



The Federation of St Joseph's, Gilesgate and St Thomas More
Primary Schools



Guidance and Procedures for Dealing with School Complaints

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The Governors and Staff of The Federation acknowledge the requirement under Section 29 of the Education Act 2002 and the Human Rights Act, to have a policy and procedures in place to deal with complaints relating to the school and to any community facilities or services that the school provides.

- There are certain complaints which fall outside the remit of the Governing Body's complaints procedure. They include:
 - Matters that are the responsibility of the Local Authority
 - Conduct of staff at the school
 - Content of a statutory statement of special educational needs
 - Pupil admissions
 - Pupil exclusions
 - The national curriculum and related issues including religious education
 - Child protection

Appendix 1 explains where to direct complaints about these issues.

- The Governing Body should ensure that any third party providers offering community facilities or services through the school premises, or using school facilities, have their own complaints procedure in place.

Purpose of a Complaints Procedure

This procedure aims to reassure parents and others with an interest in the school that:

- Where possible, complaints will be dealt with informally and at the lowest possible level in school in order to reach a resolution promptly;
- Any complaint against the school will be dealt with in a fair, open and responsive way, with the aim of achieving a speedy and satisfactory resolution; and
- The school recognises that a willingness to listen to questions and criticism and to respond positively, can lead to improvements in school in practices as well as provision.

The Complaints Procedure will:

- 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 wherever possible
- address all the points at issue and provide an effective response and appropriate redress, where necessary

Investigating Complaints

When investigating complaints we 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

Recording Complaints

We will record the progress of the complaint and the final outcome. A complaint may be made in person, by telephone, in writing (email). An example of a complaint form you may wish to use can be found in Appendix 2. At the end of a meeting or telephone call, we will try 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.

Monitoring the Policy

The Governing Body will review their Complaints Policy regularly and monitor the number and range of complaints received, how these were dealt with and any action taken.

Time Limits

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

The time limits are set using school working days i.e. excluding school holidays.

Complaints Policy

Stage 1 Informal Stage – Complaint heard by staff member

It is in everyone's best interest that complaints are resolved at the earliest possible stage and as quickly as possible. If the complainant is not satisfied with the verbal response from the staff member they approach in the first instance they should request that their concerns be referred to the Headteacher (if they have not already dealt with the issue)

Stage 2 – Complaint heard by Headteacher

- The complaint should be put in in writing to the Headteacher (or Chair of Governors if the complaint is against the Headteacher) using the form attached at Appendix 2. The form should then be sent to the Headteacher or Chair of Governors, as appropriate, as soon as possible. The Chair of Governors can be contacted via the school.

- The Headteacher will acknowledge the written complaint upon receipt and provide an opportunity to meet the complainant to discuss the complaint. At this point the Headteacher may still seek to resolve the complaint informally. Other than in exceptional circumstances the Headteacher will provide a response to the complainant within 15 school days of them requesting the involvement of the Headteacher.
- The written response will include reasons for the conclusions reached by the Headteacher, what action, if any, the school proposes to take to resolve the matter and advise the complainant of the right to request a meeting with Governors if they remain dissatisfied with the outcome.
- The complainant will have 10 school days from receipt of the outcome in which to ask for an appeal to the Governors.

Stage 3 – Appeal Heard by a Committee of the Governing Body

Where a complainant has made an approach to the school through the formal stage and is not satisfied with the outcome, they should write to the Clerk to the Governing Body within 10 school days giving details of their concerns and asking for an appeal against the decision or action taken by the Headteacher. The Clerk will seek to arrange a meeting of the appropriate Committee of the school's Governing Body within 20 school days.

The Governing Body of the school will only hear appeals that have already progressed through Stages 1 and 2 of this procedure.

The Complaints Committee

The Committee will consist of no less than three Governors who will appoint their own Chair. The Headteacher will attend the appeal hearing to give evidence and explain the conclusions.

The Committee 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 school's systems or procedures to ensure that problems of a similar nature do not recur.

Notification of the Committee's Decision

The Chair of the Committee will ensure that the complainant is notified of the Committee's decision, in writing within five school days of the hearing.

Further Recourse

Secretary of State for Education

The decision of the Governors' Complaints Committee is final but under Section 496 or 497 of the Education Act 1996, complainants have a right of appeal to the Secretary of State for Education on the grounds that:

- A Governing Body is acting or proposing to act unreasonably; or
- The Governing Body has failed to discharge its duties under the Act.

The Secretary of State would not take action until the school procedures have been completed.

Contact Details: Public Communications Unit, Department for Education, Sanctuary Buildings, Great Smith Street, London, SW1P 3BT Tel 0870 000 2288 complaints@dfes.gov.uk

Local Government Ombudsman

- 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 they 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.
- The Ombudsman would not take action until the school procedures have been completed.

Contact Details: Local Government Ombudsman Advice Team 0300 061 0614 email enquiries@legalombudsman.org.uk

Vexatious Complaints

If properly followed, the 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 Clerk to the Committee hearing the complaint at Stage 3 of the process is able to inform them in writing that the procedure has been exhausted and that the matter is now closed.

