



# THE ASHBY FEDERATION

## COMPLAINTS PROCEDURE

**Approved by:** Executive Head Teacher

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**Next review due by:** April 2021

# COMPLAINTS PROCEDURE

## Introduction

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

Complaints about delivery of the National 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 SEN 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. (See Professionals and Child Protection Procedures and Practice).

Guidance on dealing with complaints linked to racism is contained in Annex B.

Parents will be made aware of the existence of this procedure through the school website.

## **GENERAL PROCEDURES**

- 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 or complaint to be addressed by a member of staff or 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 Executive Headteacher or Co-Chairs of Governors that the parent's concern/complaint has the potential to be a disciplinary issue, advice should be sought immediately from Education Personnel Management.
- Confidentiality is important in securing 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 and governors in schools 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.

## **THE COMPLAINTS PROCEDURE**

This procedure has three stages:

- Initial Approach
- Formal Complaint (to the Executive Headteacher or Co-Chairs of Governors)
- Appeal (to Governor Committee)

### **Stage 1 – INITIAL APPROACH**

#### *GUIDELINES*

- The vast majority of concerns and complaints can be resolved informally, often straightaway by the class teacher or Executive Headteacher.
- The school aims 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*

- 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.
- 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 Executive 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.
- Executive Headteacher should ensure that staff have guidelines about when to refer a matter and who to.
- If the concern relates to the Executive Headteacher and the parent feels unable to raise it with him/her then they should be advised to contact the Co-Chairs of Governors.
- The staff member 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.
- 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 available to them.

## **Stage 2 – FORMAL COMPLAINT TO THE EXECUTIVE HEADTEACHER OR CO CHAIRS OF GOVERNORS**

### **GUIDELINES**

- The Executive Headteacher needs to determine who has responsibility for responding to a formal complaint, including the decision about his own involvement at various stages.
- If the complainant is dissatisfied with the action of the Executive Headteacher, or the Executive Headteacher has been very closely involved informally, the Co-Chairs of Governors should carry out all the Stage 2 procedures, with support if necessary from another governor, and with advice from Education Personnel Management.
- Individuals on the governing body should not be involved at this stage to avoid prejudicing their possible future involvement.

### *PROCEDURE*

- Parents who wish to pursue a formal complaint at Stage Two should be asked to put the complaint and the desired outcome in writing to the Co-Chairs of Governors or Executive Headteacher. The Co-Chairs of Governors or Executive Headteacher 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 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.
- The Co-Chairs of Governors or Executive Headteacher may offer an opportunity for the complainant to meet him/her. The complainant should, if s/he 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.
- If necessary, the Co-Chairs of Governors or Executive Headteacher 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 a parent or 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 the pupil. 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 Education Personnel.
- The Co-Chairs of Governors or Executive Headteacher should keep written records of meetings, telephone conversations and other documentation.
- Once all the relevant facts have been established, the Co-Chairs of Governors or Executive Headteacher should either write to the complainant or arrange a meeting to discuss or resolve the matter. This meeting should be followed up by a letter summarising the outcome of the meeting. The complainant should be advised in this letter that if they remain unhappy with the outcome, s/he may appeal to a panel of governors. The complainant should notify the Co-Chairs of Governors within two weeks of receiving the letter detailing the outcome of the complaint.

## **Stage 3 – APPEAL TO A PANEL OF GOVERNORS**

### **GUIDELINES**

- Complaints only rarely reach the appeal stage, but it is important that governing bodies are prepared to deal with them. At this stage, the Co-Chairs of Governors may wish to seek advice from Education Personnel Management.
- The aim of the appeal to a panel of governors is to resolve the complaint and to achieve a reconciliation between the school and the complainant. However, it may only be possible to establish the facts of the 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 governing body is impartial and independent and is seen to be so. The full governing body should not consider individual complaints. The governing body should therefore establish a pool of five governors from which three can be drawn for any hearing.
- Panel members should have had no prior involvement with the complaint. Generally, the Co-Chairs of Governors is not on the panel as s/he may be involved at earlier stages. The governing body should have regard to the advantages of having a mix of types of governor on the panel and be sensitive to issues of equal opportunity in the composition of the panel.
- Individual governors should not become involved in looking into complaints to avoid prejudicing their potential involvement. If individual governors are approached by parents or others with complaints, they should refer the complainant to the school's complaints procedure, making the necessary introduction to a member of staff or the Executive Headteacher 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 governing body to view any complaint as being against the school rather than an individual member of staff whose actions may have led to the 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. A suitable clerk to the panel should be appointed.
- The clerk should write acknowledging receipt of the written request, informing the complainant that it will be heard by a committee of the governing body within 15 working days of receipt.
- The clerk should convene a meeting of the complaints committee at a time convenient for the complainant and the school.
- The clerk should ensure that the complainant, Executive Headteacher 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 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 or relative who can act as an advocate. The chair should ensure that interpretation facilities are offered and made available if necessary.
- The clerk should invite the Executive Headteacher to attend the hearing and to submit a written report for the committee in response to the complaint. The Executive Headteacher may also invite the Co-Chairs of Governors 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.
- 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.

- The panel should elect a chairperson who should ensure that proper minutes of the meeting are taken.
- The chair of the panel should try to ensure that the proceedings are sufficiently informal as possible and that the complainant and other participants feel at ease.
- At the conclusion of the representations and questions, the chair should explain that the panel will consider the issues and write to both parties.
- All except for the governors' 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 school's systems or procedures to ensure similar problems do not arise in the future.
- The school should ensure that a copy of all correspondence and notes is kept confidentially on file in the school. This should be kept separate from pupils' personal records.
- 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 governing body should monitor implementation of the recommendations.