

# Complaints Procedure for Schools

**Date: January 2019**

**Review Date: January 2020**

## **Purpose**

We want all pupils and their families to be happy with the education we offer and the policies and procedures we follow. The school aims for all concerns raised to be dealt with promptly, openly, fairly and without prejudice. Most queries or concerns can be resolved satisfactorily through discussion or by providing clarification or further information. However, when a more serious concern is raised, the school has adopted a procedure that explains how to complain and what to expect in response.

The purpose of this procedure is to ensure, for all parties, a fair and consistent approach to dealing with complaints.

## **Scope**

The majority of concerns can be dealt with quickly and harmoniously through discussion.

Where concerns are more specific separate arrangements will apply and there will be alternative and more appropriate policies for dealing with them. These policies can be accessed on the school's website or a copy obtained from the school and may include the following areas of complaint:

- Safeguarding; please see the school's Child Protection policy.
  - (Note: If a complaint indicates that a child's wellbeing or safety is at risk, the school has a duty to report this immediately to the local authority)
- Staff grievance, capability or disciplinary; please see the school's Staff Disciplinary policy.
- Pupil exclusions; please see the school's Exclusion policy.
- Anonymous complaints; please refer to the Complaints policy.
- Subject Access Requests and Freedom of Information Requests; please see the school's Data Protection (GDPR)/Freedom of Information policy & guide.
- Where the complaint concerns a third party used by the school; please complain directly to the third party themselves.

If a complaint is made about statutory provision in relation to special educational needs, the national curriculum or collective worship, you should contact Milton Keynes Council or the Diocesan Board of Education if you are not satisfied with the school's response.

The Complaints Procedure provides a supportive framework for dealing with all matters relating to the conduct and actions of members of the school community and the application of school procedures as they affect individual pupils.

The procedure may be used by a parent, carer, local resident, governor or any person within the community who has a genuine interest in the school. Anonymous complaints will only be investigated under the procedure in exceptional circumstances.

All complaints will be investigated by an appropriate person; this may be a teacher, a senior member of staff, a governor, (~~academy trustee~~) or the headteacher depending on the nature of the complaint. If the complaint is against the headteacher, the chair of governors will investigate and may draw on Milton Keynes' Council for assistance.

As part of any investigation, all relevant parties will be given an opportunity to comment.

### **Confidentiality**

Complaints will be dealt with in confidence for those involved, and we expect complainants to observe confidentiality also.

If at any formal stage of the complaint it is determined that staff disciplinary or capability proceedings are necessary in order to resolve the issue, the details of this action will remain confidential to the headteacher and/or the individual's line manager. The complainant is entitled to be informed that action is being taken and the eventual outcome of any such action, but they are not entitled to participate in the proceedings or receive any detail about them

### **Principles**

Comments, concerns or complaints should be raised as soon as possible. They will be dealt with:

- fairly, thoroughly and promptly
- safely - nobody will be victimised as a result of a complaint being made
- efficiently and helpfully.

Outcomes could include;

- an explanation or clarification or an apology from either party;
- an assurance, where appropriate, that the same thing will not happen again,
- action to put matters right.

### **Procedure**

If you need to raise an issue in the first instance, please do so with the relevant member of staff who will talk to you and seek to establish a solution. If you are not satisfied with this response and believe the issue has not been resolved, please use the following procedure as detailed below:

#### **Who should be approached**

- **Complaints about a staff member's conduct:** direct approach to the staff member themselves. Where this does not resolve the situation, their line manager should be approached.
- **Complaints about the headteacher or the governors/academy trustees:** **Headteacher:** The complainant should first directly approach the headteacher in an attempt to informally resolve the issue. If the complainant is not satisfied with this outcome the clerk to the governors should be notified. Stage 2 of the process will then commence, but with the chair of governors as the individual responsible for the investigation rather than the headteacher.

- **Governor/academy trustee:** Where a complaint relates to a governor/academy trustee, the same process applies as for the headteacher. The individual should contact the clerk to the governors, where a complaint concerns the chair of governors. An informal resolution will be sought, but where this fails, Stage 3 of the complaints procedure will take immediate effect. The vice chair governor will mediate any proceedings.

## Timeline

### Raising Concerns

- Informal and immediate addressing of issues.

No more than six months

### Stage 1

- Informal investigation.
- Where dissatisfied with outcomes, progress to Stage 2

Twenty working days total

### Stage 2

- Formal investigation.
- Where dissatisfied with outcomes, progress to stage 3

Thirty working days total

### Stage 3

- Formal appeal to a panel of governors.
- This is the final stage of the school's complaints procedure.  
Where dissatisfied with outcomes, contact the Department for Education

Thirty working days total.

