



POLICY – COMPLAINTS PROCEDURE October 2016

A school welcomes feedback, both positive and negative, about how it is doing. Where someone has a concern or complaint the school will endeavour at all times to deal with the issues responsively and reasonably and if necessary put things right as quickly as possible.

STAGE 1: Dealing with concerns and complaints informally

- (i) The vast majority of concerns and complaints can be resolved informally. There are many occasions where concerns are resolved straight away through the class teacher, year leader, phase leader, school secretary, other member of staff or Headteacher, depending on whom is first approached, without the need to resort to a formal complaints procedure, and this is preferable for all concerned.
- (ii) Although this stage involves dealing with the issue informally it may be appropriate, although not essential at this stage, for the person responding to make a basic record of the issue or complaint raised, which may include brief notes of conversations (face to face or over the telephone), and the responses made.
- (iii) The person who raised the issue will be informed of the action to be taken to resolve the issue. These actions may be confirmed in writing.
- (iv) If the person is dissatisfied with the response they have been given, they will be provided with a copy of the school's complaints procedure and informed about how to take their complaint to Stage 2, by referring it to the Headteacher, usually in writing.

STAGE 2: Referral to the Headteacher

- (i) The issue is referred to the Headteacher for investigation, usually by the complainant writing to the Headteacher. At this or the previous stage it will become clear whether it is appropriate for the complaint to be dealt with under these procedures or whether there are statutory processes as outlined in the

Guidance for Parents. If the latter is the case, the Headteacher will inform the complainant of this and the way in which the complaint will be handled.

- (ii) At this stage it becomes clear that the concern is a definite complaint. Any complaint received by the Headteacher under this process, whether orally or in writing, will be acknowledged and a meeting held within 5 school days with a full written response within 15 school days. Complainants will also be given the opportunity to meet with the Headteacher, accompanied by a relative or friend if they so wish, to discuss their complaint. Written records of interviews with complainants and with staff or witnesses, carried out in the course of the investigation will be kept by the Headteacher.
- (iii) In the letter conveying the outcome, the complainant will be informed of the process for referral to the Chair of Governors if they wish to take their complaint further. Any such referral must be made within 10 school days after receipt of the Headteacher's letter.

STAGE 3: Review by the Chair of Governors

- (i) The complainant requests a review of their complaint by writing to the chair of governors care of the school, making it clear why they are complaining, who they have already spoken to and what they want to happen as a result of their complaint. Complaints received by the Chair will be acknowledged within 7 school days with a substantive response within 20 school days. The Chair may hold interviews with the Headteacher and possibly other members of staff and notes will be kept of those meetings. Chairs may also take advice on particular issues from relevant officers of the Council. At this stage the LEA's governor support team will be informed that the governing body is dealing with a complaint at this level.
- (ii) Again, the letter conveying the Chair's findings will include details of the next stage of the procedure.
- (iii) This stage will also serve as the first point at which complaints specifically about the Headteacher, the actions of the governing body or an individual governor will be considered (should the complaint be about the Chair, the Vice-Chair will undertake the investigation).
- (iv) In acknowledging any complaint, the Chair may explain the powers of the governing body in the matter in question and the extent to which it may or may not be possible to achieve the outcome desired by the complainant. For example, a parent may be unhappy with their child's class placement. Whilst the governors can look at whether the decision about the class placement was made in a fair, reasonable and consistent way, they do not have the powers to change the placement. In such instances the complainant will be made aware at the outset of the scope of the investigation. Where it is not within the remit of a governing body to change a decision, it may make a recommendation for the Headteacher to consider.

