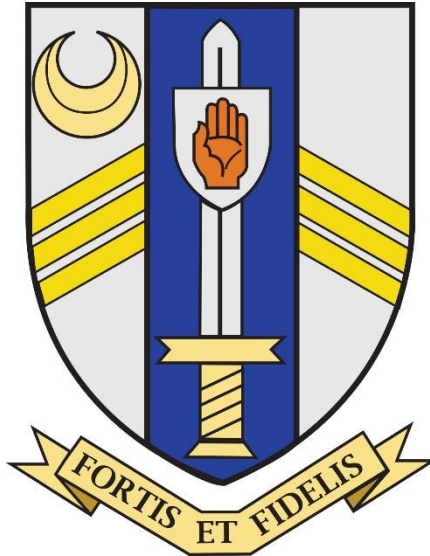


# Sir John Nelthorpe School



## Complaints Policy & Procedure

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Reviewed date	Summer 2024
Next review date	Summer 2025
Consultations/Training	All staff, Governors

# Complaints Policy & Procedure

Good relationships between schools families and stakeholders are important in supporting pupils to succeed, in terms of their social and emotional well-being and meeting or exceeding their target outcomes in academic achievement.

One mechanism for building good relationships is to encourage feedback on the services that school provides. Feedback can help to improve and develop practices and services provided by school. Encouraging feedback is one way to show those who work in partnership with schools that their views are valued.

Occasionally feedback on difficulties and challenges that arise will be received and these will need to be addressed to ensure that the supportive partnership continues. In many cases issues can be resolved informally. However, where there is an issue that cannot be concluded informally a formal procedure is required that will attempt to resolve and reconcile all parties concerned.

## What is a complaint?

A complaint may be defined as ‘an expression of dissatisfaction however made, about actions taken or a lack of action’ (DfE definition).

A concern may be defined as ‘an expression of worry or doubt over an issue considered to be important for which reassurances are sought’ (DfE definition).

Schools need to be clear about the difference between a concern (managed at the informal stage) and a complaint. Taking informal concerns seriously at the earliest stage will reduce the numbers that develop into formal complaint

## General Principles

There is a duty on Schools to have in place a complaints procedure. (Section 29 of the Education Act 2002). Best practice Advice for School Complaints Procedures 2019 was utilised in the creation of this policy. Academies are also required to have a complaint procedure (The Education (Independent Schools Standards) Regulations 2010).

This procedure is intended to apply to general complaints that are received by school. However some complaints are subject to statutory procedures.

These complaints are:

Delivery of the National Curriculum, religious education or collective worship (maintained schools)	Governors agreed complaints procedure applies but complainant has further right to approach the LA
Complaint by member of staff *	Grievance procedure - adopted by school
Capability issues *	Capability procedure - adopted by school
Pupil Exclusion *	Pupil Discipline procedure - DfE
Guidance	
Admissions to school *	Dealt with via LA admissions team
Child Protection	LA Child Protection procedures apply
Special Educations Needs	LA Procedures apply

In schools where the Governing Body is the employer (Foundation, Voluntary Aided and Trust schools) complaints relating to \* should be addressed to the school's Governing body.

In dealing with any complaints:

- Any procedure should aim to balance the rights and responsibilities of pupils, parents and school staff and to recognise that responsibilities rest with each of these.
- The procedure should be easily accessible and well publicised.
- It should be impartial and non-adversarial.
- The procedure should have established time limits for action and keeping people informed.
- Confidentiality must be maintained at all times although all parties will need to accept that some information may need to be shared if the complaint is to be fully investigated.
- A complaint is not part of any staff disciplinary process and staff who may be interviewed as part of the investigation must be treated fairly and have an opportunity to state their case. Staff should be offered support in dealing with any investigation into a complaint.
- Any member of staff who is complained about will have the opportunity to respond to the complaint during the investigation and will be able to see any response as a result of the investigation. Any disciplinary procedures that may arise from the investigation will be dealt with separately under the school's disciplinary procedure.
- A complaint about a member of the Governing Body will be dealt with under the Dealing with Complaints against Governors policy.

