

# COMPLAINTS POLICY

## COMPLAINTS ABOUT SCHOOLS

### *A Procedure to deal with Comments and Complaints about Schools*

#### 1. Purpose

Schools value the generally good relations they enjoy with parents and the community. These good relations are based on mutual respect and a willingness to listen to other points of view. The purpose of the complaints procedure is to provide a framework for the governing body to adopt, giving a structured opportunity for all concerned to express and resolve concerns and thus to improve provision.

#### 2. Introduction

It is in the best interest of all parties that any concern is expressed and resolved quickly and at the earliest possible stage.

At any stage in the process, any party may consult the Devon County Council Education Department for impartial advice on matters of procedure.



This procedure builds on the legal requirements of **Section 23 of the Education Reform Act (replaced by Section 409 Education Act 1996) and the Guidance issued in Department of Education & Science Circular 1/89: Local Arrangements for the Consideration of Complaints**. There exists a written procedure which covers "Arrangements for the consideration of Complaints about the School Curriculum and Related Matters". Governing Bodies should consider the use of the same basic procedure for general complaints which do not strictly fall under those arrangements - the reason for this document.

There are specific procedures for certain other complaints (e.g. SEN statements, accusations of child abuse, exclusions) which must be followed in those cases - this procedure is intended for those complaints which do not appear to fall into any of the existing categories.

**Review** The local authority may review and amend this procedure from time to time.

#### Stages

*The full procedure has five stages, but every effort should be made to resolve issues at the earliest possible stage:*

- |   |  |
|---|--|
| <b>1 Teacher (or Principal if immediately involved)</b>                             | Most concerns are easily resolved informally by discussion with staff at the school: more difficult or complex concerns may take more than one discussion.   |
|  |  |
| <b>2 investigation by Principal or Chairman of Governors</b>                        | The Principal will make an investigation and respond to the complaint. If the complaint is directed at the Principal, then the Chairman of Governors (or other named governor) should take this stage. |
|  |  |
| <b>3 complaint to the governing body</b>  | If after careful attempts a resolution is not achieved, the complaint will be heard by a panel of at least three governors.  |
| <b>4 complaint to the Local Education Authority (Devon)</b>                         | If, and only if, the complaint falls under the arrangements set up under Section 409, Education Act 1996, it can be  |

## **County Council)**

referred to a local authority Panel. In other cases, the governing body's decision will stand.

## **5 the Secretary of State for Education and Employment**

will give direction if the governing body or the County Council have acted unreasonably or have failed to make provision. If the complaint is against action taken, or not taken, by the County Council, it is also possible for that complaint to be referred to the **Local Government Ombudsman**.

### **Stage 1 - teacher or Principal**

All schools are happy to receive suggestions and to talk about concerns which help them identify areas of success and areas in which they could improve. Where a concern is brought to the school's attention it can often be resolved with a single conversation. Sometimes an issue is more complex and will take more than one discussion to resolve.

Occasionally despite the best efforts of all parties these discussions do not resolve the concern, which then may become a complaint.

### **Stage 2 - investigation by Principal or Chairman of governors**

The complainant will be asked to confirm the complaint in writing to the Principal (or Chairman of Governors if the complaint is about the Principal) and it will be acknowledged in writing. The Principal (or Chairman) will copy relevant papers to any member/s of staff named in the complaint.

If the complaint is not resolved at Stage 2 by the Head Teacher or Chairman of Governors, then the complainant will be asked to follow a procedure for mediation. This will involve referring the complaint to a Parent Governor nominated by the Chairman of the Community Committee. The complainant will also be given a copy of the full complaints procedure at this point. If the complaint is still not resolved after mediation then it will move to Stage 3.

Any concerns should be raised as soon as possible after the event.

### **Stage 3 - complaint to the governing body**

This can be made only if the complainant has:

- ◆ sought to resolve the concern through approaches to the school as described in stages 1 and 2
- ◆ allowed reasonable time (normally no more than *four school weeks*) for investigation of the concern
- ◆ accepted any reasonable offer by the school to discuss the result of the investigation
- ◆ taken part in any process of mediation offered by the school
- ◆ put the complaint clearly in writing (normally within *two months* of the event)

Each governing body must set up a panel to deal with complaints (this could be the committee which also operates as the "first" committee, or the committee which also deals with exclusions, since the procedures will be similar) whose responsibility is to hear and decide about formal complaints which have not been resolved at the earlier stages.

The panel should consist of three governors who have not previously been involved in dealing with the complaint, and the chairman of the panel should be named. The Principal should not be a member of the panel. The governing body should name reserves to make sure the panel can be constituted when necessary.

The complainant should write to the governing body clerk at the school requesting a meeting of the complaints panel. Enclosed with the letter should be a copy of the written complaint submitted at the earlier stages, indicating which matters remain unresolved. No new complaints may be included.

The governing body clerk will immediately contact the complaints panel nominated by the governing body as part of their committee arrangements. The clerk is responsible for making all the arrangements for the meeting, including time and place. The clerk will immediately send the text of the formal complaint to the Principal and the Chairman of Governors. The Principal may have *up to 10 school days* from receipt of this notification to submit a response to the clerk. The meeting will be arranged as soon as possible, and *no later than 20 school days* after receipt of the complainant's request for a formal meeting. If there is difficulty agreeing a date the chairman of the panel makes the final decision.

Any documents from either the complainant or the Principal to be considered by the panel, and the names of any witnesses or friends who might attend must be received by the clerk at least seven school days before the meeting. Copies of all papers submitted plus the agenda will be sent to the complaints panel members, complainant, Principal, Chairman of Governors and Director of Education at least five school days before the meeting date. The Principal will copy relevant papers to any member/s of staff named in the complaint.

The complainant may bring a friend, interpreter or advocate to the meeting.

The Principal may bring a friend or professional representative.

If teachers or other members of staff are asked by the Principal to be present at a complaints committee meeting, they have a right to bring a friend or professional representative.

It is not appropriate for a student to attend, unless they are bringing the complaint on their own behalf being over the age of eighteen.

The panel will consider the complaint on the basis of the papers they receive and what is said at the meeting. In the event of either party not attending the meeting, the panel chairman has discretion to proceed or to adjourn at any stage.

The panel chairman controls the meeting and will aim to complete all the business at a reasonable hour without the need to adjourn to another day. It is important that all participants help by being clear about the points they wish to make, by keeping to the point, and by being courteous throughout. The clerk should take minutes which must be confidential under "Part 2" procedure.

***The committee can:***

- ◆ uphold the complaint in full or in part, and make recommendations to the governing body for action
- or**
- ◆ decide to recommend no action be taken **and** give reasons for the decision

Having come to a decision about the complaint, the committee may additionally refer issues of principle or general practice to another forum, such as the governing body, or to an individual such as the Principal.

The clerk will send the complainant, Principal, Chairman of Governors and Director of Education a letter with the outcome of the meeting within seven days of the meeting.

The Director of Education has the right, under this procedure, to have a representative present at all stages of the governing body complaints panel meeting and to have a copy of all associated paperwork.

No further appeal to the governing body is available in the matter of the complaint.

In respect of a grievance arising from a member of staff, *this will be heard separately under existing grievance procedures.*

#### **Stage 4 - complaint to the local authority**

If the complainant wishes to pursue the matter further, the local education authority (Devon County Council) will only consider the case if the complaint is one deemed relevant under section 409 Education Act 1996 (Complaints and enforcement). Such a request must be addressed to the director of Education and be received within *15 days* of the date of the letter from the clerk giving the outcome of the meeting.

The local authority has statutory responsibility to consider a relevant complaint about the curriculum which has not been resolved by the governing body.

It may be difficult to agree whether a complex complaint is subject to the statutory arrangements for curriculum complaints (see "Arrangements for the consideration of complaints about the school curriculum and related matters). The Director of Education will therefore take the advice of the County Solicitor as to whether the complaint may be considered.

The procedure at this stage ("formal complaint to the Local Education Authority") is set out in the LEA pamphlet "Arrangements for the consideration of Complaints about the School Curriculum and Related Matters" September 1989.

There is no further appeal to the local authority.

#### **Stage 5 - complaint to Secretary of State or Local Government Ombudsman**

If a complainant wishes to pursue the complaint s/he has recourse to the Secretary of State or Local Government Ombudsman.

The County Council will advise on the procedure to be followed in those cases.

### **3. REVIEW OF POLICY**

This policy is reviewed every three years by the Governing Body.

**Ratified by the Strategy & Quality Committee of the Governing Body  
13<sup>th</sup> March 2008**