



*'Learning together through love. Friendship, forgiveness and faith.'*

## Complaints Procedure

### 1. Introduction

From 1 September 2003 Governing Bodies of all maintained schools and maintained nursery schools in England are required, under Section 29 of the Education Act 2002 to have in place a procedure to deal with complaints relating to the school and to any community facilities or services that the school provides. It is the responsibility of a school's Governing Body to resolve a complaint received by a school and it is, therefore, important to have a procedure for doing so which is available, and clear, to Governors, employees, parents, carers and members of the public.

LA's are required to set up a procedure for dealing with certain types of complaints, for example, complaints about the curriculum or collective worship in a school. This Governing Body's complaints procedure does not replace the arrangements made for those types of complaint. In addition, there are certain complaints that fall outside the remit of this Governing Body's complaints procedure, for example, staff grievances or disciplinary procedures.

**It is important to note that anonymous complaints cannot be dealt with under this procedure.**

In most cases complaints are successfully resolved informally through discussions with the member of staff concerned or Headteacher. In others the Headteacher is responsible for investigating the complaint, reporting back to the complainant and informing Governors of the outcome of the investigation.

In the event the complaint is about the way in which the school has dealt with a complaint or the complaint is about the Headteacher it is appropriate for the matter to be referred to the Governing Body or a Complaints Panel set up by the Governing Body. The remit for the Complaints Panel is included in **Section 3 – Procedure** of this document.

Except in exceptional circumstances previous stages of the procedure should be exhausted before a complaint is referred to a subsequent stage.

The timescales indicated in the Complaints Procedure are those that are expected in normal circumstances. Where the complaint is detailed and/or requires an extensive investigation the timescales may be increased. The complainant should be informed in writing of any variations to the timescales indicated and given a revised timetable for resolving their complaint.

Where complainants or members of staff are invited to a planned meeting either as part of the investigation or of The Complaints Panel any request to be accompanied by a friend or representative should be accommodated.



Governing Bodies may want to monitor the level and nature of complaints and review the outcomes on a regular basis to ensure the effectiveness of their procedure and make changes where necessary. Information about complaints presented to the Governing Body for monitoring purposes should not name individuals.

The monitoring and review of complaints by the school and the GB can be a useful tool in evaluating a school's performance and contribute to school improvement. As well as addressing an individual's complaints, the process of listening to, and resolving complaints may identify underlying issues that need to be addressed and ensure more effective school management and routines.

This complaints procedure will be publicised on the school website and in the school prospectus.

## **2. Managing Complaints**

### **2.1 Principles**

An effective Complaints Procedure will:

- Encourage **informal** resolution wherever possible and practicable.
- Be easily **accessible** and **publicised**.
- Be **simple** to understand and use.
- Be **impartial**.
- Be **non-confrontational**.
- Allow **swift** handling with established **time limits** for action and keeping people informed of progress.
- Ensure a full and **fair** investigation.
- Respect and ensure **confidentiality**.
- Address all the issues and provide an **effective** response and **appropriate** redress where necessary.
- Provide **information** to the school's senior management team so that services can be improved.

### **2.2 Investigating Complaints**

At each stage the person investigating the complaint, should make sure that they:

- Establish what has happened so far, and who has been involved.
- Clarify the nature of the complaint and what remains unresolved.
- Meet with the complainant or contact them if clarification or further information is needed.
- Ascertain what the complainant feels would put things right.
- Interview the person who is the subject of the complaint and any other people involved. They are allowed to be accompanied if they wish.
- Conduct interviews with an open mind to find out facts not judgements and be prepared to persist in the questioning.



- Keep notes of all interviews.

### 2.3 **Resolving Complaints**

It is important to be aware from the outset of the ways in which a complaint can be resolved. It might be sufficient to acknowledge that the complaint is valid in whole or in part and an admission that the school could have handled the situation better is not the same as an admission of negligence. In addition, it may be appropriate to offer one or more of the following:

- An apology.
- An explanation.
- An admission that the situation could have been handled differently or better.
- An assurance that the event complained of will not recur.
- An explanation of the steps that have been taken to ensure that it will not happen again.
- An undertaking to review school policies in light of the complaint.

It is useful to encourage complainants to indicate what actions they feel might resolve the problem. In this respect it should be noted that complainants' views on this may be unreasonable and they should be made aware of what are reasonable and appropriate outcomes in relation to the specific nature of their complaint.

Identify areas of agreement and clarifying any issues can also create a positive atmosphere in which to discuss any outstanding issues.

### 2.4 **Time-Limits**

Complaints need to be considered, and resolved, as quickly and efficiently as possible. An effective complaints procedure will have realistic time limits for each action at each stage. In circumstances where further investigations are necessary new time limits can be set and the complainant should be sent details of, and reasons for, the new timescale.

