

St Luke's School

Complaints Policy

Author: HCC (Model Procedure July 2015)

Date of Issue: February 2016

Date Adopted by Governors: March 2016

Date to be Reviewed: February 2018

Governing Body Subcommittees who have been involved with the creation of this policy:

Name of Committee	Date
Full Governing Body	March 2016

Other professionals who have been involved with the creation of this policy:

Name	Role	Date
Elizabeth Leeman	SBM, Herts for Learning	Feb 2016

1. The Law

Section 29 of the Education Act 2002 requires all maintained school governing bodies to adopt and publicise a complaints procedure for parents. This includes complaints about any community facilities or services that the school provides.

Previous legislation still applies. In particular, 1991 SEN Information Regulations require Governing bodies of schools to publicise their complaint procedures in relation to SEN and the 1996 Education Act requires the LA to establish procedures for disputes between schools and parents about SEN provision.

Publication of Procedure

The school's Complaints Procedure will be published on the school website and signposted in the school prospectus. A copy of the school's "We care what you think" brochure will be available at the school office and provided in all new joiner information packs.

2. Statement of Intent

The Governing Body is clear that there is a difference between a concern and a complaint. Staff and governors value greatly their good relationship with parents and hope that any problems may be resolved with either the class teacher or Headteacher without resorting to a formal complaints procedure. By taking informal concerns seriously at the earliest stage the School seeks to minimise the number that develop into formal complaints. Staff will seek to resolve issues on the spot, including apologising where necessary.

In the event that an issue is not resolved to the parent's satisfaction and a formal complaint is unavoidable, the parent and the school should follow the complaints procedure set out in this document.

Aims of the Complaints Procedure

- Encourage resolution of problems by informal means wherever possible
- Be easily accessible and publicised
- Be simple to understand and use
- Be impartial
- Be non-adversarial
- Allow swift handling with established time limits for action and keeping people informed of the progress
- Ensure a full and fair investigation by an independent person where necessary
- Respect people's desire for confidentiality
- Address all the points at issue and provide an effective response and appropriate redress where necessary
- Provide information to the school's senior leadership team so that services can be improved

What is covered by these procedures

The procedures govern complaints made by parents or carers of children who attend the school. Guidance on the procedure for other types of complaint is given in Appendix 3.

What is not covered

These procedures for Complaints do not cover:

- Child Protection Procedures;
- Appeals about admissions;

- Complaints about fixed term or permanent exclusions from school;
- Staff Disciplinary Procedures.
- Complaints by Governors about other Governors

3. Time limits

Complaints need to be considered and resolved, as quickly, and efficiently as possible. Although this procedure sets time limits for each action within each stage, where further investigations are necessary, new time limits can be set. The complainant will be sent details of the new deadline and an explanation for the delay.

NB School days are term time only, whilst working days are weekdays throughout the year.

4. Informal complaints

The Governors firmly believe that it is in everyone's interest that complaints are resolved at the earliest possible stage. Most concerns, complaints or potential complaints can be resolved by talking to the member of staff concerned. If there is something a parent is not happy about or parents do not understand why the school or School is doing something in a particular way, they should make contact and discuss their concerns with the teacher or another member of staff.

The ability to consider concerns or complaints objectively and impartially is crucial. If a complainant believes he/she would have difficulty discussing a complaint with a particular member of staff, this will be respected and the complainant referred to another staff member. Similarly, if the member of staff directly involved feels too compromised to deal with the complaint, he/she may ask the Headteacher to refer the complainant to another staff member.

Governors should not normally be involved in the early stages of a complaint or outside the formal procedure in case they are needed to sit on a panel at a later stage.

The Governors hopes that most complaints can be settled quickly and informally, offering one or more of the following:

- an explanation
- an apology
- an admission that the situation could have been handled differently or better
- an assurance that the event complained of will not recur
- an explanation of the steps that have been taken to ensure that it will not happen again
- an undertaking to review policies in light of the complaint.

Complainants will be encouraged to state what actions they feel might resolve the problem at any stage. (NB An admission that the school could have handled the situation better is not the same as an admission of liability.) Discussions to resolve the issue will seek to identify areas of agreement between the parties as well as to clarify any misunderstandings that might have occurred.