The designated timescales apply during term time and additional time will be required over school holiday periods.

## Timeframes

Complaints should be raised as soon as possible. The school reserves the right not to investigate complaints that have been made six months after the subject of the complaint took place, unless there are exceptional circumstances. The headteacher will review the situation and make the decision whether or not to enact the complaints procedure, the chair of governors will also be informed of the decision.

Exceptional circumstances may include:

- Where the school is unable to comply with the timescales for reasons beyond its control such as the complexity of the complaint or the availability of witnesses, the school will inform the complainant, within seven calendar days of receipt of the complaint.
- New evidence has come to light.
- The complaint is of an especially serious matter.
- There is reasonable justification for why the complainant has been unable to raise the complaint before this time.

## **Stages of the complaint**

### **Stage 1 - Informal investigation (by a member of staff/their manager/subject leader/head of year)**

Where as a result of raising a concern the complainant still feels that the issue has not been resolved, or where the outcome of the complaint is that it needs further investigation, that can be resolved briefly. The complainant may progress by making an informal complaint following the steps below:

- Complainant contacts the Deputy Head.
- The complainant must detail in writing:
  - an outline of the complaint to date
  - the people who have been involved
  - why the complaint remains unresolved
  - the action they would like to be taken to resolve the complaint
- The Deputy Head will respond within five working days of having received the written complaint. The response will explain what action they intend to take to resolve the complaint.
- Where the complaint is about a member of staff the Deputy Head will arrange an informal mediation meeting between the two parties to see if a resolution can be reached.
- The staff member will provide a written confirmation of the outcome of their investigation within fifteen working days of having sent confirmation of the action they intend to take. Where the complainant is not satisfied with the outcome, they are able to move to Stage 2 of the complaints process, and launch a formal written complaint.
- The staff member will make a record of the concern and the outcomes of the discussion. In line with the principles of the Data Protection Act 1998 the record will be held centrally for twelve months.

### **Stage 2 - Formal Investigation (by a member of the SLT)**

The complainant can submit a formal complaint form to Headteacher. A copy of this form and the Headteacher's contact details can be found at the end of this procedure.

- The Headteacher will respond in writing within ten working days of the date of receipt of the complaint to acknowledge receipt of the complaint and explain what action will be taken, giving clear timeframes.
- A log of all correspondence in relation to the complaint will be kept in accordance with the data protection principles.
- The Headteacher will consider all relevant evidence; this may include but is not limited to:
  - a statement from the complainant
  - where applicable, a statement from an individual who is the subject of the complaint
  - any previous correspondence in relation to the complaint

- any supporting documents in either case
- interviews with anyone related to the complainant.
- The Headteacher may decide to conduct a meeting with the complainant (and where relevant, the subject of the complaint) if they feel that it would be appropriate for the investigation.
- After considering the available evidence, the Headteacher can:
  - Uphold the complaint and direct that certain action be taken to resolve it
  - reject the complaint and provide the complainant with details of the stage 3 appeals process
  - uphold the complaint in part. The Headteacher may find one aspect or part of the complaint to be valid, but not another aspect. They may direct for certain action to be taken to resolve the aspect that they find in favour of the complainant.

The Headteacher must inform the complainant of their decision in writing within twenty working days of having issued a written acknowledgement of the receipt of the complaint. They must explain clearly the decision they have come to and why it was made. Any agreed actions must be detailed that have arisen as a result of the complaint. Finally, they must provide the complainant with details of how to progress the complaint to stage 3 if they are not satisfied with the outcome, providing the complainant with the contact details of the clerk to governors (see the end of the procedure).

### **Stage 3 – Formal Appeal (by a panel of governors of the governing board)**

1. If the complainant wishes to appeal a decision by the Headteacher at Stage 2 of the procedure, or they are not satisfied with the action that the Headteacher took in relation to the complaint, the complainant is able to appeal this decision.
2. They must write to the clerk to the governors (see the contact details at the end of the procedure) as soon as possible after receiving notice of the senior leadership teams' decision made at stage 2. The complainant must, in writing, briefly outline the content of the complaint and request that a complaints appeal panel is convened.

The clerk will organise the time and date of the appeal hearing, invite all the attendees, collate all the relevant documentation and distribute this five days in advance of the meeting. The clerk will also record the proceedings in the form of minutes, and circulate these and the outcome of the meeting.

