

GENERAL COMPLAINT PROCEDURE for LOCAL AUTHORITY SCHOOLS

*Adopted
Spring
2013.*

Introduction

The School's Complaints Procedure has a number of stages, and these are explained below.

However, most complaints can be dealt with satisfactorily at the first (informal) stage. This is usually by arranging to meet with the Headteacher, the School's Complaints Co-ordinator, or another relevant member of staff (eg the Special Educational Needs Co-ordinator).

If you wish to make a complaint it is important to follow this procedure through each stage of the process. The school will not embark upon a new stage in the process until the previous stage has been completed. It is important to emphasise that there can be no exceptions. A record will be kept by the school of the process and outcome at each stage of the Procedure

Schools and their Governing Bodies are responsible for receiving, investigating, and responding to complaints. Enquiries to the Local Authority will be passed back to the school concerned.

General Note: Please be aware that the Local Authority has no role in the complaints procedure.

The person responsible for managing complaints (School's Complaints Co-ordinator) is:

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STAGE 1 - The First Contact: Dealing With Concerns and Complaints Informally

If anyone has a concern/complaint it may be registered either verbally or in writing. If the member of staff first contacted cannot immediately deal with the matter, they will make a clear note of the date, name, contact address, phone number and brief details of the concern/complaint. This information will be passed to the School's Complaints Co-ordinator at the earliest opportunity and recorded in the school's log.

An opportunity will be given to the complainant to discuss the concern/complaint with an appropriate member of staff, who will clarify the nature of the concern/complaint and how the complainant wants the complaint to be resolved (for example by an apology from the school; an explanation; assurances that there won't be a re-occurrence; details of measures that will be taken to ensure that there isn't a re-occurrence).

The School's Complaints Co-ordinator will identify the appropriate procedure and either conduct the investigation or nominate an appropriate colleague to do so. The Co-ordinator will communicate verbally with the complainant to ensure they are clear about what action or monitoring of the situation has been decided on, if appropriate by when, only putting this in writing if this seems the best way to make things clear.

STAGE TWO - Formal Referral To The Head Teacher

If the matter cannot be resolved informally then the complaint should be submitted **in writing** to the Head Teacher. *(The attached complaint form may be used).*

If the complaint is about the Head teacher, or the Head teacher has been so involved as to raise questions about his/her impartiality, the complaint **MUST** be put in writing and addressed to the Chair of the Governing Body at the school, marked private and confidential. A complainant may wish to deliver the letter by hand and ask for a dated receipt.

Where the Head Teacher has acted as School's Complaint Co-ordinator at Stage One, another senior member of staff may be designated to collect some of the information from the parties involved, or another senior member of staff may be nominated to be the Investigator.

The complaint will be acknowledged in writing within **five school days**, giving the name of the person who will conduct the investigation and a target date for providing a response, usually within **10 school days**.

The investigator may ask the complainant to meet with him/her to provide extra information or to explain any information provided previously. Once all the relevant facts have been established, the Head teacher or designate will provide a written response. Whilst every effort will be made to complete investigations promptly, in some cases, requiring detailed investigations, and/or where a number of witnesses may need to be interviewed, it will take longer to produce a written response. Where this is the case the complainant will be advised of any revised timescale for production of the written response.

The written response will include:

- details of the agreed subject matter of the complaint
- details of who was contacted in connection with the subject matter of the complaint (and in brief) the evidence that was obtained
- a full explanation of the decision reached and the reasons for it.
- where applicable, what action the school will take to address the complaint and prevent recurrence.
- what to do if the complainant is not satisfied, information on how to request a review by the governing body and the timescale.

STAGE THREE - Governing Body Review Of Headteacher's Or Chair's Investigation

A request to review a complaint investigation should be made in writing to the Chair of the Governing Body within **20 school days of the date of the outcome letter** and should **give the reasons** for requesting a review. The circumstances under which a review would be conducted include those where there is:-

- a claim that material information was not taken into account in investigating the complaint
- a claim that procedures have not been properly applied in handling the complaint
- a claim that there has been an incorrect interpretation of Council or school policy

Disagreeing with the outcome at Stage Two **IS NOT** sufficient grounds for undertaking a review under this part of the procedure.

As much detail as possible should be provided when requesting a review. Where insufficient detail is given this may result in a delay, or a request being made for further clarification.

The Governing Body will nominate three members to form a Complaint Panel to review the complaint and any further documents submitted by the complainant. These **WILL** be governors who have had no prior involvement with the complaint.

The Clerk to the Governing Body will convene the Complaints Panel hearing within **20 school days of receipt of the review request** and at the same time provide panel members and the complainant with copies of all relevant correspondence and documentation.

The Complaints Panel can set time limits for both sides to present their case and for the length of the hearing overall (see Appendix 1). These will be communicated to everyone involved by the Clerk in advance of the hearing.