5. Stage 1 – Formal Complaints to Headteacher

If the matter is not resolved to the parents' satisfaction through the informal process outlined in *Section 4* then the complaint should be addressed to the Headteacher. The complaint should be acknowledged within five school days of receipt. The Headteacher should then aim to resolve the complaint within 10 school days (but see Para. 3); this might involve discussion with the Chair of Governors and working together to investigate the complaint. If a governor is approached by a parent informally, then the governor should steer the parent towards discussion with the Headteacher.

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

6. Stage 2 – Formal Complaints to Chair of Governors

If the parents are not satisfied with the response of the Headteacher (or if the complaint is about the Headteacher), the school will give them a copy of the school's Complaints Procedure and ask them to set out their complaint in writing, by completing the complaint form shown in *Appendix 1* and sending it to the Chair of Governors to request that their complaint is considered further.

The Clerk will arrange for the complaint to be investigated and considered by a Complaints Panel. If the Chair of Governors, or other Governors, have been involved in earlier discussions to try and help settle the disagreement at Stage 1, then arrangements should be made for another Governor with no prior involvement to take charge of the investigation and consideration of the complaint. The hearing should take place within 28 days of receipt of the written complaint (*but see Para 3*).

In the case of Special Educational Needs complaints, the Chair of Governors must inform the Children's Services Complaints Manager at the Local Authority.

If it is felt to be helpful, the governors may offer the parent an opportunity to talk about the complaint in the course of the investigation, prior to the complaint hearing. This might clarify the matters of complaint which remain unresolved and what outcome is sought by the complainant. However, neither a pre-meeting nor an investigation in advance of the Panel is a requirement of this procedure: both are optional and it will be up to Governors to decide whether to conduct them.

A formal hearing is the best way for parents and for the School to be satisfied they have had a proper opportunity to be listened to by governors. Everyone should also be informed in advance of the order of proceedings for complaint hearings. Both parties should make available to the panel, in advance, any written information they intend to use in the formal hearing.

The Panel will offer the parent an opportunity to talk about the complaint in the course of the investigation, prior to the complaint hearing. This might clarify the outstanding matters of complaint which remain unresolved and what outcome is sought by the complainant.

Parents should be provided with full details of how the Governors' Complaints Panel will conduct the further investigation, if there is to be one. The Complaints Panel hearing is the last school-based stage of the complaints process and is not convened merely to rubber-stamp previous decisions. The aim of the hearing will always be to resolve the complaint and achieve reconciliation between the school and the complainant.

Who can attend a Stage 2 hearing?

At any meeting parents may be accompanied by a friend or representative who may speak on their behalf. This person could be an interpreter of their choice and parents should be encouraged to arrange this where necessary.

The Chair of the Panel may invite to the meeting any person who may help establish the facts of the complaint. Parents need to be told who this person is before the meeting.

Any member of staff required by governors to attend any meeting or hearing will have the opportunity to be accompanied or represented.

A member of staff named by parents in the complaint may also choose to attend a meeting even if not required to do so by governors and may be represented. If this happens, parents should be told beforehand.

What happens after the investigation/hearing?

When the complaint has been fully investigated and the hearing has taken place, the Chair of the Complaints Panel or the governor responsible for the investigation should notify the parents of the findings in writing within five school days of the hearing date.

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 be taken to resolve the complaint;
- recommend changes to the Trust's systems or procedures to ensure that problems of a similar nature do not recur.

Without disclosing any personal details, an outline report of the complaint hearing, together with the panel's findings and any recommendations should be published at the same time to the Governing Body as a confidential item. A meeting of the Governing Body must accept the findings but can accept, reject or reject in part, the recommendations

The Chair of Governors will write to the parents to confirm any actions agreed by the Governing Body. The written report will be sent within five school days of the date of the Panel hearing. Any agreed actions must be implemented by whomever it applies to – this could be the Governing Body as well as the Headteacher. Parents should also be informed whether and how they can take their complaint further – see *Section 8*.

A copy of the report must be sent to the Headteacher and the Children's Services Complaints Manager in the case of a Special Educational Needs complaint, where there is a possibility of a third stage of complaint to the County Council.

