



## Complaints Policy

### Overview

Since 1 September 2003 Governing Bodies of all maintained schools and maintained nursery schools in England were 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. The law also requires the procedure to be publicised.

There are various principles behind this policy:

- There is a difference between a concern and a complaint. A concern is likely to require discussion between teacher, pupil and parent. If the concern is not resolved by that means then it could become a complaint. A complaint is an expression of dissatisfaction which needs a response from the school.
- A complaint is likely to arise when there are issues of physical or emotional well-being and security or when the school's stated values or aims are being ignored. This could be about or by any stakeholders including children, staff, governors and parents.
- We will seek to resolve complaints by informal means wherever possible.
- Investigations will be full, fair and swift.
- People involved will be kept informed of progress and the decisions reached.
- Every effort will be made to respect confidentiality.
- Feedback will be actively sought from those voicing complaints in order to minimise complaints and maximise accountability.
- A breach of the law will always constitute a complaint.

### Complaints to staff from parents:

#### Dealing with Complaints – Initial concerns

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 initial complaint and resolve issues. A concern can generally be dealt with by a discussion between teacher, pupil and parent. The school will endeavour to resolve any complaints as soon as possible.

**Dealing with Complaints – Formal procedures** The formal procedures will need to be invoked when initial attempts to resolve the issue are unsuccessful and the person raising the concern remains dissatisfied.

#### Stage One

The person investigating the complaint will establish **what** has happened so far, and **who** has been involved; clarify the nature of the complaint and what remains unresolved; contact or meet with the complainant if further information is necessary and clarify what the complainant feels would put things right. The form in Appendix 1 could be used.

The person investigating the complaint will aim to resolve the issue based on discussions with those involved.

*If unresolved move to :-*

### **Stage Two**

The head will acknowledge that the complaint is unresolved within three days and will report back within seven days. The head will collate all the relevant information and interview anyone involved. The head will then arrange a meeting between the complainant and the school. If the complainant wishes to have a friend to support them this will be arranged. Any decisions will be recorded and the head will ensure any commitments made by the school are carried out.

*If unresolved move to:-*

### **Stage Three**

The complainant needs to write to the Chair of Governors giving details. The Governing Body's Complaints Panel will meet within twenty-one days. This meeting will be convened by the clerk who will ensure all parties are present, take the minutes and send out any written documentation before the meeting.

*The panel will ensure:-*

- Each party has an opportunity to state their case and to ask questions.
- The hearing is conducted in an informal manner.
- Each party treats each other with respect.
- No Governor who has been already involved will be on the panel.
- Both parties leave while the panel decides.

The chair informs both parties that they will hear in writing from the panel within two days

**The panel can:-**

- Dismiss the complaint in whole or in part.
- Uphold the complaint in whole or in part.
- Decide on the appropriate action 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 Role of the Chair of the Governing Body or the Nominated Governor**

- To 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 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.
- Statements of fact are made.
- Parents and others are put at ease.
- The hearing is conducted in an informal manner with each party treating the other with respect and courtesy.
- 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.

## **Notification of the Panel's Decision**

The chair of the panel will notify the complainant of the panel's decision, in writing, within 2 days. This letter will contain the procedure for further rights of appeal and to whom they need to be addressed.

## **Roles and Responsibilities**

The **Head Teacher** will ensure that:

- this Complaints Policy and the procedures are made known to all stakeholders through newsletters and the prospectus
- all formal complaints are dealt with in the first instance by the Head Teacher or a member of the leadership team, who will document the complaint (names, dates, times, events), acknowledge in writing within three days of receipt, and consult with all those directly concerned
- the complainant is invited to a meeting to discuss the issue or receives a written explanation of the action taken within ten working days following the complaint

All **staff** are expected to encourage pupils, parents and carers who have concerns to follow the complaints procedure.

The **governing body** will ensure the following.

- If a complainant is not satisfied with the action taken by the Head Teacher, then the chair of governors will hear the complaint. On receipt of the complaint the chair of governors will inform the Head Teacher, investigate the complaint, and write to the complainant within ten working days, explaining the action taken.
- If the complaint is against the Head Teacher, the complainant may wish to contact the chair of governors first.
- If the complainant is not satisfied with the decision of the chair of governors then a formal complaint may be made to the governing body through the clerk to the governors. Within fifteen working days of receiving the written complaint a Complaints Committee will meet to consider it. The complainant will be given seven working days' notice of the meeting, and may take a friend or other person to provide support at the meeting. Within seven days of that meeting the complainant will be informed of the decision, the reasons for it, and any action to be taken by the school. The decision of the complaints committee is final.
- Where a complainant considers that the school is not complying with the legal requirements of council policy in respect of a pupil's education then the LA can provide the complainant, the governors or the head with further advice.
- Where a complaint is about the governing body this can be referred to the LA. If that fails to produce a satisfactory response it can then be referred to the Secretary of State. If the complaint is upheld and the governing body fails to follow the directions of the Secretary of State, the judgement may be legally enforced.

## **Complaints Procedure for Staff**

### **Complaints from staff about pupils**

- Follow the procedures outlined in our behaviour policy.

### **Complaints from staff about other staff members**

- Complaint to be discussed with Head Teacher if it does not involve Head.
- Complaints about Head to be discussed with Chair of Governors.
- Head/Chair of Governors to see all parties involved and provide feedback.
- Any agreed actions to be monitored.

- Disciplinary/grievance proceedings to be followed if necessary.

**Complaints from staff about other adults**

No staff member should suffer verbal, emotional or physical abuse. If possible, staff should have another member with them during meetings with adults where contentious issues are to be discussed.

- **Verbal, written or emotional abuse**

We have zero tolerance to this and the perpetrator will be asked to leave the school. If abuse continues, the member of staff is to walk away and report the incident to the Head Teacher. The incident will be followed up and if necessary the adult will be banned from the school site.

- **Physical abuse**

This will never be tolerated. The member of staff is walk away and report to the Head Teacher, who will alert police to the incident. The incident will be followed up and the adult will be banned from the school site

**Vexatious Complaints**

If properly followed, a good complaints procedure will limit the number of complaints that become protracted. However, there will be occasions when, despite all stages of the procedures having been followed, the complainant remains dissatisfied. If the complainant tries to reopen the same issue, the chair of the governing body is able to inform them in writing that the procedure has been exhausted and that the matter is now closed.

**The Governing Body adopted the attached Gloucestershire Model Policy on 30.11.15, to supplement this policy.**

Date this policy was adopted \_\_\_\_\_

Signed by Chair of Curriculum and Standards Committee \_\_\_\_\_

Review date \_\_\_\_\_

**Record of complaint**

**Name:**

**Date:**

**Adults/children involved:**

**Please give details of the complaint.**

**What action, if any, has already been taken to try and resolve the complaint.?**

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

**Next steps:**