.6 The names of all parties and witnesses (if any) to attend the meeting and all relevant documents to be referred to at the meeting will also be provided by the Chair of the GCP to: the parent; the Chair of Governors and/or Headteacher; and each panel member.

This will be provided as soon as possible and, in any event, at least **five school days** prior to the meeting.

6.7 The meeting will be held following the procedures for hearing a complaint detailed in Appendix 3.

6.8 A written decision will be sent to both the parent and the Chair of Governors and/or Headteacher by the Chair of the GCP within **ten school days** of the hearing.

6.9 The letter will explain that the decision of the Governors' Complaints Panel is final but that complaints can be taken to the Secretary of State for Education and Skills under the Education Act 1996, on the grounds that:

- a Governing Body or Local Authority is acting or proposing to act unreasonably; or
- the Governing Body or the Local Authority has failed to discharge its duties under the Act.

**Appendix 1**

**Form to notify formal School Complaint (Stage 2 and/or Stage 3)**

Child's Name (to whom issue relates) ----- Class group -----

Parent/Guardian -----

Contact details (including mobile Telephone no. if appropriate) -----

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**Details of Complaint:**

*(Please be as specific as possible e.g. giving dates, who was involved and where etc.)*

*Please attach continuation sheet/additional information if you wish*

What would you like to see done to resolve your complaint and bring the matter to an acceptable closure for yourself and the school?

Signed ----- Date -----  
*(Parent/Guardian)*

Please return the completed form to the **Chair of Governors or Headteacher** at the school.

## **Appendix 2**

### **Composition of the Governors' Complaints Panel**

The Governors' Complaints Panel (GCP) should consist of three members of the Governing Body. A Chair of the GCP should also be appointed.

The Governing Body may decide to appoint the three members annually, together with three reserves, designated in the order in which they would be called upon to stand in order to ensure that three governors will be available to meet within the timescales. The Governing Body may wish to consider the advantages of having a parent governor as a member of the panel.

No member of the GCP should have had prior involvement with the complaint. As the Chair of the Governing Body may be involved at an earlier stage in the procedure (particularly where the complaint is about the Headteacher) it may be wise not to include the Chair as a member of the GCP to avoid any possible reference to the Chair being "tainted".

It is not considered appropriate for the Headteacher to be a member of the GCP. The role of the Headteacher would be to attend the panel hearing to give evidence and she may choose to invite staff directly involved in matters raised by the complainant (subject to the approval of the Chair of the GCP).

## **Appendix 3**

### **Governors' Complaints Panel (GCP)**

#### **Procedures for Hearing the Complaint**

##### **Introduction**

The aim of the meeting is to resolve the complaint and achieve reconciliation between the school and the parent.

The Chair of the GCP will ensure that the meeting is properly minuted.

Although the meeting will follow the structured order below, given potential sensitivities and anxieties, the Chair will endeavour to ensure that the proceedings are as informal as possible and that all parties are put at their ease.

The introduction of new information or witnesses, previously not notified to all parties, would be reason to adjourn the meeting so that everyone has time to consider and respond to the new information.

##### **Order of Meeting**

1. The Chair welcomes the parent and his/her companion and introduces the GCP.
2. The Chair explains the purpose of the meeting, the procedure, and that all written evidence has been made available to all parties.

3. The parent/companion explains the complaint, calling in witnesses if appropriate.
4. The GCP may question the parent/companion and witnesses.
5. The parent and companion retire from the meeting.
6. The Chair welcomes the Headteacher and the Chair of Governors (where the complaint has been addressed by the Chair of Governors at stage 2).
7. The Chair explains the purpose of the meeting, the procedure, and that all written evidence has been made available to all parties.
8. The Headteacher/Chair of Governors present a response to the complaint, including action taken to address the complaint at stage 1 and 2 of the procedure and calling witnesses, if appropriate.
9. The GCP may question the Headteacher/Chair of Governors.
10. The Headteacher and Chair of Governors retire from the meeting.
11. The parent, together with his/her companion, is invited back into the room to make a final statement, then retires.
12. The Headteacher, together with the Chair of Governors, where applicable, is invited back into the room to make a final statement, then retires.
13. The GCP considers the complaint and reaches a unanimous or majority decision. The GCP also decides what action (if any) to take to resolve the complaint and, if appropriate, recommends changes to ensure similar complaints are not made in future.
14. When a decision has been made, the Chair recalls the parent, then the Headteacher and each is informed of the outcome and any action to be taken.
15. All outcomes are confirmed in writing to both parties in accordance with paragraphs 6.9 and 6.10 of the Complaints Procedure.