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Striving for Excellence

POLICY FOR SCHOOL COMPLAINTS

<i>DRAFTED BY:</i>	Darren Williams
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CPD SCHOOLS FEDERATION SCHOOL COMPLAINTS POLICY

Purpose

To establish a procedure for dealing with complaints relating to the school and to any community facilities or services that the school provides, as required by section 29(1) (a) of the Education Act 2002. In establishing and publicising these arrangements the Governing Body will have regard to guidance given by the Secretary of State, Best Practice Advice for School Complaints Procedures, 2020.

What is a complaint?

There is a difference between a concern and a complaint. Taking informal concerns seriously at the earliest stage will reduce the numbers that develop into formal complaints. Concerns ought to be handled without the need for formal procedures. In most cases the class teacher will receive the first approach and hopefully, staff will be able to resolve issues on the spot.

Formal procedures will need to be used when initial attempts to resolve the issue are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further.

Who can make a complaint?

Any person, including members of the public, can make a complaint about any provision of facilities or services that a school provides, unless statutory procedures apply. School must not limit complaints to parents or carers of children that are registered at the school. However, anonymous complaints will be dealt with under a different procedure.

Complaints not in scope

Some complaints are not within the scope of the school's complaint policy and dealt with through other policies or should be referred to the Local Authority directly or the DfE. The school will let you know if this is the case. The following list of complaints not in scope comes from the latest best practice guidance (2020):

- *Admissions to schools*
- *School re-organisation proposals*
- *Statutory assessments of special educational needs*
- *Matters likely to require a child protection investigation*
- *Exclusion of children from school*
- *Whistleblowing*
- *Staff grievances*
- *Staff conduct complaints*
- *Complaints about services provided by other providers who may use school premises or facilities*
- *Complaints about the curriculum*
- *Complaints about collective worship*
- *Withdrawal from the curriculum*

Complaints about a governor or the Governing Body

Complaints about the Governing Body in relation to governance, management and the discharging of any other duties are handled by NPW Governor Services, on behalf of the LA.

Complaints against:

- the Chair of Governors or any individual governors are made to the Clerk to the Governing Body (the clerk), the clerk and NPW will arrange for the complaint to be heard. This will be done by a suitably skilled and impartial member of the Governing Body (stage one) and then a committee of members of the Governing Body (stage two)
- the entire Governing Body or complaints involving both the chair and vice chair should also be sent to the clerk, who should then determine the most appropriate course of action. This will depend on the nature of the complaint.

General Principles

This Complaints Policy will:

- Encourage resolution of problems by informal means wherever possible
- Be easily accessible and publicised
- Be simple to understand and use
- Be impartial
- Be non-adversarial
- Allow swift handling with established time-limits for action and keeping people informed of the progress
- Ensure a full and fair investigation by an independent person where necessary
- Respect people's desire for confidentiality
- Address all the points at issue and provide an effective response and appropriate redress, where necessary
- Provide information to the school's senior leadership team so that services can be improved

Principles of investigation

Principals of investigation to be followed in this procedure are:

- To establish what has happened so far, and who has been involved
- To clarify the nature of complaint and what remains unresolved
- To meet with the complainant or contact them (if unsure or further information is necessary)
- To clarify what the complainant feels would put things right
- To interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish
- To conduct interviews with an open mind and be prepared to persist in the questioning
- Keep notes of the interview(s)

Recording Complaints

- A) A concern can be made in person, by telephone or in writing. If the matter is resolved, no further record to be made.
- B) If a concern cannot be resolved informally, then the complainant will be asked to put their concern in writing, if possible on a complaint form (Annex A). If the complainant finds it difficult to put their concern in writing, an oral submission will be taken. A brief note of meetings and telephone calls must be kept and a copy of written response or record of the oral response added to the record. The school will record the progress of the complaint and the final outcome.

Resolving Complaints

Complainants will be encouraged to state what actions they feel might resolve the problem at any stage. An admission that the school could have handled the situation better is not the same as an admission of negligence.

An effective procedure helps identify areas of agreement between parties. It is also important to clarify any misunderstandings that might have occurred as this can create a positive atmosphere in which to discuss any outstanding issues.

Complaint Outcomes

At each stage in the procedure, the school and/or Governing Body will seek to resolve the complaint. It might be sufficient to acknowledge that the complaint is valid in whole or in part. In addition, one or more of the following will be given:

- An apology
- An explanation
- An admission that the situation could have been handled differently or better
- An assurance that steps will be taken so that the event complained of is unlikely to recur
- An explanation of the steps that have been
- An undertaking to review school policies in the light of the complaint, if necessary.