Summary of Actions

At each stage of the complaint

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
- Meet with the complainant or contact them (if unsure or further information is necessary)
- Clarify what the complainant feels would put things right
- Interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish
- Conduct the interview with an open mind and be prepared to persist in the questioning
- Keep notes of the interview

The school will:

- Deal with the complaint honestly, politely and in confidence
- Investigate the complaint thoroughly and fairly
- Assess the level of urgency and deal with the complaint accordingly
- Provide updates on progress at each stage
- Offer an apology if a mistake has been made
- Advise the actions taken to put things right
- Provide a full and clear written reply to a formal complaint.

7. Recording complaints

The School will record the progress of any formal complaint (Stage 1 or Stage 2) and the final outcome.

An initial complaint may be made in person, by telephone, or in writing. At the end of any meeting or telephone call, it is helpful for the school to ensure that the complainant and the school have the same understanding of what was discussed and agreed. A brief note of meetings and telephone calls will be kept and a copy of any written response added to the record.

8. Taking the matter further

In most cases it is expected that parental complaints will be satisfactorily resolved following formal complaint to the Governing Body.

Complaining to the Local Authority

For most complaints, including those regarding bullying, the national curriculum or collective worship, there is no right of further complaint or appeal to the Local Authority beyond the school's Governing Body.

Complaint about the way a school is providing for a child's Special Educational Needs

However, should parents remain dissatisfied following the outcome of their Stage 2 hearing about a complaint about the way a school is providing for a child's Special Educational Needs, they may complain further to the Local Authority by writing to the Children's Services Complaints Manager. It should be noted that if parents wish to take their complaint further, they must do so within **20 working days (4 weeks)** of receiving the written outcome of the hearing. Beyond this time neither the school nor the Local Authority are under any obligation to investigate or progress the complaint any further.

The CS Complaints Manager will acknowledge the letter and will notify the Chair of Governors and the Headteacher. The CS Complaints Manager will arrange for the complaint to be investigated. The Investigator will seek the comments of the Governing Body and any other information or advice as necessary.

When the complaint has been fully investigated and considered the CS Complaints Manager will notify Parents of the outcome in writing, giving the reasons for it, any action or proposed action to be taken and the further recourse available. A copy of this will be sent to the Headteacher, the Chair of Governors and to anyone else concerned in the investigation. This brings the third stage for Special Educational Needs complaints to a conclusion.

Parents who remain dissatisfied following further investigation of their Special Educational Needs complaint by the Local Authority have the right to complain to the Secretary of State, who may decide to conduct an additional investigation.

Complaining to the Department for Education

Parents have the right to complain to the Secretary of State at the Department for Education (under the Education Act 1996), if they believe that the Governing Body or the LA is acting or proposing to act unreasonably (section 496), or is failing to carry out a statutory duty (section 497). This has to mean that the LA or the Governing Body is acting outside its powers, or misusing them; only then would the Secretary of State follow up the complaint.

The Secretary of State will then contact the Governing Body or LA for information.

The contact details for the Secretary of State are as follows:

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

Website: www.education.gov.uk

Telephone: 0370 000 2288

9. Vexatious complaints

By following this complaints procedure the school aims to clarify any misunderstandings that might have occurred, to ensure a positive atmosphere in which to discuss any outstanding issues and limit the number of complaints that become protracted. However, it is recognised that there may be occasions when, despite all stages of the procedures having been followed, the complainant remains dissatisfied.

If the situation is challenging but it is possible to proceed, staff should avoid giving unrealistic expectations on the outcome of the complaint.

A vexatious complaint is likely to involve some or all of the following:

- the complaint arises from a historic and irreversible decision or incident;
- contact with the school is frequent, lengthy, complicated and stressful for staff;
- the complainant behaves in an aggressive manner to staff when he/she presents his/her complaint or is verbally abusive or threatening;
- the complainant changes aspects of the complaint partway through the complaint process;
- the complainant makes and breaks contact with the school on an ongoing basis; or
- the complainant persistently approaches the school (and in some cases the Local Authority) through different routes about the same issue in the hope of getting different responses.

If a complainant tries to reopen the same issue, the Chair of Governors will write to inform them that the procedure has been exhausted and that the matter is now closed. If the complainant writes again on the same issue, then the correspondence may be recognised as vexatious and there will be no obligation on the part of the school to respond.

