

# School Complaints Procedure

# School Complaints Procedure

Annex A

Section 29 of the Education Act 2002 requires that:

- (1) The governing body of a maintained school (including a maintained nursery school) shall –
  - (a) establish procedures for dealing with all complaints relating to the school or to the provision of facilities or services under section 27, other than complaints falling to be dealt with in accordance with any procedures required to be established in relation to the school by virtue of a statutory provision other than this section, and
  - (b) publicise the procedures so established.
- (2) In establishing or publicising procedures under subsection (1), the governing body shall have regard to any guidance given from time to time (in relation to England) by the Secretary of State).

Section 39 of the Education Act 2002 provides the following:

“maintained school” means a community, foundation or voluntary school, a community or foundation special school or a maintained special school;

“maintained nursery school” means a nursery school which is maintained by a local education authority and is not a special school;

## KINGSTON UPON HULL CITY COUNCIL

### BRICKNELL PRIMARY SCHOOL COMPLAINTS PROCEDURE

#### Introduction

It is in everyone's interest that complaints are resolved at the earliest possible stage. Taking informal concerns seriously at the earliest stage will reduce the numbers that develop into formal complaints. In most cases the class teacher will receive the first approach and it would be helpful if issues were resolved as soon as practicable.

The complaints procedure is a forum for dealing with parental complaints e.g. instances of bullying, comments made by teachers to pupils/parents, wearing of jewellery, pupils running out of school, environmental issues, health and safety issues etc.

In the event of the formal complaints procedure being implemented the member of staff concerned may be represented by a friend or trade union representative.

It should be remembered, however, that certain complaints will fall outside the remit of the governing body's complaints procedure, for example, staff grievances, disciplinary procedures and curriculum issues which are already dealt with in accordance with separate procedures.

In the case of allegations relating to physical, sexual or emotional abuse by staff, the procedures should be followed alongside the Area Child Protection Committee guidelines, and procedures relating to allegations against staff.

Some schools may wish to nominate a member of staff as Complaints Co-ordinator, whose role is to co-ordinate investigations and maintain records of the complaints and any outcomes.

#### **Stage One: Preliminary Stage (Informal) - Concern Heard by Staff Member**

The experience of the first contact between the complainant and the school can be crucial in determining whether the concern will escalate into a formal complaint. It is the responsibility of the governing body to ensure that staff are made aware of the procedures and they know what to do when they receive a complaint.

In the first instance the complainant must raise the concern to the appropriate member of staff. Where the concern is about the headteacher, the complainant should refer the matter to the chair of governors who may decide to involve the LEA at a later stage.

In exceptional circumstances, if the member of staff directly involved feels unable to deal with the concern, the headteacher may nominate another member of staff to investigate. The ability to consider the concern objectively and impartially is crucial.

Where the first approach is made to a governor, the governor must refer the complainant to the appropriate person and advise them about the procedure. It is important that all stages of the complaints procedure are followed.

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## **Stage Two: Complaint Heard by Headteacher**

In the event of the complainant not being satisfied regarding the outcome of Stage One, they may refer the complaint to the headteacher. At this stage the complainant must submit written notice of the complaint to the headteacher – Annex D, Complaint Form. The headteacher will then forward a copy of the complaint to the member of staff concerned.

The headteacher will investigate the complaint and will decide the most appropriate action to be taken. This could include, for example, an apology or a review of a policy. At this stage, it may be appropriate for the headteacher to refer the investigation of the complaint under a different procedure e.g. where the conduct of the member of staff is in question the disciplinary procedure should be followed.

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

The headteacher will be responsible for writing to the complainant to inform them of the outcome of the investigation and, if the complainant is not satisfied at this stage, their right for the complaint to be referred to the Complaints Committee.

## **Stage Three: Complaint Heard by the Governing Body's Complaints Committee**

The complainant needs to submit another complaint form (Annex E), which should be updated in light of the headteacher's decision, to the Chair of Governors. The Chair, or a nominated governor, will convene a meeting of the governing body's Complaints Committee. At this meeting the complainant may attend to present their case, with a friend/relative in a supporting role if requested. The headteacher will also be in attendance to explain their decision regarding the complaint and the school's actions. Witnesses may be called by either party. An LEA representative may attend in an advisory capacity.

(A procedure for conducting the meeting is enclosed as Annex F).

The Committee may decide the following:-

- 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.

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

Individual complaints must 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 e.g. where the Committee believes that the headteacher has not taken appropriate action.

## **Notification of the Complaints Committee's Decision**

The chair of the committee needs to ensure that the complainant is notified of the decision, in writing, within 2 working days. There is no further right of appeal.

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## Further Notes for Guidance

There are several points which any governor sitting on the complaints committee needs to remember:

- a. It is important that the hearing is independent and impartial and that it is seen to be so. No governor may sit on the committee 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 that 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 committee 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 committee 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 committee 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 committee need to be aware of the complaints procedure.

## Roles and Responsibilities

### The Role of the Clerk

The Clerk to the Committee 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; and
- notify all parties of the committee's decision.

### The Role of the Chair of the Governing Body

The Chair's role is to:

- check that the correct procedure has been followed; and
- if a hearing is appropriate, notify the clerk to arrange a meeting of the Complaints Committee.

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## The Role of the Chair of the Complaints Committee

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

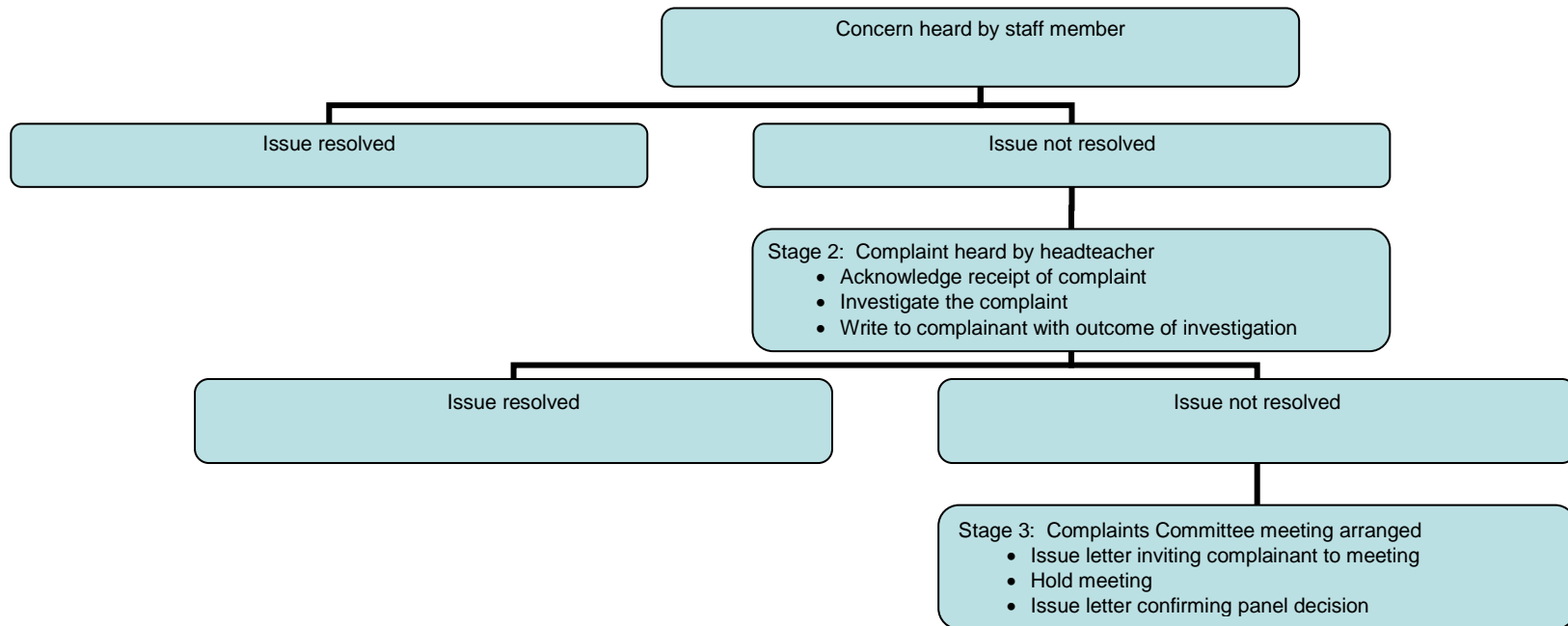
- the remit of the committee is explained to the parties and each party has the opportunity of putting their case without undue interruption;
- the issues are addressed;
- key findings of fact are made;
- parents and others who may not be used to speaking at such a hearing are put at ease;
- the hearing is conducted in an informal manner with each party treating the other with respect and courtesy;
- the Committee is open minded and acting independently;
- no member of the Committee 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; and
- written material, **circulated with notice of the meeting**, 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.