However, the result will be other outcomes as follows:

- There is insufficient evidence to reach a conclusion, so that the complaint cannot be upheld
- The concern is not substantiated by the evidence
- The concern was substantiated in part or in full. [Some details will then be given of action the school is taking to review procedures etc... but details of the investigation or any disciplinary procedures will not be released]
- The matter has been fully investigated and that the appropriate procedures are being followed, which are strictly confidential. [e.g. where staff disciplinary procedures are being followed]

The Stages of Complaints

This Complaint Procedure has well-defined stages. Flexibility, on occasion, will be needed; for example, the possibility of further meetings between the complainant and the member of staff directly involved. Also, if further investigations is required by the Headteacher after a meeting with the complainant.

The information below summarises each stage of the process; it sets out 3 stages of a school complaints procedure that includes 2 formal stages. (A further condensed summary can be found in Appendix G.)

a) Stage 1 – Informal

The complaint is dealt with by an appropriate staff member (who is not the subject of the complaint).

In the vast majority of cases, a concern can and should be resolved by contacting the appropriate member of staff e.g. the subject teacher, head of year, form tutor or other designated staff member directly involved with the reported problem.

The initial communication from the complainant to the member of staff can be by letter, telephone conversation or in person by appointment. The complainant must allow the designated staff member at least 5 days to respond to the concern.

If this does not lead to a resolution of the problem then the concern/complaint must be referred to the next stage of the process which is the commencement of the formal process.

b) Stage 2 – Formal (if unresolved at Stage 1)

The complaint is heard by the Head Teacher.

If the complainant is dissatisfied with the response from the member of staff at Stage 1 they should be advised to put their complaint in writing, or speak, to the Headteacher who will deal with it formally at Stage 2. Appendix A should be used whenever possible. Where the Headteacher is the subject of the complaint, the complainant should be advised to address it to the Chair of Governors and the complaint is heard by the Chair of Governors or other appropriate person.

The complainant must ensure that they include details of why they are still dissatisfied and what action they would like to resolve the complaint. They can also attach any evidence to support their concerns.

The Headteacher must acknowledge the complaint within 5 school days by writing to the complainant. The acknowledgement should state a further communication will follow, within 20 school days that will set out the actions taken to investigate the complaint and the findings.

The Headteacher can delegate another senior member of staff to carry out the investigation and report their findings to them. The Headteacher will then reach a conclusion based on the investigation. All notes relating to the investigation will be kept on file. If the investigating officer feels it necessary to meet with the complainant then notes will be produced of the meeting.

The investigating officer will then compile a report detailing their findings. Any recommendations or actions proposed must be considered by the Head Teacher.

Once satisfied that the investigation has been concluded and a decision has been reached, the Headteacher must notify the complainant in writing of the conclusion and any actions that will be taken as a result. The decision will be communicated by the Headteacher to the complainant in writing or, if appropriate, meet with them first to communicate their findings and then confirm in writing afterwards.

Useful model letters are attached in Appendices C and D.

The complainant is also informed if they are still dissatisfied they can write, or talk to the Governing Body directly via the school or, Governor Services or School Management Support at Newham Partnership Working outlining why they feel the complaint is unresolved.

c) Stage 3 – Formal (if not resolved at Stage 2)

The complaint is heard by a panel of the Governing Board. This is the final stage of the process.

If the complainant is dissatisfied with the response from the Headteacher or Chair of Governors (or Vice-Chair) at Stage 2 they should be advised that the next stage is to put their complaint in writing, or speak, to the School Governing Board at Stage 3.

The complainant must ensure that they include details of why they are still dissatisfied with the decision of the Chair, recommendations and actions of the Stage 2 complaint and what they feel would resolve the matter. They can also attach any evidence to support their concerns in addition to that submitted at Stages 1 and 2.

The complaint will be acknowledged within 10 school days.

The complaint is considered by a panel of Governors who form a complaints appeal panel. The panel will be independent and impartial. No governor will sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it. The panel will have a cross-section of categories of governors and be sensitive to the issues of race, gender and religious affiliation. If appropriate the panel can be made up of governors from another school. Complaints should not be shared with the whole Governing Body, except in very general terms

The panel will convene a meeting to discuss the complaint and all the investigation evidence to make a final decision on how to progress. A clerk will be appointed to take notes of the meeting and records must be kept. A useful checklist for a panel hearing is attached in Appendix F.

