

Complaints and Appeals Procedure



COMPLAINTS AND APPEALS 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.

LAs 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 GB's complaints procedure does not replace the arrangements made for those types of complaint. In addition, there are certain complaints which fall outside the remit of this GB'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 Head teacher. 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 which 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 should be 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 which 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 complaints are successfully resolved informally by teachers, senior managers and Headteacher. 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 head teacher 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 their complaint will be considered by the Chair of Governors at Formal Stage 2.
- 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 which 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.

Policy reviewed and updated February 2020