# School Complaints Procedure

Annex C

## Flowchart

### Summary of Dealing with Complaints



**Complaint form**

**Please complete and return to the Headteacher in the first instance, who will acknowledge receipt and explain what action will be taken.**

**Your name:**

**Pupil's name:**

**Your relationship to the pupil:**

**Address:**

**Postcode:**

**Day time telephone number:**

**Evening telephone number:**

**Please give details of your complaint.**

**What action, if any, have you already taken to try and resolve your complaint.  
(Who did you speak to and what was the response)?**



**What actions do you feel might resolve the problem at this stage?**

**Are you attaching any paperwork? If so, please give details.**

**Signature:**

**Date:**

**Official use**

**Date acknowledgement sent:**

**By whom:**

**Complaint referred to:**

**Date:**

**(Should you not be satisfied with the outcome of the headteacher's investigation, you will be asked to submit a revised copy of this form to the Chair of the Governing Body).**

## Complaint form to the Governing Body

Please complete and return to the Chair of Governors who will acknowledge receipt and arrange a meeting of the Complaints Committee.

Your name:

Pupil's name:

Your relationship to the pupil:

Address:

Postcode:

Day time telephone number:

Evening telephone number:

Please give details of your complaint.

What action, if any, have you already taken to try and resolve your complaint.  
(Who did you speak to and what was the response)?

**What actions do you feel might resolve the problem at this stage?**

**Are you attaching any paperwork? If so, please give details.**

**Signature:**

**Date:**

**Official use**

**Date acknowledgement sent:**

**By whom:**

**Complaint referred to:**

**Date:**

# School Complaints Procedure

Annex F

## Procedure for Hearing Complaints by the Complaints Committee of the Governing Body

1. Introduction by the Chair of the Committee and a reminder to all present of:
  - a) the Complaints Procedure under which the meeting has been called;
  - b) the manner in which the meeting will be conducted as set out below in paragraphs 1-12;
  - c) the degree of confidentiality;
  - d) those present and the purpose of the hearing; and
  - e) the supporting evidence.
2. Presentation by the complainant, including evidence from witnesses (where appropriate). When witnesses have given evidence and answered all questions put to them, they should leave the room.
3. Questions by the governors and the headteacher (or nominated person) on the evidence.
4. Presentation by the headteacher (or nominated person) to the committee, including evidence from witnesses (where appropriate), to explain the school's actions. When witnesses have given evidence and answered all questions put to them, they should leave the room.
5. Questions by the governors and the complainant on the evidence.
6. Opportunity for the complainant to make a final statement and/or sum up their complaint.
7. Opportunity for the headteacher (or nominated person) to make a final statement and/or sum up the school's actions and response to the complaint.
8. Withdrawal by the complainant and the headteacher (or nominated person) whilst the committee considers the matter.
9. Consideration of the matter by the committee. In the event that further information or clarification is needed from any of the persons who have left the meeting then all such persons should return to the meeting when such information is obtained. An opportunity should be given to each party to question or comment upon this additional information.
10. If there is no clear view about the facts presented by both parties, i.e. they are disputed, the governors should decide on the balance of probability what version of the facts they accept.
11. If any new facts emerge during either presentation, the governing body should decide whether further investigation is required and, if so, adjourn the hearing and reconvene when the investigation is completed.

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12. Before reaching a decision the governors should consider:
  - a) all the information presented by both parties;
  - b) any mitigating circumstances; and
  - c) any decision must be reasonable and fair.
13. Recall of parties concerned to hear the decision of the committee orally (if appropriate and practical).

The Chair of the Complaints Committee should clearly inform the complainant of the decision.
14. Confirmation of the decision of the committee should be sent in writing to all parties concerned by the Clerk to the Committee

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(govs/archive/complaints procedure.doc)