Under the Education Act 2002 schools are required to have an approved procedure for dealing with complaints relating to the school and to any community facilities or services the school provides.

In order to investigate your complaint as fully as possible the governing body has a staged process. Most issues are sorted out informally and we would recommend that you try this approach first. However, if you feel that there is nothing to be gained and you wish to make a formal complaint you have the right to go straight to stage 1 of the complaints procedure.

At all times we recognise the importance of respect for the views of all stakeholders. However, we respectfully ask that anyone making a complaint or expressing a concern familiarise themselves with our Vexatious Complaints policy, which can be found on our website or directly from the school.

### **Resolving concerns informally**

- 1.1. You are always welcome to discuss any concerns with the appropriate member of staff, or department who will clarify with you the nature of your concern, and seek to reassure you that the school wants to hear about it. It can be helpful at this point to identify what sort of outcome you are looking for.
- 1.2. If the member of staff or department representative first contacted cannot immediately deal with the matter, s/he will make a clear note of the date, name and contact address or phone number and refer the matter onwards.
- 1.3. The returning member of staff will identify the person with responsibility for the particular issue raised, and will ensure the referral has been passed on effectively and with all associated information.
- 1.4. If the matter is brought to the attention of the headteacher s/he may decide to deal with the complaint. If the complaint is against the headteacher the parent will be advised to contact the

chair of the governing body.

- 1.5. The member of staff dealing with your concern will make sure you are clear about what action (if any) has been agreed, putting it in writing if appropriate.
- 1.6. Where no satisfactory solution has been found, and when the complainant continues to have concerns, they may wish to consider a formal complaint in writing to the headteacher.

### **Complaints Procedure Stage 1: investigation by the Headteacher (or designated person i.e. Deputy Headteacher)**

- 2.1 Complaints at this stage need to be recorded in writing. A complainant may wish to write in themselves. Complainants may also make their complaint verbally and can expect help to put their complaint in writing.
- 2.2 The headteacher (or designated person) will acknowledge the complaint in writing within *three working days* of receiving the written complaint. The acknowledgement will give a brief explanation of the school's complaints procedure *and a target date for providing a response to the complaint*. This should normally be within *ten working days*. If this proves impossible, a letter will be sent explaining the reason for the delay and giving a revised target date. *This should be within a maximum of 20 working days unless it is a particularly complex issue*.
- 2.3 The headteacher (or designated person) will provide an opportunity for the complainant to meet the headteacher (or designated person) /member of staff to supplement any information provided previously or to record the complaint in writing if it has been made verbally. It will be made clear to the complainant that if s/he wishes s/he might be accompanied to any meeting by a friend, relative, representative or advocate who can speak on his/her behalf or to provide support.
- 2.4 If necessary the headteacher (or designated person) will interview other parties and take statements from those involved. If the complaint centres on a pupil, the pupil should also be interviewed unless this is judged not to be in the interests of the pupil's welfare. Pupils should normally be interviewed with parents/guardians present, but if this would seriously delay the investigation of a serious/urgent complaint or if the pupil has specifically said that s/he would prefer that parents/guardians were not involved, another member of staff with whom the pupil feels comfortable should be present. If a member of staff is complained against, that member of staff must have the opportunity to present their case and the complaint may also be investigated as appropriate under the school's disciplinary procedure.
- 2.5 The headteacher (or designated person) will keep written records of meetings, telephone conversations and other documentation.
- 2.6 Once all the relevant facts have been established as far as possible, the headteacher (or designated person) will then produce a written response to the complainant, including an explanation of the decision and the reasons for it. Where appropriate, this will include what action the school will take to resolve the complaint. The complainant will be advised that should s/he wish to take the complaint further s/he should notify the chair of governors *within 20 working days of receiving the letter*.
- 2.7 If the complaint is against the headteacher, or if the headteacher has been closely involved in the issue, the chair of the governing body will carry out all the Stage 1 procedures.