STAGE 4: Review by Governing Body Complaints Committee

- (i) Complaints only rarely reach this formal level, but governing bodies are prepared to deal with them when necessary. Where the clerk to the governors receives a complaint under these procedures, he or she will arrange for a complaints committee to meet within 10 school days from receipt of the letter. (The governing body will nominate three members to serve on the committee and reserves to ensure that sufficient governors are available to hold a meeting within the specified time period. The chair of governors will not be a member of the committee as they will have been involved at the previous stage).
- (ii) The Headteacher will be informed immediately that a complaint has been received and consulted about the proposed date of the hearing. At this stage the Council's governor support team will be informed that a hearing is taking place.
- (iii) On issuing notification of the date and time of the hearing, the clerk will advise the complainant and the Headteacher that any written documentation they wish the committee to consider must be submitted in time to be circulated to committee members 5 days prior to the hearing. The complainant will be advised that they may be accompanied by a relative or friend.
- (iv) Notification of the hearing will also include details of the way in which the hearing will be conducted. (A specimen of such procedures is included in this guidance). The hearing will be minuted and the clerk will keep copies of all relevant correspondence and notes on file.
- (v) The findings of the committee will be notified to the complainant and the Headteacher in writing within 5 school days of the hearing.
- (vi) When considering the membership of the complaints committee, the governing body will have regard to whether it would be advisable to include governors who are employed at the school. If this is the case, it may be perceived by the complainant that those governors will be unlikely to amend or overturn a decision taken by the Headteacher. In those circumstances, the complainant might regard this as grounds to complain to the Council or the Secretary of State.

FURTHER RECOURSE

If the complainant is dissatisfied with the governing body's handling of their complaint, further recourse to other agencies is available to them outside the scope of the school's own procedures. However, these agencies would be unable to take any action until the school's own procedures had been completed.

To the Council

- (i) If, having been given the governing body's decision, a complainant believes that a complaint was not handled fairly according to the school's complaints procedure, they can write to the Lifelong Learning Department's Performance Review Manager.

- (ii) The complainant must explain their complaint, and give evidence that shows that the school did not follow its complaints procedure. The department's Performance Review Manager will acknowledge the complainant's letter within 3 working days and inform the appropriate School Improvement Adviser that a complaint has been received. The SIA will investigate whether the school had dealt with the complaint properly according to its procedure and respond to the complainant within 10 working days.
- (iii) The Council is not able to re-investigate the original complaint nor can it seek to substitute the Council's judgement for that of the governing body if the governors have followed a proper procedure and considered the complaint reasonably. If the results of an investigation show that there has been a breach of procedure the matter will be referred back to the governing body, with a copy to the Headteacher and the complainant will be informed of the outcome of the investigation. The governing body will then re-investigate the original complaint.