NB If following resolution of an initial complaint, a complainant raises an entirely new, separate complaint, this must be responded to in accordance with the complaints procedure.

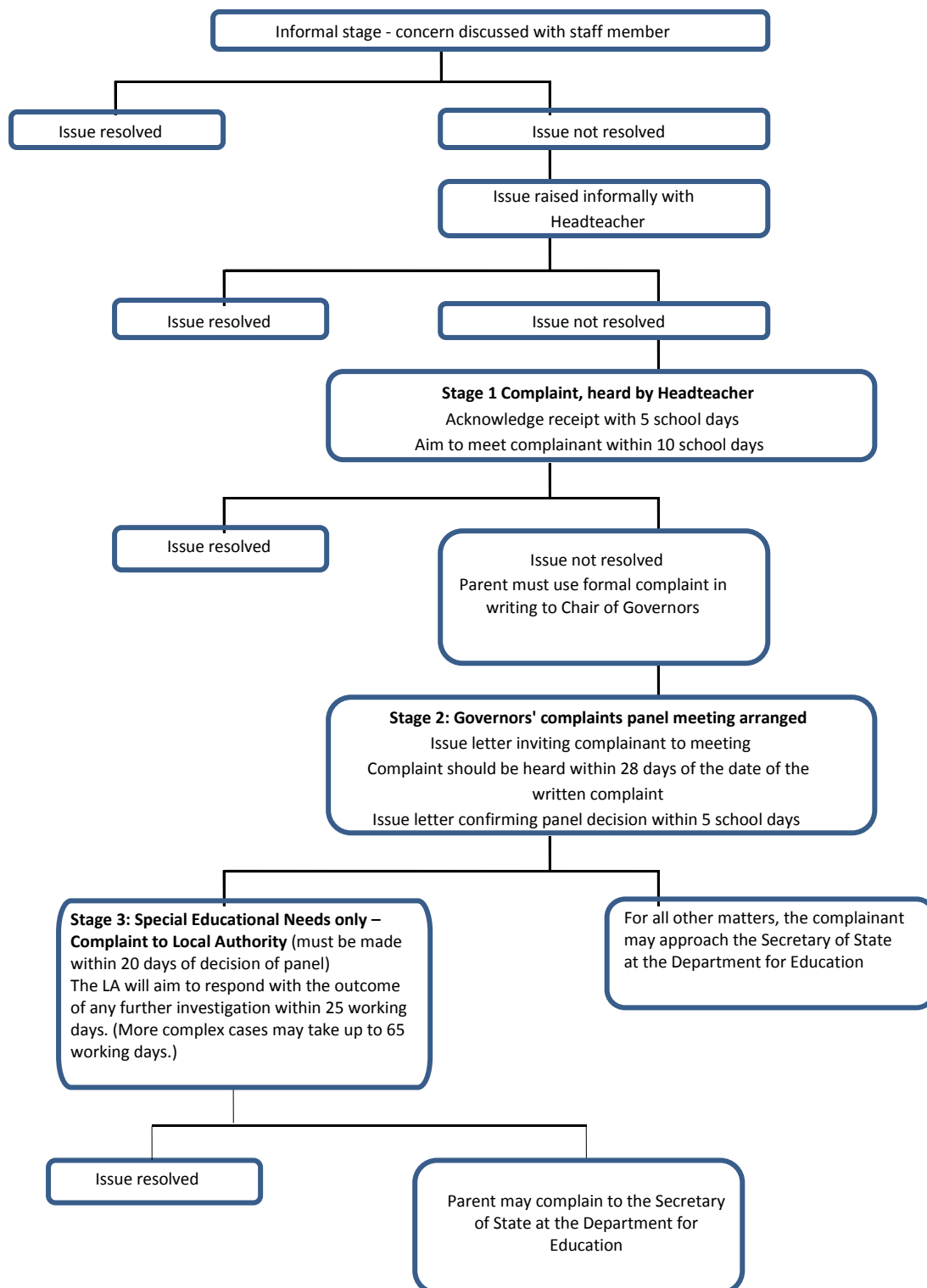
If there is a complete breakdown of relations between the complainant and the school, a decision may be made to restrict contact, e.g.

- requesting contact in a particular form (e.g. letter only);
- requiring contact to take place with a named member of staff (e.g. Headteacher);
- restricting telephone calls to specified days and times;
- asking the complainant to enter into an agreement about his/her future contact with the school; and
- informing the complainant that if he/she still does not follow the advice given any further correspondence that does not present significant new matters or new information will not necessarily be acknowledged, but should be kept on file.

The School will contact the Complaints Team where there it is felt there is a need to discuss a particular case further in order to ascertain whether the complaint can be considered vexatious or not.

If parents who have not first complained to the school contact the Local Authority, Council Officers will ask the complainant for their written consent to share information regarding their complaint with the school. If the complainant declines to provide their consent, the matter will not normally be taken any further. If consent is provided, the Council will pass the complainant's concerns to the school, whilst ensuring that the complainant is made aware that this will not necessarily result in the complaint against the school being resolved or the complainant achieving the outcome they were seeking.

Appendix 1: Flowchart for dealing with Complaints



Appendix 2: Formal Complaint Form

Name		
Address		
	Postcode:	
Telephone:	Day:	Evening:

What is it you want to complain about?

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

What actions do you feel might resolve the problem at this stage? What would you like us to do to put things right?

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

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Signed	
Name in capitals	
Date	

Please return this form to the Clerk to the Governors, via the School Office.

Official use:			
Date Complaint received			
Date Complaint acknowledged (Must be within 5 days)		By Whom	
Referred to		Date	

Appendix 3: Guidance on how the School deals with other types of complaints

a Complaint made by one member of staff against another (including the Headteacher)

Complaints from members of staff are not covered by this procedure. They will be dealt with by the Headteacher (where appropriate) or the Chair of Governors informally in the first instance. If this approach fails to resolve the issue, the next step would be for the Staff Grievance Procedure to be invoked (by the person bringing the grievance). The Schools HR Advisory Team can be contacted for advice on (01438) 844875.

b Complaint made by a Governor about a member of staff

This will be dealt with through this complaints procedure. The Governor concerned will have to withdraw from any meeting at which the complaint or its outcome is being discussed. If the complaint is related to the *conduct* of a member of staff, it will be dealt with through the school's Disciplinary Procedures.

c Complaint by a member of staff against an individual Governor acting in a personal capacity

The Chair of the Governing Body (or the Vice-Chair if the complaint is against the Chair) should attempt to resolve the matter informally. If such a resolution is not possible, and with the agreement of the Governor concerned, a Panel of Governors will be set up to consider the matter as under the complaints procedure in this document.

d Complaint by a member of staff against the action/decision of the Governing Body or Board of Directors

If the decision was taken at a meeting of the full Governing Body, the matter will be put on the agenda for review at another meeting and if the decision was then confirmed, that would be the end of the matter.

If a committee or individual with delegated authority took the original decision, then a Panel of Governors who were not involved in the decision will review the matter, ensuring that complainant is given an opportunity to state his/her case to the Panel. Any decision by the Panel will be final.

e Complaint by a member of the public (not a parent)

Complaints from members of the public will be dealt with by the Headteacher and, beyond that, by the Chair of Governors.

f Complaint by a parent whose child no longer attends the school

The purpose of this complaints procedure is to ensure that if an error has been made, or an injustice done, some action can be taken to remedy matters for the injured party. Where parents have removed their child from the roll of a school, it is clearly impossible for the Governing Body to put things right for that child. However, the Governing Body has a duty of care to the pupils who remain on roll and will investigate the circumstances to satisfy themselves that no-one had acted inappropriately and that procedures and policies had been followed correctly. Whilst no Governors' Complaint Panel will be convened, parents will be informed whether the complaint is upheld or otherwise and of any changes to practice and procedures which have been agreed by the Governing Body.

f. Complaints regarding compliance with Data Protection and Freedom of Information legislation

The school is responsible for compliance with the Data Protection and Freedom of Information Acts and in the case of a complaint concerning Data Protection or Freedom of Information compliance, the process outlined in this document will be followed. Advice and guidance about DP and FOI can be found at www.ico.org.uk