## Stage 2: Review by the Governing Body

- 3.1 In the event the complainant is dissatisfied with the outcome of the complaint, the complainant will be advised to complete the standard complaints form (Appendix A) and send it to the chair of the governing body (c/o the school). The chair of the governing body will then write to the complainant to acknowledge receipt of the written request for the chair of governors to review the complaint.
- 3.2 The chair of the governing body may be able to resolve the problem informally, undertaking an independent investigation and meeting with each party involved in the complaint.
- 3.3 The chair of the governing body may feel it would be appropriate that an independent person is enlisted to investigate the complaint.
- 3.4 In the event the complainant is still dissatisfied with the outcome of the complaint the chair of the governing body will write to the complainant to acknowledge receipt of the written request for the governing body to review the complaint.
- 3.5 The acknowledgement will explain that the complainant has the right to submit any further documents relevant to the complaint. These documents must be received in time to be sent to the panel members and the headteacher. A meeting of the complaints committee will be convened which will consist of 3 or 5 members of the governing body. No governors with prior involvement in the issues complained about will be included on the panel. The headteacher will not sit on the panel.
- 3.6 The chair of the panel will ensure the panel hears the complaint within *20 working days of receiving the letter*.
- 3.7 The clerk will write and inform the complainant, headteacher, any relevant witnesses and members of the panel at least *seven* working days in advance of the date, time and place of the meeting. The notification will also inform the complainant of his/her right to be accompanied to the meeting by a friend/advocate/interpreter and explain how the meeting will be conducted and the complainant's right to submit further written evidence to the panel.
- 3.8 The headteacher will be invited to attend the panel meeting. All attendees, including the complainant, should receive a set of the relevant documents, including the headteacher's report and the agenda, at least five working days prior to the meeting.
- 3.9 Submission of additional documents or requests for additional attendees will be at the discretion of the chair of the panel.
- 3.10 At the panel hearing:
  - The complainant will have the opportunity to present their complaint.
  - The headteacher will explain the school's position.
  - Those present will have the opportunity to ask questions.
  - Panel members will have the opportunity to ask questions of the complainant and the headteacher.
  - The headteacher will be given the opportunity to make a final statement to the panel.
  - The complainant will be given the opportunity to make a final statement to the panel.
  - The chair will ask the complainant if he or she feels they have had a fair hearing.

The chair of the panel has responsibility to ensure that the meeting is properly minuted.

Any witnesses will be called into the meeting at the appropriate time and then requested to leave after they have provided their witness statement.

- 3.11 The chair of the panel will explain to the complainant and headteacher that the panel will consider its decision and that a written decision will be sent to both parties within *five working days*. The complainant and headteacher will then leave the meeting.
- 3.12 The panel will then consider the complaint and all the evidence presented and:-
  - agree a decision on the complaint;
  - decide upon the appropriate action to be taken to resolve the complaint
  - where appropriate, suggest recommended changes to the school's systems or procedures to ensure that problems of a similar nature do not recur.
- 3.13 A written statement clearly setting out the decision of the panel must be sent to the complainant and headteacher. The letter to the complainant should also advise how to take the complaint further in the event they should wish to do so.
- 3.14 The school should ensure that a copy of all correspondence and notes are kept on file in the school's records. These records should be kept separately from the pupil's personal records.