To the Secretary of State for Education

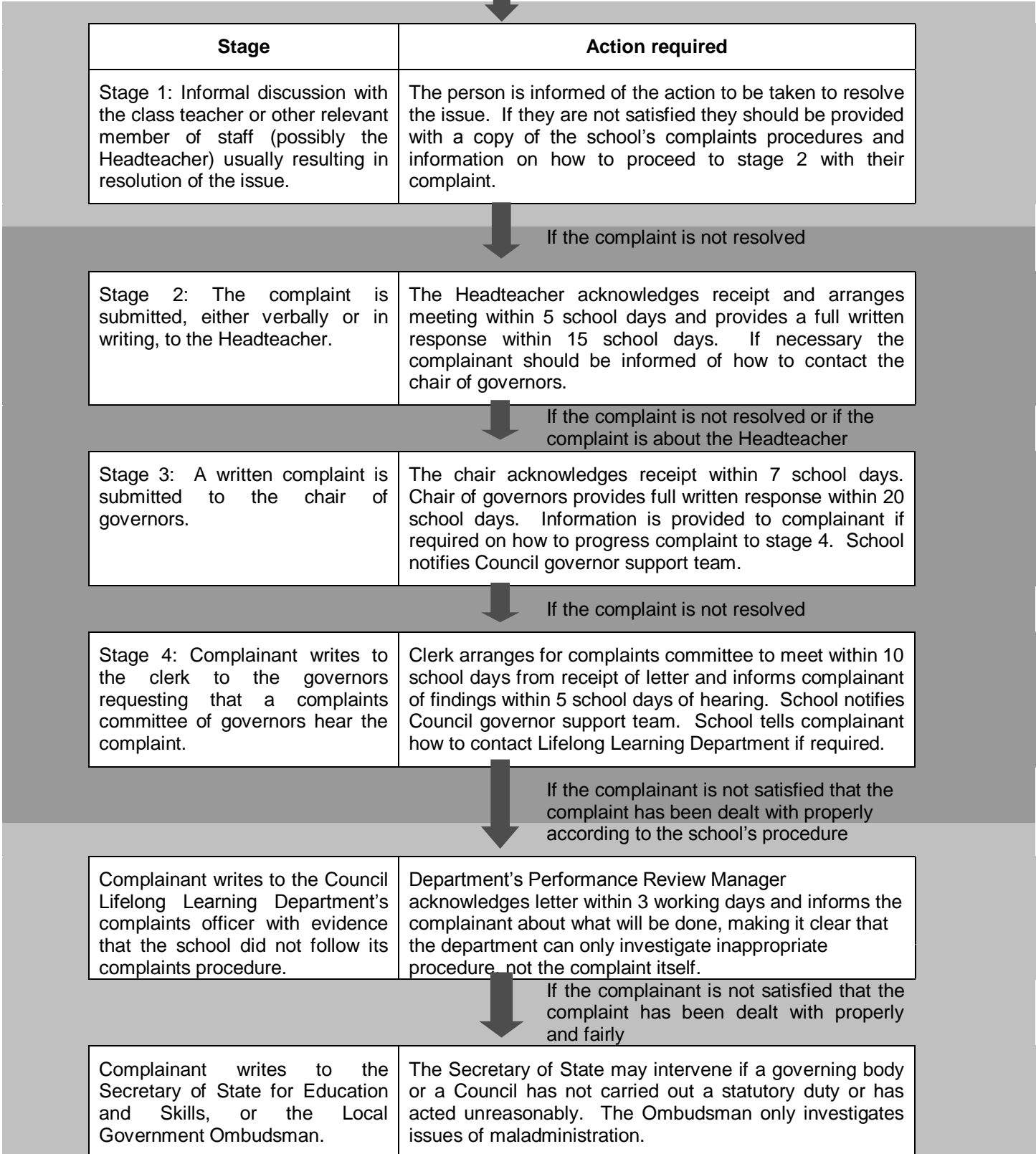
- (i) Complainants have a right of appeal to the Secretary of State for Education and Skills under sections 496 or 497 of the 1996 Education Act if they believe that the Council has acted unreasonably. If the Secretary of State agrees that a complaint is justified, the DfES has the power to require the Council to take certain actions including the issuing of instructions to school governing bodies in appropriate circumstances, although in practice this would be very rarely exercised.
- (ii) The Secretary of State would not take action until the school and Council procedures have been completed.

The Local Government Ombudsman

- (i) If a complainant feels that there has been maladministration in the manner in which a complaint has been dealt with, they can take this to the Local Government Ombudsman. The Ombudsman can investigate complaints about how something has been done but he cannot question what has been done simply because someone does not agree with it. The Ombudsman cannot investigate the internal management of schools and colleges.
- (ii) The Ombudsman would not take action until the school and Council procedures have been exhausted.

SUMMARY OF THE COMPLAINTS PROCEDURE

Concern or complaint received



OUTLINE PROCEDURES FOR COMPLAINTS COMMITTEE HEARINGS

Before the hearing

1. The complainant and the Headteacher will be provided with details of the way in which the hearing will be conducted.
2. If necessary support for the complainant will be arranged, for example, translation of any of the papers provided by the school or the Council, provision of an interpreter or any arrangements necessary to give the complainant full access to the proceedings, for example if the complainant has a disability.
3. The members of the committee will elect one of their number to act as Chair of the committee for the hearing.