An appeal panel must be requested by the complainant within four weeks of receiving the senior leadership team's decision or it will not be considered, except in exceptional circumstances. On receipt of this written notification, the following steps will be followed:

1. The clerk will write to the complainant within five working days to confirm receipt of the appeal request and detail further action to be taken.
2. The clerk will convene a panel and the three panel members will have no prior knowledge of the content of the complaint.
3. The appeal hearing will take place within twenty working days of receipt of the date of the confirmation letter from the clerk to the complainant, confirming the appeal.
4. In addition to the panel, the following parties will be invited, where applicable:

- the complainant
- the Headteacher who dealt with the complaint at Stage 2
- where the complaint concerns a member of staff, the staff member who is the subject of the complaint.

The complainant is able to bring a companion with them to the hearing if they wish. Where the subject of the complaint is a member of staff, that staff member is also able to bring a companion with them.

The companion can be a friend or a colleague. Neither party is able to bring legal representation with them. If following the hearing any party feels that legal action is necessary, please see the contact details at the end of the procedure.

5. If any pupils are required to attend the hearing, parental permission will be sought if they are under the age of eighteen. Extra care will be taken to consider the vulnerability of children where they are present at a complaints hearing.
6. Where the complaint is about a governor/trustee, the complainant may request that the appeal is heard by an entirely independent panel. It is at the discretion of the governor board (*academy trust*) who will notify the clerk of their decision. Where an entirely independent panel is required, timescales may be affected while the school source appropriate individuals for the review.
7. The panel can make the following decisions:
  - 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.
8. All parties who attended the meeting will be informed in writing of the outcome of the appeal within five working days.

This is the final stage at which the complaint will be considered by the school. If the complainant remains dissatisfied and wishes to take the complaint further, please see the contact details at the end of the document. The school will not consider the complaint beyond this stage.

#### **Unreasonable complaints – vexatious complaints**

If a complaint is made that raises an issue that has already been dealt with via the school's complaints procedure, and that procedure has been exhausted, the school will not re-investigate the complaint unless there are exceptional circumstances, for example where new evidence has come to light.

If a complainant persists in raising the same issue, the headteacher will write to them explaining that the matter has been dealt with fully in line with the school complaints procedure, and therefore the case is now closed. The complainant will be provided with the contact details of the Department for Education (see the end of this document) if they wish to take the issue further.

Unreasonable complaints include the following scenarios:

- the complainant refuses to co-operate with the school's relevant procedures
- the complainant changes the basis of the complaint as the complaint progresses
- the complainant seeks an unrealistic outcome
- excessive demands are made on the time of staff and school governors and it is clearly intended to aggravate
- the complainant acts in a way that is abusive or offensive.

The headteacher will use their discretion to choose not to investigate these complaints. If they decide to take this course of action, the chair of governors must be informed, explaining the nature of the complaint and why they have chosen not to investigate. If the Chair deems it appropriate to, they can redirect the headteacher to investigate the complaint. The full complaints procedure will then commence from stage one on this direction.

If the Chair upholds the headteacher's decision not to look into the complaint, and the complainant deems this decision to be so unreasonable that no other rational body in the same position would have made that decision, then the complainant may write to the Department for Education.

**Contact details for external organisations if not satisfied with the outcomes of the complaints procedure in full.**

- If you have any queries regarding any aspect of the complaints procedure, please direct these to the clerk to the governors on 01908 252918.
- If the complainant remains dissatisfied with the outcome of the complaints procedure they may contact Milton Keynes Council
- If the complainant feels that the governing board has acted "unreasonably" in the handling of the complaint, they can complain to the Department for Education after the complaints procedure has been exhausted. Please note that "unreasonable" is used in a legal sense and means acting in a way that no "reasonable" school or authority would act in the same circumstances.  
<https://www.gov.uk/complain-about-school>
- Ofsted will also consider complaints about schools.

### **Relevant legislation and guidance**

The Equality Act 2010 <http://www.legislation.gov.uk/ukpga/2010/15/contents>

The Data Protection Act 1998 <http://www.legislation.gov.uk/ukpga/1998/29/contents>

The Education (Independent School Standards) Regulations 2014

<http://www.legislation.gov.uk/uksi/2014/3283/contents/made>

Education Act 2002 <http://www.legislation.gov.uk/ukpga/2002/32/contents>

The Department for Education Best Practice advice for school complaints procedures

<https://www.gov.uk/government/publications/school-complaints-procedures>



Formal complaints form

<b>Name</b>	
<b>Name of pupil, year group and your relationship to them (where applicable)</b>	
<b>Contact address</b>	
<b>Contact telephone day</b>	
<b>Contact telephone mobile</b>	
<b>Contact email address</b>	
<b>Details of the complaint</b>	
<b>Action taken so far (including staff member who has dealt with it so far) or solutions offered</b>	
<b>The reason that this was not a satisfactory resolution for you</b>	
<b>What action would you like to be taken to resolve the problem?</b>	

Signed:

Date:

<i>Official use</i>	
Date received:	Signed: