



COMPLAINTS PROCEDURE

Introduction

- ❑ The vast majority of complaints and concerns can be resolved informally.
- ❑ Parents/Carers (hereafter parents) must feel able to raise concerns and complaints with members of staff without formality, either in person, by telephone or in writing.
- ❑ At first it may be unclear whether a parent is asking a question or expressing an opinion rather than making an education complaint. A parent may want a preliminary discussion about an issue to help decide whether he or she wishes to take it further.
- ❑ A concern or unresolved problem becomes a complaint only when the parent or carer asserts that a school has acted wrongly in some significant decision, action or failure to take action.
- ❑ Even when a complaint has been made it can be resolved or withdrawn at any stage.
- ❑ Although the Learning Trust has no formal responsibility for resolving complaints, officers in the Admissions and Pupil Benefits Team can provide advice and guidance to schools and parents on the procedures. Mediation can also be offered at any point during the informal stage and during stage 1 with the agreement of both parties.

Special Circumstances

- ❑ Any complaint or other notice that suggests that a child has been at risk of significant harm through violence, emotional abuse, sexual interference or neglect may be referred without further notice to Hackney's Children's Social Care and/or to the social services authority for the area in which the child lives. If a social services authority decides to investigate a situation this may postpone or supersede investigation by the headteacher or governing body.

Other Solutions to Complaints

- ❑ Where a matter can be resolved through a legal appeal it will not be considered as a formal complaint. The key areas are: admissions decisions; certain decisions relating to formal assessment of special educational needs; and decisions to permanently exclude a child. Detailed guidance on legal

appeals is available from every school and from the Learning Trust on each of these matters.

- When a complaint concerns the curriculum of a school or its religious education, a separate procedure applies. The procedure is attached to this procedure as Appendix A.

Dealing with concerns informally

- The parent should be given an opportunity for discussion of their concern with the appropriate member of staff. An appointment may need to be made. In smaller schools or on major issues, the Headteacher may be the appropriate member of staff at this stage.
- The parent should be able to bring a friend to any discussion.
- The member of staff dealing with the concern should make sure that the parent is clear what action (if any) or monitoring of the situation has been agreed.
- Where no satisfactory solution has been found, the parent should be informed that s/he will need to consider whether to make a formal complaint in writing to the Headteacher. To assist in this process a complaint form should be provided. (example attached)

Stage 1 – Referral to the Headteacher for investigation

- 1.1 The Headteacher should acknowledge the complaint in writing. In some cases the Headteacher will have already been involved in looking at the matter; in others it will be his/her first involvement. If the Headteacher is unsure whether the complaint launches any other procedure s/he should seek advice from The Learning Trust (see guidance note).
- 1.2 The Headteacher should consider providing an opportunity to meet with the complainant to supplement any information previously provided.
- 1.3 If the complaint is against a member of staff the Headteacher should talk to the staff member against whom the complaint has been made.
- 1.4 If necessary, the Headteacher should interview witnesses and take statements from those involved.
- 1.5 The Headteacher should keep reasonable written records of meetings, telephone conversations and other documentation.

- 1.6 Once all the relevant facts have been established, the Headteacher should produce a written response to the complainant. The Headteacher may wish to meet the complainant to discuss/resolve the matter before confirming the outcome in writing.
- 1.7 The written response should include a full explanation of the decision and the reasons for it. Where appropriate, it should include what action the school will take to resolve the complaint. The complainant should also be advised that if s/he is not satisfied with the response and wishes to take the matter further s/he should write to the Chair of the Governing Body within three weeks of receiving the outcome letter.
- 1.8 Stage 1 should be completed in ten school days. However, it is recognised that this timetable is likely to prove impossible for complaints which are complex. In such cases, the Headteacher should write to the parent giving a revised target date.
- 1.9 Schools will not pay financial compensation as a response to complaints, though may spend money on a relevant educational purpose (e.g. paying a fee for a repeat examination).
- 1.10 **Complaints against the Headteacher** - If the complaint is wholly or mainly about the Headteacher the Governing Body should consider the complaint in accordance with Stage 2 of the procedure described below. However, before stage 2 is instigated the Chair of the Governing Body will invite the Headteacher to respond to the complaint in writing within ten school days. The Chair will send a copy of the Headteacher's response to the complainant and the parent will be asked to indicate within five school days of receipt of the response whether s/he is satisfied with the response. If the parent is not satisfied with the response stage 2 should commence as described in paragraph 2.1 below.

Stage 2 – Consideration by the Governing Body

- 2.1 If the complainant decides to take the matter further, the Chair of the Governing Body should write to the parent to acknowledge the complaint within two school days of receipt of the complaint. A copy of the acknowledgement and the complaints form should be sent to the Headteacher and the Clerk to the Governing Body. (A standard letter is attached to this document which the Chair may wish to use).
- 2.2 **Investigating the complaint** – If the complaint has been investigated at Stage 1 the result of the investigation must be made available to the Clerk/Chair by the Headteacher. However, where the complaint is against the Headteacher and the complaint is referred to Stage 2, the Chair of the Governing Body must decide, in consultation with the Chair of the Complaints Committee (see 2.3 below) whether and how the complaint should be investigated. Advice can be sought from the Learning Trust and the time allowed to complete stage 2 must be borne in mind.

- 2.3 Governing Bodies are advised to establish a complaints panel from which three governors can be drawn by the Clerk to constitute a Committee. The Headteacher should not serve on the committee.
- 2.4 The Committee should consider the complaint on the basis of the written evidence and usually also set up a hearing and hear both parties. Governors may also take evidence on their own initiative. Governors should reconsider the issues raised in the original complaint and not confine themselves to consideration of procedural issues. If they decide to set up a hearing, the Committee should follow the procedure set out in paragraph 2.5 to 2.19 below.
- 2.4 The Chair of the Committee should take a decision at the beginning of Stage 2 on whether to seek the services of a clerk from the Learning Trust's service offer or other source to:
- deal with the administration of the procedure;
 - provide independent advice on procedure and evidence;
 - ensure that the relevant facts are established;
 - minute the meeting and
 - draft the decision letter.
- 2.5 The Clerk/Chair of the complaints committee should write to the parent to explain how the review will be conducted. The letter should be copied to the Headteacher.
- 2.6 The Clerk/Chair of the Complaints Committee should confirm the date of the meeting with the other governor(s).
- 2.7 The parent and Headteacher should be invited to attend the meeting. The date and time of the meeting should be convenient to the parent and Headteacher, within reason. The notification should inform the parent of his/her right to be accompanied to the meeting by a friend/representative. It should also explain how the meeting will be conducted and of the parent's right to submit further written evidence to the committee.
- 2.8 The Headteacher should also be invited to prepare a written report for the Committee in response to the complaint.
- 2.9 All relevant correspondence regarding the complaint should be circulated to the committee members; the parent and the Headteacher in advance of the meeting.

- 2.10 If the Headteacher and/or the parent wish to call witnesses, the agreement of the Chair of the Committee should be obtained in advance of the meeting.
- 2.11 It is the responsibility of the Chair to ensure that the meeting is properly conducted. However, the proceedings should be as informal as possible.
- 2.12 The aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant. However, at the end of the meeting the Committee will need to issue a finding in writing either upholding or not upholding the complaint or upholding some parts and not others.
- 2.13 If either party wishes to introduce previously undisclosed evidence or witnesses, it is in the interest of natural justice to adjourn the meeting so that the other side has time to respond to the new evidence. Late evidence of witnesses should not be accepted unless there is a good reason for the lateness.
- 2.14 The meeting should allow for:-
- the parent to explain his or her complaint and the Headteacher to explain the reasons for his or her decision;
 - the Headteacher to question the complainant about the complaint and the complainant to question the Headteacher;
 - panel members to have an opportunity to question both the complainant and the Headteacher;
 - any party to have the right to bring witnesses (subject to the approval of the Chair) and all parties having the right to question all the witnesses.
 - final statement by the Headteacher and parent.
- 2.15 The Chair of the Committee should explain to the parent and the Headteacher that the Committee will consider its decision, and a written response will be sent to both parties as soon as possible. The complainant, Headteacher and any witnesses will then leave.
- 2.16 The panel will consider the complaint and all the evidence presented and reach an unanimous, or at least a majority, decision on the complaint. Where appropriate the Committee can decide on the action to be taken to resolve the complaint and/or suggest recommended changes to the school's system or procedures to ensure that problems of a similar nature do not happen again.

- 2.17 As in Section 1.10 above, Governors will not pay financial compensation as a response to a complaint, though may spend money on an appropriate educational purpose.
- 2.18 The Clerk/Chair will send a written statement outlining the decision with reasons to both the complainant and the Headteacher.
- 2.19 The complainant should be advised that if s/he is dissatisfied with the response s/he has the right take the matter further by complaining to the Secretary of State for Education and Skills.
- 2.20 Stage 2 should be completed in 15 school days. However, it is recognised that this timetable is likely to improve impossible for complaints which are complex. In such cases the Chair of the Complaints Committee should write to the parent giving a revised target date.
- 2.21 In exceptional circumstances the Committee may decide after taking advice from the Learning Trust not to proceed to consider the complaint on the grounds that the complaint has already been dealt with or is malicious.

Stage 3 – Complaint to the Secretary of State

- 3.1 A stage 3 complaint must be submitted in writing to the Secretary of State for Education and Skills (either through the House of Commons or through the Department for Education and Skills). It is recommended that the complaint is in the form of a letter commencing with the following formulation:
- “This letter is submitted as a formal complaint and request to you as Secretary of State for Education and Skills to intervene using your powers under Section 496 and/or 497 of the Education Act 1996. Details of the complaint are set out below:-”
- 3.2 The Secretary of State will conduct the investigations she considers appropriate before setting out a response in writing.
- 3.3 If a complainant considers that the response of the Secretary of State is wrong in law or legally unreasonable they may be able to challenge this by means of application to the High Court for Judicial Review. It is recommended that legal advice is sought prior to commencing such action.