The hearing

4. The complainant and the Headteacher will simultaneously be invited into the room where the hearing is being held. At this point the Chair may reiterate the scope of the governing body's powers and clarify the aims of the hearing, i.e. to resolve the complaint, reconcile differences between the complainant and the school and to help identify the way forward.
5. The Chair will introduce all those present and ensure that all parties have been advised of the way in which the hearing will be conducted.
6. The complainant to begin by explaining the basis of their complaint and the Headteacher to respond by stating the reasons for the school's response.
7. **If both parties are in agreement** then at this stage the Headteacher may ask the complainant any questions regarding their complaint and the complainant may raise questions with the Headteacher about the school's response. **If more appropriate questions will be directed through the committee.**
8. Members of the committee to have the opportunity to ask questions of either the complainant or the Headteacher.
9. The complainant and the Headteacher to be given the opportunity to make any final statement.
10. The Chair to confirm that a decision will be issued within 5 school days.
11. The complainant and the Headteacher should then leave the hearing.

The decision making process

12. The committee will then consider a decision based on the information and evidence presented to them. It will decide whether or not to uphold the complaint, suggest any actions, which may be taken to resolve the complaint and consider whether it would be appropriate to suggest a review of any school policies in the light of issues raised in the course of the complaint. The committee will reach a unanimous or majority decision on the complaint.

Communicating the decision

13. The findings of the committee will be notified to the complainant and the Headteacher in writing within 5 school days of the hearing.

At Wenlock C of E Junior School we give regular thought to how values can be used to support the child as a reflective learner and promote equality through quality teaching and learning. The school recognises and values all individuals no matter what their ethnicity, gender, disability and special educational need and social background.

Reviewed: October 2016

Review date: October 2019

A GUIDE FOR PARENTS ON THE SCHOOL BASED COMPLAINTS PROCEDURE

What to do if you have a concern or complaint about a School

At, Wenlock Church of England Junior School we like to be told about how we are doing, whether well or badly. If you have a concern or complaint we always try to deal with it helpfully and reasonably. If we need to, we try to put things right as quickly as possible. If you have a concern or complaint you need to take it up with the school itself. The Council will not usually get involved in a complaint about a school unless the school had completed its own procedures first.

This complaints procedure is for general complaints. The school will follow other procedures for complaints or appeals about the curriculum; special educational needs provision, exclusions and admissions. Staff disciplinary action, child protection issues or criminal investigation will also need to be handled differently. We shall tell you which is the right process when you discuss your concern with us.

The complaints procedure has four stages. You will be told what to do at each stage if you wish to take your complaint further.

Stage 1 of the process is informal:

STAGE 1

If you have a concern about the school, try to talk to someone at the school, preferably the person who is most closely involved. If you get in touch with one of the governors first of all they can only give you general advice. They may need to ask you to take up your concerns with the member of staff best able to help you, or with the Headteacher.

Your concern can usually be settled quickly and without fuss by contacting the right person in the school. This could be your child's teacher, another member of staff or the Headteacher.

If your concern cannot be sorted out in this way or you are not happy with the way it has been dealt with you should take it to stage 2:

STAGE 2

You should complain to the Headteacher who will investigate your complaint. You should normally do this in writing. If your complaint is about the Headteacher you can complain directly to the chair of governors (see Stage 3).

The school will let you know that it has received your complaint and a meeting held within 5 school days. You will be given the results of the Headteacher's investigation in writing within 15 school days.

If your complaint has still not been resolved to your satisfaction you may take it to stage 3:

STAGE 3

You can complain in writing to the chair of governors care of the school. You should make it clear why you are complaining, who you have already spoken to and what you want to happen as a result of your complaint. The chair of governors will let you know that he or she has received your complaint within 7 school days and will then investigate it. You will be told about the outcome of the chair of governors' investigation in writing within 20 school days.

If you are still not satisfied after receiving the chair of governor's report, you can ask to have your complaint referred to a complaints committee of the governing body at stage 4.

STAGE 4

You can write to the clerk to the governors care of the school. You should say exactly why you are unhappy with the chair of governor's findings and ask that a complaints committee be set up to look at the complaint. The committee will meet within 10 school days after the clerk to the governors receives your letter. You will be told in advance about the process and what will happen at the meeting of the committee. You can attend and bring a relative or friend to support you if you want to. You will be told in writing about the committee's findings within 5 school days from the date of the meeting.

What you can do if you are still not satisfied with the governing body's decision

You may believe that your complaint was not handled fairly according to the school's own complaints procedure. In this case, you can ask the Council to investigate.

You can write to the Lifelong Learning Department's Performance Review Manager at this address.

Luton Borough Council, Lifelong Learning Department,
3rd Floor
Unity House
111 Stuart Street,
Luton LU1 5NP.

You should explain your complaint and say why you think the school did not follow its complaints procedure properly. Wherever possible you should give evidence for why you think this.

The Performance Review Manager will acknowledge your letter within 3 working days and let you know the name of the Officer who will investigate the complaint. However, the Council cannot do anything until the school itself has finished considering your complaint.

The investigating officer will investigate whether the school has dealt with the complaint properly according to its own procedures but will **not** investigate your original complaint all over again. The Council cannot make the school come to a different judgement on your case if the governing body has considered your complaint in a reasonable way.

The investigating officer will tell you the outcome of the investigation in writing. If the conclusion is that the school did not follow its procedures properly, the matter will be referred back to the chair of the governing body. The governing body should then re-investigate the complaint.

If you believe that the Council has acted unreasonably you may appeal to the Secretary of State for Education and Skills:

The Secretary of State for Education and Skills
Sanctuary Buildings
Great Smith Street
London SW1P 3BT

The Secretary of State could step in if a governing body or a Council had not carried out its legal duty or had acted unreasonably. The Secretary of State would not do anything until the school and the Council had finished looking into the complaint.

If you feel that there has been a fault in the way your complaint has been dealt with, you can take this to the Local Government Ombudsman:

The Local Government Ombudsman
21 Queen Anne's Gate
London SW1H 9BU

The Ombudsman will only investigate where there has been a fault in the way the process was handled by the school or Council. He can investigate complaints about how something has been done. This could be giving the wrong information, not dealing with letters or taking too long to do something. He cannot question what has been done just because someone does not agree with the result. The Ombudsman cannot investigate how schools and colleges are run. The Ombudsman could not do anything until the school and the Council have finished looking into your complaint.

SCHOOL BASED COMPLAINTS – PROCEDURAL FLOWCHART

You have a concern or complaint



What you should do	What will happen
Stage 1: Discuss your concerns with the class teacher or other relevant member of staff (which may be the Headteacher). This will usually resolve the issue.	The member of staff concerned will deal with your issues or make sure you have the information you need if you feel you want to take the matter further.



If you are not satisfied with the response

Stage 2: Complain to the Headteacher, either verbally or in writing..	Your complaint will be acknowledged and a meeting held within 5 school days with a full written response within 15 school days.
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If you are not satisfied with the headteacher's response or if the complaint is about the headteacher

Stage 3: Complain to the chair of governors in writing.	Your complaint will be acknowledged within 7 school days with a full response within 20 school days
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If the complaint is not resolved

Stage 4: Write to the clerk of the governing body requesting that your complaint be heard by a complaints committee of governors	The complaints committee will meet within 10 school days from receipt of your letter. The committee's decision is final and you will be told of its findings within 5 school days of the hearing.
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If you are not satisfied that your complaint has been properly dealt with

Write to the Council Lifelong Learning Department's complaints officer, giving evidence that the school did not follow its complaints procedure	The complaints officer will acknowledge your letter within 3 working days and tell you what will be done. The department can only investigate inappropriate procedure, not re-visit the complaint itself. A response will be made within 10 working days.
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If you are not satisfied with the response

Write to the Secretary of State for Education and Skills, or the Local Government Ombudsman.	The Secretary of State may intervene if a governing body or a Council has not carried out a statutory duty or has acted unreasonably. The Ombudsman only investigates issues of maladministration.
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