### 2.5 **Recording Complaints**

The Headteacher should arrange for a **confidential** record to be kept in a complaints file of the nature and progress of all complaints, when they were made, and their final outcome. The record should include notes of all meetings and what was discussed and agreed. Notes of telephone calls and conversations should be kept along with a copy of any verbal or written response included in the record.

The purpose of the Record is for monitoring purposes only and not as a source of information for future references or other issues.

### 2.6 **Vexatious Complaints**

A good complaints procedure that has been properly followed will limit the number of protracted complaints. There will, however, be occasions when the complainant remains dissatisfied even though all stages of the Complaints Procedure have been completed. If the



complainant continues to raise the same issue it is reasonable for the Chair of Governors to inform them in writing that the procedure has been exhausted and that the matter is now closed.

### 3. **Procedure**

#### 3.1 **Informal Stage**

In most cases teachers, senior managers and Headteachers successfully resolve complaints informally. Complaints should, therefore, initially be directed to the class teacher or if a complaint concerning a member of staff to the Headteacher.

The Headteacher will:

Either

1. Encourage the complainant and member of staff to discuss the complaint and resolve it informally.

Or

2. If the complainant has already discussed their complaint with the member of staff, or that would be inappropriate, discuss the complaint with the complainant and resolve it informally, or arrange for a senior manager to do so.

And

3. Where appropriate inform the Chair of Governors without discussing the nature of the complaint at this stage.

If a School Governor is directly approached by a complainant it is important that the Governor emphasises that they can only give general advice about how their complaint might be dealt with. The Governor should encourage the complainant to talk to the Headteacher who will attempt to resolve their complaint informally in the first instance. The Governor should also inform the headteacher about the complaint as soon as possible.

It is important to note that when a Governor becomes involved in this way they cannot take part in any of the formal procedures that may follow. It may, however, be appropriate for them to accompany the complainant to a planned meeting with a member of staff or the Headteacher at this stage or any other subsequent formal meetings. This would normally only be necessary if the complainant appears uncomfortable about attending a meeting with the member of staff or Headteacher or any other subsequent formal meetings on their own.

#### 3.2 **Formal Stage 1**

If a complaint cannot be resolved in an informal way and/or the complainant still remains unhappy the Headteacher should deal with the complaint formally. The Headteacher should



ask the complainant to put their complaint in writing, stating that they wish to make a formal complaint.

The letter should include:

- Their name.
- The nature of their complaint.
- How they can be contacted.

The headteacher should:

- Acknowledge this letter within two working days.
- Investigate the complaint and then decide how best to resolve it within a further five working days.
- Provide a written response outlining how the investigation was conducted and the outcome of the complaint, as well as offering the complainant the opportunity to discuss the outcome if appropriate. This should be within two working days of completing the investigation.
- Advise the complainant that if they are dissatisfied with the outcome the Chair of Governors at Formal Stage 2 will consider their complaint.
- Inform the Chair of Governors that a Formal Complaint has been received and what action will be taken to provide a response without discussing the nature of the complaint at this stage.

If the Headteacher is not able to resolve the complaint and/or the complainant still remains unhappy the complaint should be dealt with at Formal Stage 2.

### 3.3 Formal Stage 2

The complainant should be informed that their complaint has been passed to, and how to contact, the Chair of Governors. The complainant should write to the Chair of Governors and that letter should include:

- Their name.
- The nature of their complaint.
- Where appropriate the reasons why they were unhappy with the headteacher's decision.
- How they can be contacted.

**At this stage it is important that only the Chair of Governors is involved, as other Governors may have to listen to any subsequent hearings that may result from an investigation of the complaint**

The Chair of Governors should:

- Acknowledge the letter within two working days.
- Conduct an investigation and speak to everyone involved as soon as practicable. This will usually be within ten working days.



- Provide a written response outlining how the investigation was conducted and the outcome of the complaint, as well as offering the complainant the opportunity to discuss the outcome if appropriate. This should be within two working days of completing the investigation.
- Advise the complainant that if they are dissatisfied with the outcome the Complaints Panel of the Governing Body at Formal Stage 3 will consider their complaint.

If the Chair of Governors is not able to resolve the complaint and/or the complainant still remains unhappy the complaint should be dealt with at Formal Stage 3.

### 3.4 Formal Stage 3 - Governors' Complaints Panel

If the complainant is dissatisfied with the outcome of the Chair of Governor's investigation they should write to the Chair of Governors stating why and request that their complaint be referred to the Complaints Panel of the Governing Body.