The Headteacher has a statutory duty for the internal organisation and management of the school, which they must carry out in accordance with any rules, regulations or policies laid down by the Governing Body. Therefore the remit of governors' consideration of a complaint about a matter of internal organisation and control will be as to whether the Headteacher has followed any relevant school policies; it is not to substitute its own operational judgement for that of the head teacher.

The panel can decide:

- To convene a meeting with the complainant. If a meeting is to be convened, the person chairing the meeting either the Chair or Vice-chair (whomever did not deal with the complaint at Stage 2), will write to the complainant to acknowledge the complaint within 10 school days. The letter would also include the date, time and venue of the convened meeting to hear the complaint.
- Decide on the appropriate action to be taken to resolve the complaint
- For non-complex complaints, not to meet with the complainant, but to use all the information available to them and make a decision on the complaint as there is enough information to allow for a decision to be made.

Possible outcomes for the Panel

- Dismiss the complaint in whole or in part
- Uphold the complaint in whole or in part
- Recommend changes to school systems or procedures to ensure that similar do not occur

An outcome letter will be sent to the complainant within 20 school days of the meeting. A model response letter is attached in Appendix E.

The Composition of the Complaints Committee

Individual complaints should never be considered by the whole Governing Body, as this could compromise the impartiality of any committee set up for a subsequent disciplinary or grievance meeting concerning a member of staff.

The Governing Body will nominate a number of members to form a committee with delegated powers to hear complaints at that stage. The committee can be drawn from the nominated members (this can be all governors other than those employed at the school) and must consist of at least three or five people.

It is important that stage 3 is independent and impartial and that it is seen to be so. No governor can sit on the committee if they have a prior involvement in the complaint or in the circumstances surrounding it. In deciding the make-up of the committee, 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.

The committee should appoint a chair, if the chair of the Governing Body is not a member.

A checklist for a committee meeting is in Annex F. The process set out is based on the Headteacher and complainant being present at the same time. There are occasions when this is not the appropriate arrangement in order to ensure a fair and full consideration of the case. In such cases it is likely that the complainant will be seen first and the Headteacher at a later stage.

The Remit of the Complaints Committee

The committee's terms of reference will be:

- Considering individual appeals
- Making recommendations on policy as a result of complaints.

The committee 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 seek to ensure that problems of a similar nature do not recur.

The Headteacher has a statutory duty for the internal organisation and management of the school, which they must carry out in accordance with any rules, regulations or policies laid down by the Governing Body. Therefore, the remit of governors' consideration of a complaint about a matter of internal organisation and control will be as to whether the head has followed any relevant school policies; it is not to substitute its own operational judgement for that of the head teacher.

The Role of the Clerk

The committee considering complaints must be clerked as it has delegated powers. The role of the clerk is to record the proceedings. This can be carried out by one of the governors.

The school should;

- Set the date, time and venue of the meeting, 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 meeting
- Meet and welcome the parties as they arrive meeting at the meeting (if oral submissions)

- Notify all parties of the committee's decision.

The Role of the Chair of the Committee

The role of the chair of the committee is to ensure that

- The correct procedure has been followed so that a governors' meeting is the next stage
- Arrangements are made for meeting the complainant
- No member of the committee has a vested interest in the outcome of the proceedings or any involvement in an earlier stage
- The remit of the committee 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 facts are made
- Written material is seen by all parties. If new evidence arises it would be useful to give all parties the opportunity to consider and comment on it
- The committee is open minded and acts independently

Specifically, in relation to oral submissions, the chair of the committee should ensure that:

- Parents and others who may not be used to speaking at such a meeting are put at ease.
- The meeting is conducted in an informal manner with each party treating each other with respect and courtesy
- Each side is given the opportunity to state their case and ask questions.

Written submissions

The committee will receive written evidence from the complainant.

The committee will then invite the head teacher, as appropriate, to make a response to the complaint.

The committee should also have access to the records kept of the process followed.

Oral submissions

There are several points which governors sitting on a Complaints Committee need to remember:

- a) The aim of the meeting, 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 committee does not find in their favour. It may only be possible to establish the facts and make recommendations which will demonstrate to the complainant that their complaint has been taken seriously.
- b) The committee will acknowledge that many complainants feel nervous and inhibited in a formal setting. As complainants, parents often feel emotional when discussing an issue that affects their child. The chair of the committee 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.
- c) Extra care needs to be taken when the original complainant is a pupil. It is expected that at the governor stage, pupils will be represented by their parents. Agreements should be established between the chair and the parent which parts of the meeting, if any, the child needs to attend

A checklist for conducting The Committee is in Annex F.

Notification of the Committee's Decision

The chair of the committee needs to ensure that the complainant and the Headteacher are notified of the committee's decision, in writing, usually within 5 working days of the committee reaching a decision.

The decision could conclude:

- There is insufficient evidence to reach a conclusion, so that the complaint cannot be upheld
- The complaint is not substantiated by the evidence
- The complaint was substantiated in part or in full but the procedural failure did not affect the outcome significantly
- The complaint as substantiated in part or in full and the Governing Body will take steps to prevent a recurrence or to rectify the situation [where practicable].

Model letters for notifying the decision are given as Annex D and Annex E.

Additional information

Anonymous Complaint

We will not normally investigate anonymous complaints. However, the Headteacher or Chair of Governors, if appropriate, will determine whether the complaint warrants an investigation.

Raised more than 3 months after

To allow for a proper investigation, complaints should be brought to the attention of the school as soon as possible. Any matter raised more than 3 months after the event being complained of will not be considered, except in exceptional circumstances.

Complaints received outside of term time

We will consider complaints made outside of term time to have been received on the first school day after the holiday period.

Dealing with Vexatious 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 re-open the issue, this will be deemed a vexatious complaint and the Chair of the Governing Body will inform them in writing that the procedure has been exhausted and that the matter is now closed. A sample letter in Annex C.

If the complainant writes again on the same issue, then the correspondence can be recognised as vexatious and there will be no obligation on the part of the school to respond. It is important to note however that, should a complainant raise a new, separate complaint, it must be responded to in accordance with the school complaints procedure.

Duplicate complaints

After closing a complaint at the end of the complaints procedure, we may receive a duplicate complaint from:

- a spouse

- a partner
- a grandparent
- a child

If the complaint is about the same subject, we will inform the new complainant that the school has already considered that complaint and the local process is complete. We will advise the new complainant to contact the department if they are dissatisfied with the school's handling of the original complaint. We will take care not to overlook any new aspects to the complaint not previously considered. You will need to ensure these are investigated and dealt with to the full extent of the complaints procedure.

Time Limits

Complaints need to be considered and resolved efficiently as possible. This Complaints Procedure includes realistic time limits for each stage. 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. Investigation of any complaint will begin within 5 working days of receipt.

Withdrawal of a Complaint

If a complainant wants to withdraw their complaint, we will ask them to confirm this in writing or record a verbal request and get you to sign the statement.

Governing Body Review

The Governing Body will monitor the level and nature of complaints and review the outcomes on a regular basis to ensure the effectiveness of the procedure and make changes where necessary. Complaints information shared with the whole Governing Body will not identify individuals. The Headteacher will provide information on an annual basis to the Governing Body. This will indicate the number of types of recorded complaints, level at which considered and outcomes.

As well as addressing an individual's complaint, the process of listening to and resolving complaints will contribute to school improvement. When individual complaints are heard, the school could identify underlying issues that need to be addressed. The monitoring and review of complaints by the school Governing Body is a useful tool in evaluating a school's performance. There is a legal requirement for the Complaints Procedure to be published.

Next Steps

If the complainant believes the school did not handle their complaint in accordance with the published complaints procedure or they acted unlawfully or unreasonably in the exercise of their duties under education law, they can contact the Department for Education after they have completed Stage 3.

The Department for Education will not normally reinvestigate the substance of complaints or overturn any decisions made by CPD Schools Federation. They will consider whether CPD Schools Federation has adhered to education legislation and any statutory policies connected with the complaint.

The complainant can refer their complaint to the Department for Education online at: www.education.gov.uk/contactus, by telephone on: 0370 000 2288 or by writing to:

Department for Education
 Piccadilly Gate
 Store Street
 Manchester
 M1 2WD.

This policy will be reviewed against any newly published information regarding school complaints but at the latest Spring 2023.

Example Complaint Form

Please complete and return to (named person or school office) 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: Daytime 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 as 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:

Model paragraph for inclusion in school policy/prospectus

Raising concerns and resolving complaints

From time to time parents, and others connected with the school, will become aware of matters which cause them concern. To encourage resolution of such situations the Governing Body/Trust/Board has adopted a “Complaints Procedure”.

The procedure is devised with the intention that it will:

- Usually be possible to resolve problems by informal means
- Be simple to use and understand
- Be non-adversarial
- Provide confidentiality
- Allow problems to be handled swiftly
- Address all the points at issue
- Inform future practice so that the problem is unlikely to recur.

Full details of the procedure can be obtained from the School Office.

Model letter - Complaint not heard

Dear,

Following receipt of your communications and careful consideration of the same, I regret that I am unable to deal with this matter under the School Complaints Procedure. The reason for this is that:

- You have not identified any specific actions of which you might complain
- Your concerns are presented as conclusions rather than specific actions of which complain.
- The concerns that you identify relate to historical actions and any evidence which might have enabled an objective investigation of your complaint is no longer available.
- The substance of your complaint has been addressed under this procedure already.
- The concerns that you raise do not fall within the scope of this procedure.
- You have not identified any potential sources of evidence which might allow the matter to be investigated.
- The school offered to resolve the matter informally and in my judgement you refused unreasonably to take advantage of this.

If you wish my decision to be reviewed then you can take advantage of (Stage 2 / Stage 3) of the procedure by writing to the Clerk to the Governing Body, care of the school.

Yours sincerely,

Head Teacher
or Chair of Governing Body

Model letter – Decision notification

Dear ,

Following receipt of your complaint and careful consideration of all the available relevant evidence, I have concluded that:

- There is insufficient evidence to reach a conclusion, so the complaint cannot be upheld. If you are able to provide additional evidence forthwith I/we will reconsider this decision.

OR

- The concern is not substantiated by the evidence in that

OR

- The concern was substantiated in part/in full, as The school will review its practices/procedures..... with the intention of avoiding any reoccurrence. Parents will be informed in due course of any policy changes.

OR

- In order to address fully the matters investigated, the school has initiated appropriate internal procedures. Due to the nature of these procedures, their outcome must remain strictly confidential. We are confident, however, that the circumstances that gave rise to your complaint should not recur.

I hope that we can now put this matter behind us and work together for the benefit of your child's progress.

Yours sincerely,

Headteacher/ Chair of Governors/Trust Board

c.c. Head Teacher

Model letter – Review outcome

Dear ,

Having carefully considered your representations in the context of the relevant evidence, the School Complaints Committee has concluded that the Complaints Procedure was followed appropriately in respect of your complaint in that

Therefore, the matter is now closed as far as the school is concerned.

Or

Having carefully considered your representations in the context of the relevant evidence, the School Complaints Committee has concluded that the Headteacher followed the Complaints Procedure except

Therefore, the following action will be taken

Once this action has been completed the school will consider the matter to be closed.

Or

Having carefully considered your representations in the context of the relevant evidence, the School Complaints Committee has concluded that the Headteacher followed the General Complaints Procedure except that

We have determined that this procedural failure did not affect the outcome of the consideration of your complaint so, while we regret this error, we will now consider this matter to be closed as far as the school is concerned.

Yours sincerely,

Chair of Complaints Committee

c.c. Head Teacher

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 is then invited to explain the school's actions and be followed by the school's witnesses.
- 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 action 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.

The process set out above is based on the Headteacher and complainant being present at the same time. There are occasions where this is not the appropriate arrangement in order to ensure a fair and full consideration of the case. In such cases it is likely that the complaint will be seen first and the Headteacher at a later stage. At the separate meeting with the complainant, the principles set out above should be followed.

The Stages of Complaints

This Complaint Procedure has well-defined stages. The information below summarises each stage of the process; it sets out 3 stages of a school complaints procedure that includes 2 formal stages.

Stage 1 – Informal

The complaint is dealt with by an appropriate staff member (who is not the subject of the complaint).

If this does not lead to a resolution of the problem then the concern/complaint must be referred to the next stage of the process which is the commencement of the formal process.

Stage 2 – Formal (if unresolved at Stage 1)

The complaint is heard by the Headteacher

If the complainant is dissatisfied with the response from the member of staff at Stage 1 they should be advised to put their complaint in writing, or speak, to the Headteacher who will deal with it formally at Stage 2. Where the Headteacher is the subject of the complaint, the complainant should be advised to address it to the Chair of Governors.

The complainant must also be informed if they are still dissatisfied with the outcome they can write, or speak to the Chair of Governors or other appropriate person outlining why they are still unhappy.

Stage 3 – Formal (if not resolved at Stage 2)

The complaint is heard by the Governing Body Panel. This is the final stage of the process.

If the complainant is dissatisfied with the response from the Headteacher(Chair of Governors or Vice-Chair) at Stage 2 they should be advised that the next stage is to put their complaint in writing, or speak to the Governing Body at Stage 3.

The complaint is considered by a panel of Governors who form a complaints appeal panel.

An outcome letter will be sent to the complainant within 20 school days of the meeting.