



# Complaints Procedure

Committee Name:	Curriculum
Date of Approval:	
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Person responsible:	Head Teacher

## **Stage One: Complaint Heard by Staff Member**

It is in everyone's interest that complaints are resolved at the earliest possible stage. The experience of the first contact between the complainant and the school can be crucial in determining whether the complaint will escalate. To that end, if staff are made aware of the procedures, they know what to do when they receive a complaint.

It would assist the procedure if the school respected the views of a complainant who indicates that he/she would have difficulty discussing a complaint with a particular member of staff. In these cases, the complaints co-ordinator can refer the complainant to another staff member. Where the complaint concerns the head teacher, the complaints co-ordinator can refer the complainant to the chair of governors.

Similarly, if the member of staff directly involved feels too compromised to deal with a complaint, the complaints co-ordinator may consider referring the complainant to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the complaint objectively and impartially is crucial.

Where the first approach is made to a governor, the next step would be to refer the complainant to the appropriate person and advise them about the procedure. It would be useful if governors did not act unilaterally on an individual complaint outside the formal procedure or be involved at the early stages in case they are needed to sit on a panel at a later stage of the procedure.

## **Stage Two: Complaint Heard by Head Teacher**

The head teacher's influence will already have shaped the way complaints are handled in the school. At this point, the complainant may be dissatisfied with the way the complaint was handled at stage one as well as pursuing their initial complaint. The head teacher may delegate the task of collating the information to another staff member but not the decision on the action to be taken.

## **Stage Three: Complaint Heard by Governing Bodies Complaints Appeal Panel**

The complainant needs to write to the Chair of Governors giving details of the complaint. The Chair, or a nominated governor, will convene a governing body complaints panel.

The governors' appeal hearing is the last school-based stage of the complaints process, and is not convened to merely rubber-stamp previous decisions.

Individual complaints would not be heard by the whole governing body at any stage, as this could compromise the impartiality of any panel set up for a disciplinary hearing against a member of staff following a serious complaint.

The governing body may nominate a number of members with delegated powers to hear complaints at that stage, and set out its terms of reference. These can include:

- drawing up its procedures;
- hearing individual appeals;
- making recommendations on policy as a result of complaints.

The panel can be drawn from the nominated members and may consist of three or five people. The panel may choose their own chair.

### **The Remit of the Complaints Appeal Panel**

The panel 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 ensure that problems of a similar nature do not recur.

There are several points which any governor sitting on a complaints panel needs to remember:

- It is important that the appeal hearing is independent and impartial and that it is seen to be so. No governor may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it. In deciding the make-up of the panel, 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 aim of the hearing, 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 the complainant might not be satisfied with the outcome if the hearing does not find in their favour. It may only be possible to establish the facts and make recommendations which will satisfy the complainant that his or her complaint has been taken seriously.
- An effective panel will acknowledge that many complainants feel nervous and inhibited in a formal setting. Parents often feel emotional when discussing an issue that affects their child. The panel chair 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.

- Extra care needs to be taken when the complainant is a child. Careful consideration of the atmosphere and proceedings will ensure that the child does not feel intimidated. The panel needs to be aware of the views of the child and give them equal consideration to those of adults. Where the child's parent is the complainant, it would be helpful to give the parent the opportunity to say which parts of the hearing, if any, the child needs to attend.
- The governors sitting on the panel need to be aware of the complaints procedure.

## **Roles and Responsibilities**

### **The Role of the Clerk**

The DfE strongly recommends that any panel or group of governors considering complaints be clerked. The clerk would be the contact point for the complainant and be required to:

- set the date, time and venue of the hearing, 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 hearing;
- meet and welcome the parties as they arrive at the hearing;
- record the proceedings;
- notify all parties of the panel's decision.

### **The Role of the Chair of the Governing Body or the Nominated Governor**

The nominated governor role:

- check that the correct procedure has been followed;
- if a hearing is appropriate, notify the clerk to arrange the panel;

### **The Role of the Chair of the Panel**

The Chair of the Panel has a key role, ensuring that:

- the remit of the panel 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 fact are made;
- parents and others who may not be used to speaking at such a hearing are put at ease;
- the hearing is conducted in an informal manner with each party treating the other with respect and courtesy;
- the panel is open minded and acting independently;
- no member of the panel has a vested interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure

### **Notification of the Panel's Decision**

The chair of the panel needs to ensure that the complainant is notified of the panel's decision, in writing, with the panel's response; this is usually within a set deadline which is publicised in the procedure. The letter needs to explain if there are any further rights of appeal and, if so, to whom they need to be addressed.

### **Beyond the Governing Body**

The Secretary of State: Complaints can be taken to the Secretary of State for Education and Skills under Section 496 of the Education Act 1996, on the grounds that a governing body or LEA is acting or proposing to act unreasonably, or under Section 497 of the same Act on the grounds that either the governing body or the LEA has failed to discharge its duties under the Act. The Secretary of State may contact the governing body or the LEA for more information in order to consider the complaint.

### **The Local Government Ombudsman**

Complaints about the mal-administration of Local Authority services including the way it operates any general school complaints procedure could be made to the Ombudsman. However, the Ombudsman does not look at internal school management matters and usually expects that the LEA has given thorough attention to a complaint locally before investigation.

## COMPLAINTS



Although school days are normally happy times, things can sometimes go wrong. This section explains the stages you can go through to try and resolve your concerns.

### **Informal**

Discuss your concerns with your child's class teacher. Alternatively put your concern in writing. The class teacher will look into the issues you have raised and respond once the relevant facts have been established. You should expect a response in a reasonably prompt period of time.

### **Formal**

Make an appointment for a formal meeting with the class teacher. In order to make the meeting as productive as possible, it is useful to know the nature of the concern prior to the meeting if this is at all feasible. The class teacher will listen to your concerns and explore the issue with you. Subsequent to the meeting the class teacher will probably need to investigate the matter further. You should expect a response in a reasonably prompt period of time.

### **Formal Headteacher**

If it has not been possible to resolve the matter, ask to speak to the Headteacher or make an appointment. Alternatively put your concern in writing. The Headteacher will look into the issues you have raised and respond once the relevant facts have been established. You should expect a response in a reasonably prompt period of time.

### **Further formal complaint stages**

Most complaints can be resolved in discussion with the Headteacher and very few parent concerns reach the formal complaint stage. In the unlikely event that you cannot resolve the matter with the Headteacher, the subsequent complaint stages are outlined in the School's Complaint Procedure which can be requested from the school office. Copies of Bexley Council's advice leaflet on the issue of complaints are also available from the school office.