The Complaints Panel will comprise three Governors who have not previously been involved in the complaint and/or do not have a personal or pecuniary interest. It may also be inappropriate for the Complaints Panel to include teacher or staff Governors.

A meeting of the Complaints Panel will be convened within 10 working days of the request.

At least five working days before the meeting members of the Complaints Panel should receive papers about the complaint that should include as appropriate:

- A copy of the original complaint.
- An outline of any investigation carried out by the Headteacher at Formal Stage 1.
- A copy of the letter sent to the complainant about the outcome at Formal Stage 1.
- A copy of the letter from the complainant expressing their dissatisfaction with the outcome at Formal Stage 1.
- A copy of the letter to the Chair of Governors requesting an investigation at Formal Stage 2.
- An outline of any investigation carried out by the Chair of Governors at Formal Stage 2.
- A copy of the letter sent to the complainant about the outcome at Formal Stage 2.
- A copy of the letter from the complainant expressing their dissatisfaction with the outcome at Formal Stage 2.
- A copy of the letter requesting that the Complaints Committee hears the complaint.

The complainant should be invited to attend the meeting to state their case and should be offered the opportunity to be accompanied by a friend or other adult if they wish. Normally children should not attend. If the Complaints Panel thinks that it would be helpful for a child to be present the Governors should seek the permission of the parents. The complainant does not have to attend the meeting in which case the Complaints Panel will consider the documentary evidence provided by the complainant.

The Headteacher and/or Chair of Governors should be invited to attend the meeting to state their case. They do not have to attend the meeting in which case the Complaints Panel will



consider the documentary evidence relating to any investigation(s) the Headteacher or Chair of Governors carried out.

The Complaints Panel may invite the Chief Education Officer's representative to provide advice and guidance. That person will not have any role in deciding the outcome but will advise on whether the procedure has been followed appropriately and on the reasonableness of the Complaints Panel's decision.

**[Attendance by the Director's representative will be part of RBWM's traded Comprehensive Personnel Package or on a consultancy basis].**

The Complaints Panel will consider 2 questions only:

1. Whether the investigation(s) were conducted properly and reasonably within this procedure.
2. Whether the outcome was reasonable and appropriate

If the Complaints Panel decides the answer to the second question is no it should decide a different outcome to the complaint.

The Panel will have an opportunity to question the complainant, Headteacher and/or Chair of Governors when they have stated their cases. When the Complaints Panel is satisfied that it has all the information it needs it will consider all the evidence and decide an outcome. In the event that further information is needed and it is not available at the time the meeting may be adjourned and re-convened at a mutually convenient time. This should be as quickly as possible and wherever practicable within five working days.

When the Complaints Panel has all the information it needs the complainant, Headteacher and/or Chair of Governors will leave the meeting. The Complaints Panel will then reach its decision in private. It will decide:

- Whether the earlier investigation(s) were conducted appropriately and reasonably.
- Whether the decision of the Headteacher and/or Chair of Governors was reasonable and appropriate.
- Where appropriate an alternative outcome to the complaint.

The complainant should be informed of the Complaints Panel's decisions in writing within two working days.

**The decision of the Complaints Panel is Final.**

### 3.5 **Remit of The Complaints Panel**

Governors sitting on the Complaints Panel need to be aware, and have a copy, of the Complaints Procedure.

The Complaints Panel should:



- Consider the complaint in an independent and impartial way and must be seen to do so.
- Consider the complaint in private and confidentially.
- Resolve the complaint and achieve reconciliation between the school and the complainant.
- Recognise the complainant might not be satisfied with the outcome if it does not find in their favour.
- Establish the facts and make recommendations that will satisfy the complainant that the complaint has been taken seriously.
- Acknowledge that a complainant may feel nervous and inhibited in a formal setting. Also those parents often feel emotional when discussing an issue that affects their child.
- Ensure that the proceedings are as welcoming as possible and that the layout of the room will ensure the setting is informal and not adversarial.
- Take extra care when the complainant is a child, so the child does not feel intimidated.
- Give the views of children equal consideration to those of adults.
- Give the parent(s) of a child the opportunity to say which parts of the hearing, if any, their child needs to attend.

The Complaints 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.

#### 4. **The Role of RBWM**

##### 4.1 RBWM has no statutory role in resolving external complaints about the actions of school staff.

RBWM does have a responsibility to ensure that an appropriate procedure has been followed when schools deal with complaints, particularly if a complainant remains unhappy with the outcome. If a complainant contacts the Borough it will only investigate procedure and will not consider the complaint itself. Also, it will only do so if all stages of the procedure have been exhausted and if not the complainant will be referred back to the school.

If all stages of the school's procedure have been exhausted the complainant will be asked to write to the Director's representative, and will be informed that their letter should include:

- The reasons why they remain unhappy with the outcome.
- Any letters or documentary evidence sent or provided by them or the school at all stages of the school's Complaints Procedure.
- Any other evidence that shows that the school did not follow its Complaints Procedure correctly.
- How they can be contacted.

The Director as representative will:

- Acknowledge the letter within two working days.





- Contact the school and ask for details of the way in which the complaint was dealt with.
- Provide a written response stating whether or not the school investigated the complaint appropriately and according to its Complaints Procedure. This should be within five working days of receiving all the relevant documentation from the school.

- 4.2 The Director's representative may be asked to provide advice and guidance to the Governing Body, Headteacher, Chair of Governors or the Complaints Panel.

The advice and guidance will only be about:

- Procedural matters.
- The reasonableness of decisions.

**Attendance by the Director's representative will be part of the RBWM's traded Comprehensive Personnel Package or on a consultancy basis.**

- 4.3 If the complaint is particularly complex and requires extensive investigation or in other appropriate circumstances the Director's representative may be asked to investigate the complaint. The Chair of Governors will make any request in writing. The Chair of Governors letter should include:

- The request to carry out the investigation.
- A copy or details of the complaint.
- A statement as to why the Director's representative is being asked to investigate the complaint.
- At what stage of the School's Complaints Procedure the investigation will be conducted. This will normally be Formal Stage 1 or 2.
- Details of any actions the school has already taken in response to the complaint.
- A copy of the School's Complaints Procedure.

The Director's representative will conduct the investigation **on behalf of** the Headteacher (Formal Stage 1) or the Chair of Governors (Formal Stage 2) and not as a representative of the Borough.

The Headteacher or Chair of Governors will be responsible for communicating the outcome of the complaint to the complainant.

**Investigation by the Chief Education Officer's representative will be part of the RBWM's traded Comprehensive Personnel Package or on a consultancy basis.**

Any investigation conducted by the Director's representative as part of the School's Complaints Procedure does not prevent a different Director's representative considering procedural issues once all stages of the School's Complaints Procedure have been exhausted.





## **Appendix : Notes on the Complaints Procedure**

### **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 headteacher, 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.

### **Complaint Heard by Headteacher**

The headteacher'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 may delegate the task of collating the information to another staff member but not the decision on the action to be taken.

### **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 GB 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 GB 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 procedure adopted by the panel for hearing appeals would normally be part of the school's complaints procedure. 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**

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

- a. 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.
- b. 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.
- c. 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.
- d. 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.
- e. The governors sitting on the panel need to be aware of the complaints procedure.



## **Roles and Responsibilities**

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

The Department 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.
- 
- each side is given the opportunity to state their case and ask questions;
  - written material is seen by all parties. If a new issue arises it would be useful to give all parties the opportunity to consider and comment on it.



### **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.

### **Checklist for a Panel Hearing**

The panel needs to take the following points into account:

- The hearing is as informal as possible.
- Witnesses are only required to attend for the part of the hearing in which they give their evidence.
- After introductions, the complainant is invited to explain their complaint, and be followed by their witnesses.
- The headteacher may question both the complainant and the witnesses after each has spoken.
- The headteacher is then invited to explain the school's actions and be followed by the school's witnesses.
- The complainant may question both the headteacher and the witnesses after each has spoken.
- The panel may ask questions at any point.
- The complainant is then invited to sum up their complaint.
- The headteacher is then invited to sum up the school's actions and response to the complaint.
- Both parties leave together while the panel decides on the issues.
- The chair explains that both parties will hear from the panel within a set time scale.

### **Flow Chart of Complaints Procedure**

**Informal Stage** – heard by member of staff

- Informal discussion





Issue resolved

Issue not resolved



**Formal Stage – Heard by headteacher**

- Acknowledge receipt of complaint within 2 days
- Investigation by headteacher within 5 days
- Write to complainant with outcome with 2 days
- Advise complainant if dissatisfied to move Formal Stage 2

Issue resolved

Issue not resolved



**Formal Stage 2 – heard by Chair of Governors**

- Acknowledge receipt of complaint within 2 days
- Investigation by Chair of governors within 10 days
- Write to complainant with outcome with 2 days
- Advise complainant if dissatisfied to move Formal Stage 3

Issue resolved

Issue not resolved



**Formal Stage 3 – heard by Governors Complaints Panel**

- 3 members to convene within 10 days for the hearing
- 5 days before hearing panel to receive all paperwork
- Invite complainant, headteacher and Chair of Governors to hearing to state their case
- May invite Chief Education Officer for advice and guidance
- The decision of the Governors Complaints Panel is final
- Write to complainant with outcome with 2 days
- The letter needs to explain if there are any further rights of appeal and, if so, to whom they need to be addressed.