GUIDANCE NOTES FOR HEADTEACHERS AND GOVERNING BODIES DEALING WITH COMPLAINTS WHICH COULD RESULT IN DISCIPLINARY ACTION AGAINST A MEMBER OF STAFF.

The complaints procedure is distinct from the formal disciplinary procedures for staff and this needs to be made clear to all concerned. There may, however, be occasions when a complaint against a member of staff launches the disciplinary framework and/or the Council's Child Protection Procedures. In such cases the complainant should be informed that the complaints procedure has been put on hold pending the outcome of the child protection procedure and/or the disciplinary framework. Such action will be subject to its own due process and its outcome cannot be guaranteed. Any other aspects of the complaint can, of course, be dealt with by the complaints procedure without waiting for the outcome of the child protection and/or disciplinary framework.

The complaints procedure cannot review the outcome of any other procedure and/or reinvestigate the matter. Complainants can, however, complain because the Headteacher and/or the Governing Body have failed to investigate a disciplinary issue or have not followed the correct procedures in investigating the matter. It may also be clear after any disciplinary procedures have been completed that particular responses to the complainant are required. For example, an apology or an explanation of the new policies to avoid a similar problem again.

If Headteachers/Governors have any doubts about which procedures to use they can seek advice from the following:

Their HR Provider

Marian Lavelle, Head of Pupil and Student Support Division on 020 8820 7396

Harriett Young, Head of Admissions & Pupil Benefits on 020 8820 7402

Autumn 2016





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Appendix-1

Getting On and Falling Out

Dear Parents/Carers

There are always times in children’s lives when they will experience a moment of anxiety which might arise from falling out with someone. Indeed it is something that adults find difficult as well. We would like these experiences to be dealt with as simply as possible keeping in mind that our main goal is to equip children with the skills to resolve conflicts and learn from them. Below is a flow chart for children and parents to follow which outlines the school’s procedures in dealing with any concerns:

<u>Children</u>	<u>Parents</u>
Step 1: Say no I don't like it. Stop that. 	Step 1: Speak to the class teacher at a mutually convenient time.
Step 2: Walk away and cool down thinking of calm things. 	Step 2: Follow up with the class teacher on how it was dealt with.
Step 3: Think about why we have fallen out and try and talk to the other person in a calm voice. 	Step 3: If you do not feel it was resolved make another appointment with the class teacher to discuss further.
Step 4: Be grown up and apologise if you are in the wrong. 	Step 4: Have a chat with your child at home about the steps they need to follow and see if you can empower them to resolve it sensibly.
Step 5: Tell an adult.	Step 5: Make an appointment with the Head Teacher.
Step 6: Once it's resolved we forgive and forget.	
Everyone deserves a fresh start.	

I hope these steps clarify the procedures we follow. Always encourage your children to discuss any problems with an adult when they occur, because it is difficult to sort them out at a later date. Please remember that some things need time to change and we always endeavour to encourage children to be resilient and empower them to deal with problems responsibly and sensibly.

Yours sincerely,

Mrs Kiyeran Lot - Head Teacher

Appendix 2
School Complaint Form (for Stage 1 complaints)

If you have tried unsuccessfully to resolve your complaint with your child's school and wish to take the matter further, please complete this form and send it to the Headteacher. {If your complaint is against the Headteacher you will need to send the form to the Chair of the Governing Body} *A copy of the full procedure can be obtained from the school or the Admissions and Pupil Benefits Team on 020 8820 7397/7398.*

Name _____

Address _____

Tel no (Home) _____

(Day) _____

Name of Child _____

Date of Birth of Child _____

What is your complaint about and what would you like the Headteacher to do?

_____ (continue on a separate sheet, if necessary).

When did you discuss your concern/complaint with the appropriate member of staff?

What was the result of the discussion?

_____ (Continue on a separate sheet, if necessary).

Signed _____ Date _____

Appendix 3

An example of a letter that the Chair of the Governing Body may wish to send to the complainant upon receipt of a complaint at Stage 2 for consideration by the Governing Body

Dear

Complaint re

Thank you for your letter dated..... setting out the reasons why you are not satisfied with the Headteacher's response to your complaint about

I write to let you know that I will be arranging for a Committee of Governors to consider your complaint in accordance with Stage 2 of the attached complaints procedure.

As explained in Section 2.5 of the procedure, the Clerk/Chair of the Committee will let you know in writing how the Committee intends to consider your complaint.

{or in the case of complaints against the Headteacher

I have received your complaint against the Headteacher ofSchool.

I write to let you know that I have forwarded a copy of your complaint to the Headteacher with a request that s/he respond within ten school days to the issues raised in the complaint.

A copy of the Headteacher's response will be sent to you as soon as possible.

If you are not satisfied with the Headteacher's response, I will arrange for a Committee of Governors to consider your complaint in accordance with Stage 2 of the attached complaints procedure.

As explained in Section 2.4 of the procedure, the Clerk/Chair of the Committee will let you know in writing how the Committee intends to consider your complaint}.

Yours sincerely

Chair of the Governing Body

Cc The Headteacher
The Clerk to the Governing Body
Enc. Complaints Procedure