

# COMPLAINTS PROCEDURE

Date of Policy	September 2023
Date of Next Review	September 2024
Staff Responsible	Headteacher
Responsibility (Governors or School)	Governors
Reference	Staff shared area/policies/RJ

## **Introduction and Rationale**

This policy applies to any matter (other than matters relating to admissions and exclusions which have their own processes) which has been raised with the school by parents of students as a matter of concern but which has not been capable of resolution informally and which the complainant or the school consider should be dealt with on a formal basis.

Complaints that have been raised by persons who are not parents of students currently at the school will not be dealt with in accordance with the framework below. Any such complainant should seek to resolve their complaint informally with the Headteacher. If this fails then the complaint should be put in writing and addressed to the Chair of Governors at the school. The Chair will acknowledge receipt and issue a final written response within 20 school days. The Headteacher or Chair of Governors may require at any time that such a complaint is put in writing in any event.

This policy is made available to parents via the school website and a copy will be made available on request. Separate procedures also exist for appeals about special needs assessments and admissions (see the SEND Code of Practice and Admissions Policy).

Complaints about exclusion of students from school by the Headteacher which have already been considered by the governing body should be referred to Gloucestershire County Council's Education Entitlement and Inclusion Team Telephone: 01452 427360.

## **Anonymous complaints**

The school will not normally investigate anonymous complaints or complaints sent as part of a Complaints Campaign (this would include, for example, large volume of complaints all based on the same subject from complainants unconnected with the school). However, the Headteacher or Chair of Governors, if appropriate, will determine whether the complaint warrants an investigation.

## **Time scales**

Complainants must raise the complaint within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. The school will consider complaints made outside of this time frame if exceptional circumstances apply.

## **Complaints received outside of term time**

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

## **Withdrawal of a Complaint**

If a complainant wants to withdraw their complaint, they will be asked to confirm the withdrawal in writing.

## **Types of Concerns and Complaints:**

The majority of complaints received by the school fall into the following categories:

- Financial or administrative e.g. handling of money sent into school
- Academic e.g. schemes of work, unsatisfactory teaching, issues regarding homework, progress in a particular subject.
- Pastoral e.g. discipline/indiscipline, inappropriate sanctions, bullying, overall progress of the child, unhappiness of child
- Child protection e.g. allegations against staff, handling of sensitive issues.

## GENERAL PRINCIPLES

### Stage 1 – Informal Resolution

The vast majority of concerns and complaints can be resolved informally, often straight away by an appropriate member of staff.

The school aims to ensure that parents feel able to raise concerns with staff without undue formality, by telephone, by email, in writing or by appointment in person. There may be occasions when it is appropriate or helpful for someone to accompany, or act on behalf of, a parent. **It is a precondition of this complaints policy that a complainant attempts to resolve matters on an informal basis and the school reserves the right not to progress a complaint where no such informal resolution has been sought.**

Parents may not be clear at first that they are making a complaint. They may wish to ask a question or express an opinion. A preliminary discussion with school staff will usually clarify the issue and help parents to decide whether they wish to take the matter further.

It is expected that where the matter relates to a student, it will have been raised with the student's form tutor and/or year team or to a member of staff at a level closest to the cause for the concern, before a request is made to deal with it under this policy.

It is a precondition to the operation of this policy that the complainant shall have made reasonable attempts to seek an informal resolution and shall have acted in relation to the matter in a reasonable and measured way consistent with the school's Parent & Visitor Code of Conduct. The Chair of Governors shall have discretion, which will be exercised reasonably, not to allow a complaint to be pursued where this precondition has not been met.

Where the matter is not resolved at the informal stage, the parent may elevate it to the formal stage.

### Procedure

1. Parents should have an opportunity for informal discussion of their concerns with their child's form tutor/year team or other appropriate member of staff. This discussion should aim to clarify the nature of the parent's concern and assure them that the school wishes to hear about it. The discussion should also aim to clarify what kind of outcome the parent is seeking.
2. If the member of staff first contacted cannot deal with the matter immediately, s/he should make a firm arrangement to deal with it at a future date or refer the matter to the Headteacher or another appropriate member of staff. In either case a note of the name, date and contact details of the complainant should be taken. The first contact should check to make sure the referral has been successful.
3. Staff should seek advice from their line manager if they are unsure of how to deal with the matter raised. Any matter that could potentially result in the following should be referred immediately to the Headteacher: legal or insurance claim; action under the staff disciplinary procedures; child protection matters or complaints relating to employment practice.
4. If the concern relates to the Headteacher, and the parent feels unable to raise it with the Headteacher they should be advised to contact the Chair of Governors.
5. The staff member/Headteacher dealing with the complaint should make sure that the complainant is clear about what will happen next (if anything). This should be put in writing if it seems the best way of making the next steps or outcome clear.

6. If no satisfactory solution has been found, the complainant should be informed about how they should proceed if they wish to take their complaint further. They should be informed of any advice and support that may be available to them.

## **Stage 2 – Formal Resolution (Investigation by a Nominated Individual)**

1. The complainant must put the complaint in writing, addressed to the headteacher, setting out briefly the facts and stating what it is that the complainant considers should have been done or where the academy has not met reasonable expectations. A form is attached at Annex A.
2. An investigation will be carried out by a nominated individual identified by the headteacher as appropriate, who may offer the complainant a meeting and speak to others involved. Whenever reasonably possible, any meeting with the complainant will take place within 15 school days of the written complaint being received.
3. The investigator will put her/his findings in writing and will indicate what, if any, steps should be taken to resolve the matter. Whenever reasonably possible, this will be done within 15 school days of the meeting with the complainant and if no meeting is to take place within 25 school days of the complaint being received.

Any complaint relating to the headteacher must be raised in the first instance with the Chair of Governors (or vice-chair in the absence of the chair) who will, if an informal resolution cannot be reached, designate a governor to investigate in the same way as in the first stage of the formal process outlined above.

Where a complaint is brought against a governor, the Chair of Governors will investigate the complaint (or appoint another governor to do so) in the same way as in the first stage of the formal process outlined above.

If the complaint is against the Chair of Governors, then the vice-chair will investigate the complaint (or appoint another governor to do so) in the same way as in the first stage of the formal process outlined above.

Individuals on the governing body (unless they are the nominated individual) should not become involved at this stage to avoid prejudicing their possible future involvement.

## **Stage 3 – Formal Resolution (Panel Hearing)**

1. If the complainant is not satisfied with the response of the investigator, she/he may request that the complaint be considered by the complaints panel of the governing body which will comprise at least three people who have not previously been directly involved in the matter, including one person who is independent of the management and running of the academy. That request must be in writing, addressed to the clerk to the governors at the school, within 10 school days of the response being sent to the complainant and must set out clearly the reasons why the complainant is dissatisfied with the response.
2. The clerk will invite the school to put in writing its response to the complainant's reasons. The school will do this within 15 school days of receiving the request and at the end of that period (whether or not the school has responded) the clerk will convene a meeting of the complaints panel of the governing body. The clerk will write acknowledging receipt of the written request, informing the complainant that a committee of the governing body will be convened. That meeting will be held on academy premises as quickly as practicable given the need to find a date that is reasonably convenient for the complainant, the school and the members of the panel. Whenever possible, the meeting will be held within 15 school days of the end of the school's response time. All relevant documents will be distributed to all parties

prior to the meeting. At any meeting, the complainant will be entitled to be accompanied by a friend but legal representation will not be allowed.

3. The meeting is not a court case and will be as informal as circumstances allow. For this reason, electronic recordings of meetings or conversations are not permitted unless a complainant's own disability or special needs require it. Prior knowledge and consent of all parties attending must be sought before the recording of the meeting takes place. Consent will be recorded in any minutes taken. The complainant will have the opportunity to put forward her/his reasons for dissatisfaction and to enlarge on them but may not introduce reasons that were not previously put in writing. The Complaints Panel will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded. The school will have the opportunity to put its side of things and each side, as well as the panel members, will be able to ask questions. The complainant will have the opportunity to make final comments to the panel.
4. The panel may make findings and recommendations and a copy of those findings and recommendations will be:
  - 4.1. sent by electronic mail or otherwise given to the complainant and, where relevant, the person complained about; and
  - 4.2. available for inspection on the academy premises by the academy trust and the headteacher.
5. The panel will formulate its response as quickly as reasonably possible, aiming to do so within 10 school days, and the clerk to the governors will notify all concerned.

A suggested procedure for a Stage Three meeting is given at Annex B.

### **Attendance at a Complaints Panel Hearing**

The complaints panel will proceed irrespective of whether or not the complainant and/or their representative attend. If the complainant fails to attend on the day without compelling reasons, the complaints panel will still proceed in their absence and the process will continue to its conclusion. Any further attempt to re-open the matter will be considered as falling under the serial/persistent complaint section as below.

### **Serial or persistent complainants**

If a complainant attempts to reopen an issue or a closely related issue that has already been dealt with under this complaints procedure, the Chair of Governors may write to the complainant to inform her/him that the procedure has been exhausted and the matter closed, and that continued correspondence is vexatious and that the academy trust will not respond to any further correspondence on this issue or a closely related issue.

### **Complaints against the Board of Trustees**

If the complaint is against a Trustee, then the Chair of Trustees, (or in the case of a complaint against the Chair the Vice Chair) will investigate the complaint (or appoint another member of the Board of Trustees to do so) in the same way as in the first stage of the formal process at **Stage 2**.

If the complaint is against the Principal, then the Chair of Trustees will investigate the complaint (or appoint another member of the Board of Trustees to do so) in the same way as the first stage of the formal process at **Stage 2**.

If a complaint is made against the Board of Trustees, the Chair of Trustees will consider the most appropriate way of handling the complaint. This may be for an independent person to investigate the matter at Stage 2 and for an entirely independent panel to conduct any hearing at Stage 3.

## **Record Keeping**

A written record will be kept of all complaints that were resolved at the formal stage of the complaints procedure. Records will contain details of whether the complaint was resolved at stage 2, or whether it proceeded to a stage 3 panel hearing. The action taken by the school as a result of a complaint (regardless of whether they are upheld) will also be recorded.

## **Confidentiality**

Correspondence, statements and records relating to individual complaints will be kept confidential except where the Secretary of State or a body conducting an inspection under section 109 of the Education and Skills Act 2008 requests access to them.

## **Education and Skills Funding Agency (ESFA)**

Once the complaints process is concluded (or a complaint has been terminated due to undue delay or failure to lodge a stage 3 request within the time stated in the policy) the matter is closed. If the complainant is still not satisfied then they may contact the ESFA.

There is an online procedure at:

[https://form.education.gov.uk/service/Contact\\_the\\_Department\\_for\\_Education](https://form.education.gov.uk/service/Contact_the_Department_for_Education)

or the Complainant may write to the DfE at:

The School Complaints Unit (SCU)  
Department for Education  
2<sup>nd</sup> Floor, Piccadilly Gate  
Manchester M1 2WD

SEVERN VALE SCHOOLCOMPLAINT FORM

Please complete and return to clerk to the Governor (Complaints Co-ordinator) who will acknowledge receipt and explain what action will be taken.

Your name	
Student's name	
Your relationship to the student	
*Daytime telephone number	
*Evening telephone number	
* Email Address	
<i>*please indicate preferred method of contact:</i>	

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:

Date acknowledgement sent	
By who	
Complaint referred to	
Date	



## **ANNEX B - A Model Procedure for the Conduct of a Stage 3 Governors Panel Hearing**

1. The chair of the committee should invite all parties (except any witnesses) into the room, introduce them and explain the role of each person.
2. The chair should explain to all present that the purpose of the hearing is to review the complaint and try to resolve it and achieve reconciliation between the School and the complainant. However, it may only be possible to establish the facts of a situation and make recommendations about future action.
3. The chair should then ascertain whether the proposed procedure is acceptable. If so, the meeting will proceed along the following lines-
  - i. The complainant describes her/his complaint and may call witnesses.
  - ii. The Headteacher may seek clarification from the complainant and any witnesses.
  - iii. The governors' panel or its advisers may seek clarification from the complainant and any witnesses.
  - iv. The Headteacher will respond to the complaint and may call witnesses.
  - v. The complainant may seek clarification from the Headteacher and any witnesses.
  - vi. The governors' panel (including any Advisers) may seek clarification from the Headteacher and any witnesses.
  - vii. The Headteacher will be given the opportunity to sum up.
  - viii. The complainant will be given the opportunity to sum up.
  - ix. Both parties will leave the room to allow the panel to deliberate but any advisers may remain to offer technical and procedural advice.
4. The panel should make a decision or judgement on:-
  - i. the validity of the complaint;
  - ii. appropriate action to be taken by the School and/or parent;
  - iii. where appropriate, recommendations on changes to the School's systems or procedures to ensure similar problems do not arise in the future.
5. The decision or judgement will be confirmed in writing within ten school days of the hearing, wherever reasonably possible.