The complainant, the Head teacher and other witnesses will be given a minimum of **5 school days** notice of the hearing. The complainant will be advised of the right to bring a friend, or to be represented by someone of their choice (at their own expense). Where possible the clerk will seek to arrange a convenient time and date for the review hearing. However, where 2 attempts have been made to schedule a convenient hearing and it has not been possible to accommodate the complainant, the Complaints Panel reserves the right to conduct the hearing in the absence of the complainant and on the basis of the written evidence submitted by him/her. This is intended to ensure that complaints are considered promptly and to avoid unnecessary delays.

All parties should be notified of the proposed witnesses. Parties are requested to notify the clerk of the name of any witness who they intend to bring to the hearing at the earliest opportunity.

The Outcome of a Review may include:

- upholding the result of the original investigation.
- upholding the result of the original investigation, but making recommendations for improving practices.
- finding the complaint was justified and overturning the original decision.

The Chair of the Panel will notify the complainant in writing of the outcome of the review and of any action to be taken, within **7 school days** after concluding the review.

The complainant will also be advised of their right of further appeal to the Secretary of State for Education.

The Chair will ensure that any required action is put in place.

Unreasonable Behaviour by Complainants

If a complainant acts in an unreasonable manner, for example:

- by insisting on moving to later stages of the procedure before earlier stages have been completed
- taking actions that are out of proportion to the nature of the complaint
- pursuing a complaint in an unacceptable manner by using threatening, intimidating or abusive language or behaviour
- continuing to pursue a complaint once the complaints procedure has been exhausted

The Headteacher / Chair of the Governing Body may inform the complainant that their behaviour is unacceptable and take any action appropriate to limit the impact of the complainant's behaviour on the School, its staff and its representatives. This could ultimately include limiting the complainant's contact with the School to written communication with a named individual unless in an emergency.

Guidelines For Conducting Formal Appeal Hearings

- 1 The chair conducting the complaint hearing will introduce all present and will seek confirmation from both parties that they understand that the status of the hearing is at STAGE 3 in accordance with the Complaints Procedure.
- 2 Any documentation provided in evidence must be provided in advance to all parties and sufficient time given for it to be considered.
- 3 Each party may request adjournments during the hearing. No reasonable request for an adjournment will be refused.
- 4 No witness will be permitted to be present in the hearing until they have given evidence. The panel will decide whether the witness(es) should remain after giving evidence and responding to questions.
- 5 The complainant will present the facts supporting the complaint and will call any witnesses in support. A time limit of 1 hour will apply for the complainant to put his/her case.
- 6 The subject of the complaint and his/her representative will have the opportunity to question the complainant and any witnesses called. A time limit of 15 minutes will apply.
- 7 The complaints panel and the Clerk supporting the panel, may ask questions (for the purpose of ensuring that the panel has all the information that it will require to determine the outcome of the review). A time limit of 15 minutes will apply.
- 8 The subject of the complaint and/or his/her representative may present their case in defence of the complaint and may call witnesses. A time limit of 1 hour will apply.
- 9 The complainant will have the opportunity to question the subject of the complaint and any witnesses called. A time limit of 15 minutes will apply.
- 10 The complaints panel and the Clerk (for the purpose of ensuring that the panel has all the information that it will require to determine the outcome of the review) may ask questions of the subject of the complaint and any witnesses called. A time limit of 15 minutes will apply.
- 11 The complainant may sum up his/her case. A time limit of 15 minutes will apply.
- 12 The subject of the complaint and/or his/her representative may sum up the case in defence. A time limit of 15 minutes will apply.
- 13 Both parties and any witnesses will be asked to withdraw. The panel members will remain to determine the review. The Clerk will remain to record the panel's decision
- 14 If for any reason the panel need to recall any of the witnesses or either party to ask further questions, or seek clarification before reaching a decision, both parties will be recalled and then asked to leave.
- 15 The decision of the Panel will be notified in writing within 7 school days of the panel's determination of the review. The complainant will be notified of his/her right of appeal to the Secretary of State for Education.

School Complaints Procedure Complaint Form

Data Protection Act 1998

The personal data that you provide will be used for the purposes of investigating your complaint and for producing statistical data to enable the school's management to monitor the effectiveness of the school's complaint procedure. The information you give will be held securely and in confidence.

Please complete and return to (School's Complaints Co-ordinator) who will acknowledge receipt and explain what action will be taken.

(Mr / Mrs / Miss / Ms / Other)

First Name:

Last Name:

Address:

Postcode:

Day time telephone number:

Evening telephone number:

If the complaint relates to a pupil, please give:

Pupil's name:

And relationship to the pupil:

Please give details of your complaint.

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

What would you like the school to do to make improvements or put things right?

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

Signature:

Date: