



## COMPLAINTS PROCEDURE

### POLICY

The vast majority of concerns and complaints can be resolved informally, often straight away by the class teacher or Head teacher.

Our schools aim to ensure that parents feel able to raise concerns with staff without undue formality, either in person, by telephone or in writing. There may be occasions when it is appropriate or helpful for someone to accompany or act on behalf of a parent.

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.

### INTRODUCTION

This procedure will apply to most general complaints received by the schools. It is not intended to cover those matters for which there is a specific statutory process to object, complain or appeal.

Complaints about delivery of the Curriculum and the provision of religious education and collective worship should be handled under the requirements of Section 409 of the Education Act 1996.

Separate procedures also exist for appeals about special needs assessments and school admissions and exclusions. (See the SEND Code of Practice and School Admissions Code of Practice).

Concerns about allegations of child abuse and staff discipline must be dealt with through the separate agreed procedures that have been adopted for these purposes. (See procedures for dealing with allegations of abuse against staff contained in the DfE document Working Together to Safeguard Children 2015).

The schools will make all parents aware of the existence of this complaints procedure using their websites and prospectuses.

### GENERAL PRINCIPLES

- The resolution of a complaint provides the potential opportunity for the school to improve its practice and develop further a strong partnership with parents.
- The complaints procedure should be easily accessible and well publicised, so that parents know how to raise concerns.
- It is desirable for any concern/complaint to be addressed by a member of staff / governor at a level closest to the cause for the concern.

- Procedures should be as speedy as possible, consistent with fairness to all.
- A complaint is distinct from any formal disciplinary procedure. Staff who may be questioned as part of a complaints procedure must be treated fairly and have an opportunity to put their case. They should be offered support in responding to any investigation into a complaint.
- If it becomes apparent to the Head teacher or chair of the Local Governing Body that the parent's concern/complaint has the potential to be a disciplinary issue, advice should immediately be sought from the Multi Academy Trust's HR provider.
- Confidentiality is important in securing the confidence of all concerned. Conversations and correspondence must be treated with discretion. Parents need to feel confident that a complaint will not disadvantage their child. However, the parties to a complaint should realise that some information may have to be shared to carry out a thorough investigation.
- If the investigation of a complaint shows that it is justified, then the school should consider how to make amends in an appropriate way.
- Staff, governors and directors should have the opportunity to take part in training or briefing to raise their awareness of the procedures and develop their skills in dealing with people who wish to complain.
- All complaints should be recorded and monitored to identify issues and allow any lessons to be learned by the school.
- Every complaint should be acknowledged as "genuinely felt" by the complainant.

## **Stage 1 - INITIAL APPROACH**

### GUIDELINES

- The vast majority of concerns and complaints can be resolved informally, often straight away by the class teacher or Head teacher.
- Our schools aim to ensure that parents feel able to raise concerns with staff without undue formality, either in person, by telephone or in writing. There may be occasions when it is appropriate or helpful for someone to accompany or act on behalf of a parent.
- 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.

### PROCEDURE

1. Parents should have an opportunity for informal discussion of their concerns with an 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, he/she should make a firm arrangement to deal with it at a future date or refer the matter to the Head teacher or another senior 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. The Head teacher should ensure that staff have guidelines about when to refer a matter and to whom.
4. If the concern relates to the Head teacher and the parent feels unable to raise it with the Head teacher, they should be advised to contact the chair of the Local Governing Body.
5. The staff member/Head teacher 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 COMPLAINT TO HEAD TEACHER OR CHAIR OF LOCAL GOVERNING BODY**

### GUIDELINES

- The Head teacher needs to determine who has responsibility for responding to a formal complaint, including the decision about his/her own involvement at various stages.
- If the complainant is dissatisfied with the action of the Head teacher, or the Head teacher has been very closely involved informally, the chair of the Local Governing Body should carry out all the Stage Two procedures, with support if necessary from another governor and with advice from the Chair of the Board of Directors if required.
- Individuals on the Local Governing Body should not become involved at this stage to avoid prejudicing their possible future involvement.

### PROCEDURE

1. Parents who wish to pursue a formal complaint at Stage Two should be asked to put the complaint and their desired outcome in writing to the chair of the Local Governing Body or Head teacher (see Annex C). The chair of the Local Governing Body / Head teacher (or designated member of staff) should acknowledge the complaint orally or in writing within three days of receipt giving a brief explanation of the complaints procedures and a target date for providing a response. Ideally, this should be within ten school days. If it is not possible to deal with the matter in this time, the complainant should be informed of when it is likely to be concluded.
2. The chair of the Local Governing Body / Head teacher (or a designated member of staff) may offer an opportunity for the complainant to meet him/her. The complainant should, if he/she wishes, be allowed to be accompanied by a friend or relative who can speak on his/her behalf. Interpreting facilities should be made available if required.
3. If necessary, the chair of the Local Governing Body / Head teacher (or a designated member of staff) should interview any witnesses and take statements from those involved. If the complaint centres around a pupil, the pupil should also be interviewed, normally with parent/guardian present. In some circumstances this may not be possible or appropriate and a senior member of staff with whom the pupil feels comfortable should attend with him/her. If a member of staff is complained against, the needs of that person should be borne in mind. Advice may need to be sought from the MATs HR provider.
4. The chair of the Local Governing Body / Head teacher (or designated member of staff) should keep written records of meetings, telephone conversations and other documentation.

5. Once all the relevant facts have been established, the chair of the Local Governing Body / Head teacher (or designated member of staff) should either write to the complainant or arrange a meeting to discuss or resolve the matter. This meeting should be followed up with a letter summarising the outcome of the meeting. The complainant should be advised in this letter that if they remain unhappy with the outcome, he/she may appeal to a panel of Directors. The complainant should notify the Clerk to the Chair of the Board of Directors within two weeks of receiving the letter detailing the outcome of the complaint if they wish to appeal.

## **Stage 3 – APPEAL TO PANEL OF DIRECTORS**

### **GUIDELINES**

- Complaints only rarely reach the appeal stage, the aim of the appeal to a panel of Directors is to resolve the complaint and achieve a 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, and to satisfy the complainant that their complaint has been taken seriously.
- It is important should a complaint reach the appeal stage, that the Board of Directors Body is impartial and independent and is seen to be so. Individual complaints should not be considered by the Board of Directors. The Board of Directors should therefore establish a panel to deal with complaints, by nominating a pool of Directors from which three can be drawn for any hearing.
- Panel members should have had no prior involvement with the complaint. Generally. The Chair of the Board of Directors is not on the panel. The Board of Directors should have regard to the advantages of having a mix of types of Directors on the panel and be sensitive to issues of equal opportunity in the composition of the panel.
- Individual Directors should not get involved in looking into complaints before this stage to avoid prejudicing their potential involvement. If individual governors are approached by parents or others with complaints, they should refer the complainant to the schools complaints procedure, making the necessary introduction to a member of staff or Head teacher if appropriate.
- Complaints that reach the appeal stage will do so because the complainant is not satisfied with the response so far. In this situation it is perhaps helpful for the panel of Directors to view any complaint as being against the school rather than an individual staff member whose actions may have led to the original complaint.

### **PROCEDURE**

Upon receipt of a written request from the complainant for the complaint to proceed to Stage Three, the following procedure should be followed:

1. A suitable clerk to the panel should be appointed
2. The clerk should write acknowledging receipt of the written request, informing the complainant that it will be heard by a committee of the Board of Directors within 15 working days of receipt.
3. The clerk should convene a meeting of the complaints committee at a time which is convenient for the complainant and the school.
4. The clerk should ensure that the complainant, Head teacher and any other witnesses are given at least five working days notice in writing of the date, time and place of the hearing or otherwise are in full agreement of a shorter timescale. The letter of notification to the complainant should also inform

him/her of their right to be accompanied by a friend/relative who can act as an advocate. The chair should ensure that interpretation facilities are offered and made available if required. The letter should set out the procedure for the conduct of the hearing (see annex A) and the complainant's right to submit further written evidence to the committee.

5. The clerk should invite the Head teacher to attend the hearing and to submit a written report for the committee in response to the complaint. The Head teacher may also invite the chair of the Local Governing Body or any other members of staff directly involved in matters raised by the complainant to respond in writing and/or in person to the complaint. Any involvement of other staff should be at the discretion of the chair of the committee.
6. All relevant documents should be received by all parties, (including the complainant) at least five days before the meeting of the panel. This provides adequate opportunity to read them prior to the start of the meeting.
7. The Chair of the Board of Directors may be invited to attend the meeting to advise the committee (see below) or the panel may seek external advice if necessary.
8. The panel should elect a chairperson who should ensure that proper minutes of the meeting are taken.
9. The chair of the panel should try to ensure that the proceedings are as informal as possible and that the complainant and other participants feel at ease.
10. At the conclusion of the representations and questions, the chair should explain that the panel will consider the issues and write to both parties with their decision or judgement within 5 working days (see Annex D).
11. All except the Directors' panel and any advisers should then withdraw and the panel should consider the evidence. This should include: a judgement about the validity of the complaint; appropriate action to be taken by the school and/or the parent and where appropriate, recommendations on changes to the school's systems or procedures to ensure similar problems do not arise in the future.
12. The school should ensure that a copy of all correspondence and notes is kept confidentially on file in the school. This should be separate from pupils' personal records.
13. The broad outcomes recommended by the panel can be reported to the next full governing body or appropriate committee with the identity of all those taking part kept confidential. The Board of Directors should monitor implementation of any recommendations made.
14. If the complainant is still unhappy with the outcome, they should refer to the Education Funding Agency:-  
<https://www.gov.uk/government/organisations/education-funding-agency/about/complaints-procedure>

## **ANNEX A**

### **Model Procedure for the Conduct of a Stage 3 Directors 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 a 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 his/her complaint and may call witnesses.
  - ii. The Head teacher may seek clarification from the complainant and any witnesses.
  - iii. The Directors' panel or its advisers may seek clarification from the complainant and any witnesses.
  - iv. The Head teacher will respond to the complaint and may call witnesses.
  - v. The complainant may seek clarification from the Head teacher and any witnesses.
  - vi. The Directors' panel (including any Advisers) may seek clarification from the Head teacher and any witnesses.
  - vii. The Head teacher 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:-

the validity of the complaint; appropriate action to be taken by the school and/or parent and 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 5 working days.

NB If there is more than one complainant this procedure should be followed for each one in turn, unless the complainants agree to the complaint being heard with all present in one sitting.

## **ANNEX B**

### **Raising concerns and resolving problems at your child's school**

#### **A Guide for Parents and Carers**

Head Teachers, School Staff and Governors in Northamptonshire are committed to maintaining a positive partnership with parents. Sometimes things happen which make children or parents unhappy. It is important that parents and carers feel able to raise concerns and do this in the best way.

In most cases, concerns and complaints can be resolved by talking to staff at the school. Sometimes parents may wish to raise a more formal complaint.

**Typically there are three main stages involved in raising concerns or making a complaint.**

#### **Stage 1 – Initial Approach**

It is important that parents contact the school first with their concerns and talk to a teacher or the Head Teacher. Most problems can be sorted out in this way easily and informally.

#### **Stage 2**

If you are still unhappy the next stage is to raise a formal complaint by writing to the Head Teacher, (or Chair of Governing Body if you have already spoken to the Head Teacher). The Head Teacher (or nominated member of staff), or Chair of Governors will investigate your complaint. After they have looked into the issues, you may be asked to meet with the Head Teacher or Chair of Governors or you may get a letter explaining the school's response.

#### **Stage 3 – Appeal to Board of Directors**

If you are still unhappy after raising the complaint at Stage 2, you would need to inform the Chair of the Board of Directors in writing and request a hearing. The school's complaints procedures may offer the opportunity for your complaint to be heard by a panel of the Board of Directors. You will be asked to meet with the panel and explain your case. The panel will listen to you and the Head Teacher, and will inform you in writing of their decision.

Timescales for dealing with your complaint

Ideally, complaints should be dealt with quickly, but if your complaint is complicated or requires detailed investigation, it may take a longer time to sort out. The school should let you know how a complaint is being addressed and when you can expect to hear from them.

#### **The role of the Education Funding Agency (EFA)**

The EFA can provide information on the school's responsibilities and give advice to parents on how best to resolve their complaint. They will expect that you have raised the issues first of all with the school. To contact the EFA you must use their schools complaints form which can be accessed via <https://www.gov.uk/complain-about-school>

## Other types of complaints

The following types of complaints about education are dealt with in different ways. There are special arrangements under the Education Acts if you want to appeal or complain about:

- Admission to schools;
- Exclusion from school;
- School re-organisation proposals;
- Special education provision;
- Religious education and collective worship;
- National curriculum issues.

You can ask your school for guidance on the issues above, or contact one of the organisations below.

Useful telephone numbers:

Diocesan Board of Education	01604 887006
Northampton Rights and Equality Council	01604 400808
Northamptonshire Parent Partnership Service	01604 636111
Advisory Centre for Education	email <a href="mailto:enquiries@ace-ed.org.uk">enquiries@ace-ed.org.uk</a>
Children's Legal Centre	020 7713 0089
NSPCC Child Protection including Bullying	0808 8005000
Department for Education	0370 000 2288

**ANNEX C**

**Complaint Pro-forma for Submitting General Complaints**

Please complete the form below and attach all relevant documentation. If more than one complaint, please use one form per complaint

<b>School:</b>	
<b>Name of complainant:</b>	<b>Date of incident:</b>
<b>Description of complaint:</b>	
<b>Outcome required:</b> (Please describe what you would like to see happen as a result of your complaint)	
<b>Background information:</b> Please continue on separate sheet if required and attach further relevant documentation if appropriate	
<b>Signature:</b>	<b>Date:</b>

## ANNEX D

### Pro-forma for Panel to Respond to a General Complaint

Please complete the form below and send to complainant following complainants hearing.  
Use a separate form for each complaint.

<b>School:</b>	
<b>Name of Complainant:</b>	<b>Date of Hearing:</b>
<b>Description of Complaint:</b>	
<b>Decision of Complaints Panel:</b> (eg upheld, not upheld, no determination)	
<b>Recommendations:</b> (List the recommendations of the panel if appropriate)	
<b>Reasons for the Decision:</b> Continue on separate sheet and attach further relevant documentation if appropriate	
<b>Signature</b> (Chair of Panel)	<b>Date:</b>

Copy to: Chair of Governing Body, Head Teacher and Chair of Board of Directors