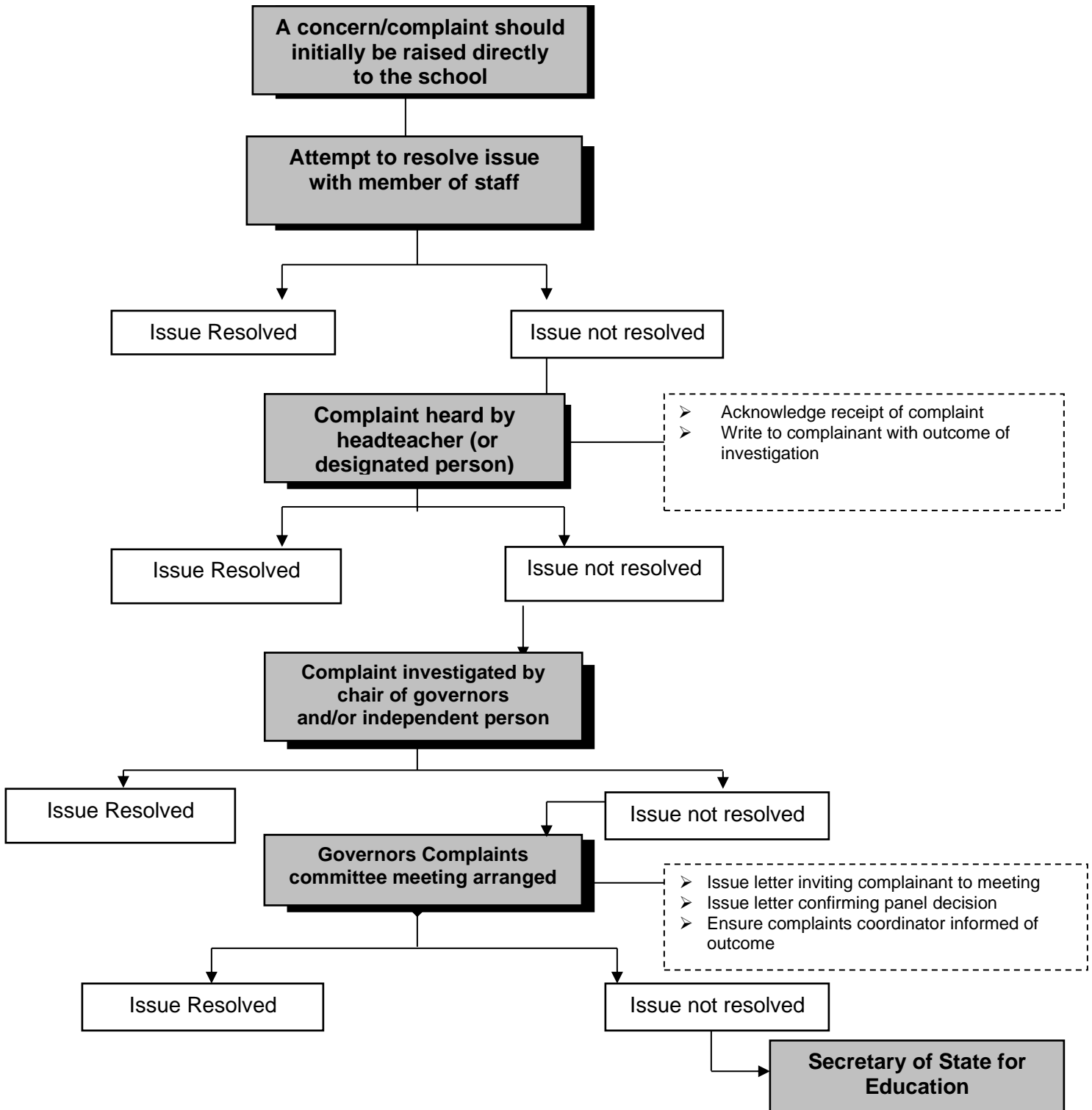
### **Stage 3 The Secretary of State**

- 4 If a complainant wishes to go beyond the governors' complaints panel, they should be advised to contact the Secretary of State for Education. More information is available at [www.education.gov.uk/schoolcomplaints](http://www.education.gov.uk/schoolcomplaints) for both maintained schools and academies. Complaints about academies are handled by the Education and Skills Funding Agency (ESFA) on behalf of the Secretary of State for Education.

### **Appendices –**

Complaint form – Appendix A

# Flowchart of Complaints





**Complaint Form**

**Please complete and return to the school/academy office, marked 'CONFIDENTIAL' for the attention of the Headteacher/Chair of Governors**

<b>Your name:</b>
<b>Pupil's name:</b>
<b>Your relationship to the pupil:</b>
<b>Address:</b>
<b>Postcode:</b>
<b>Daytime telephone number:</b>
<b>Evening telephone number:</b>
<b>Please give details of your complaint.</b>
<b>What action, if any, have you already taken to try and resolve your complaint? (Who did you speak to and what was the response?)</b>

**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 who:**

**Complaint referred to:**

**Date:**