Appendix 1
Types of Complaint

Appropriate Procedure

Contact

General School Complaints
(not including areas listed
below)

School Complaints
Procedure

Headteacher of the School

Matters the responsibility of
Local Authority **only** e.g.
Home-to-School Transport

Local Authority Complaints
Procedure

Strategic Commissioning,
Children and Young People's
Services, County Hall,
Durham,
DH1 5UJ

Complaints about the
School Curriculum

National Curriculum and
Religious Education
Complaints Procedure

Head of Access & Inclusion,
Children & Young People's
Services, County Hall, Durham
DH1 5UJ

Conduct of school staff
(except the Headteacher)

School Disciplinary
Procedure

Headteacher of the School

Conduct of the Headteacher

School Disciplinary
Procedure

Chair of the Governing Body
via the School

Special Educational Needs
review of or content of
statutory statement

Various – provided for by
1996 Education Act

Special Educational Needs:
Placement and Provision,
Children and Young People's
Services, County Hall, Durham
DH1 5UJ

Admissions of Pupils to:
County or Controlled
Schools

Independent Appeal Panel
(non-admission)

Admissions Team,
Children and Young People's
Services, County Hall, Durham
DH1 5UJ

Church (Aided) Schools

Appeal Panel
(non-admission)

Governing Body of the school

Exclusion of Pupils:
County or Controlled
Schools

Provision of 1993 Education
Act

Pupil Casework Team,
Children and Young People's
Services, County Hall, Durham
DH1 5UJ

Church (Aided) Schools

Provision of 1993 Education
Act

Governing Body of the school

Child Abuse

Local Childrens'
Safeguarding Board (LCSB)

Head of Safeguarding and
Specialist Services, Children
and Young People's Services,
County Hall, Durham
DH1 5UJ
Initial Response:
0845 850 5010

Complaint Form

Your name:

Pupil's name:

Name of School:

Your relationship to the pupil:

Address:

Postcode:

Day time telephone number:

Evening telephone number:

Please give details of your complaint:

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

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

Signature:

Date:

Official use

Date acknowledgement sent:

By who:

Complaint referred to:

Date:

Procedure for Hearing the Complaint

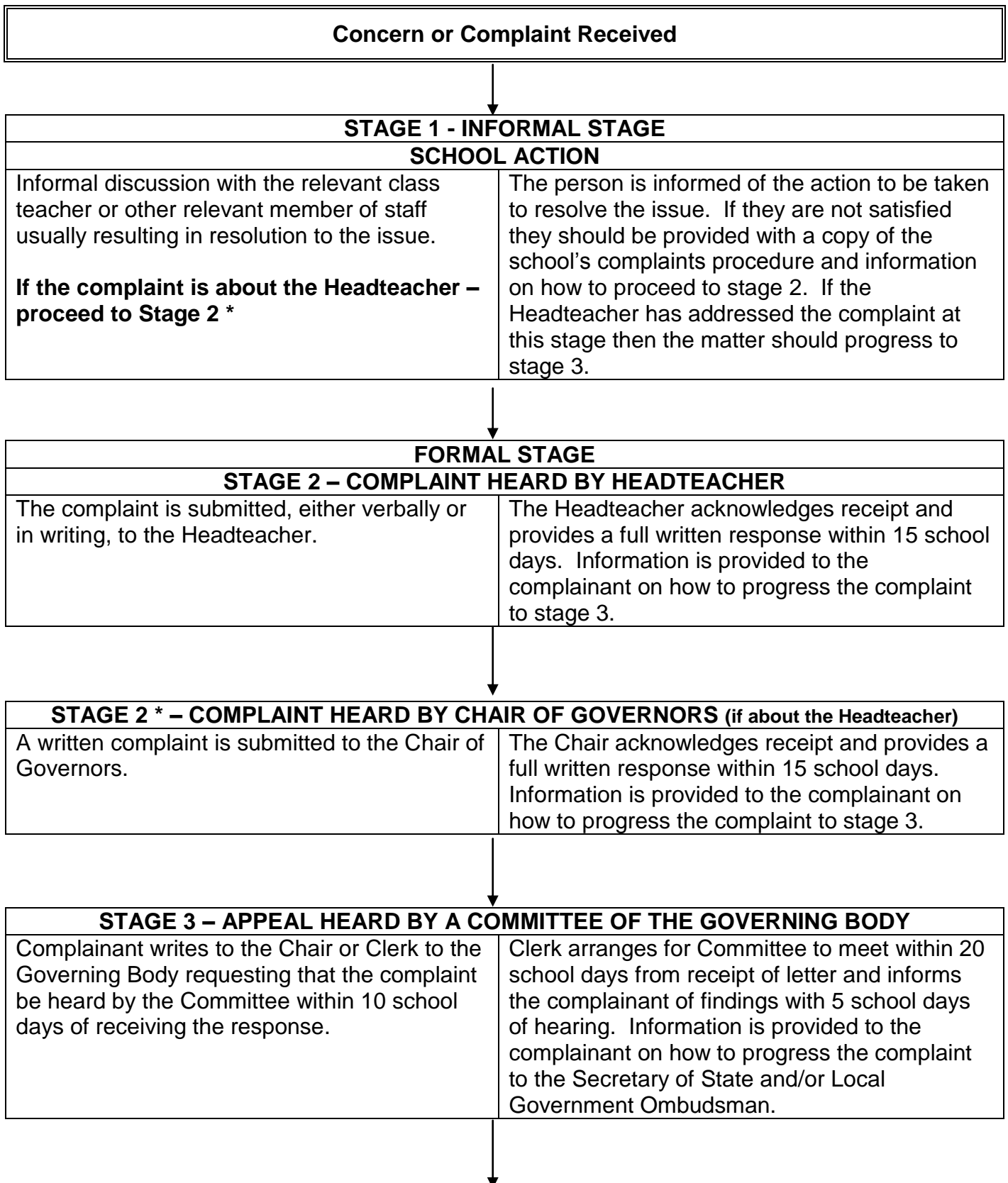
Introduction

The aim of the meeting is to resolve the complaint and achieve reconciliation between the school and the complainant.

Order of Meeting

1. The Chair welcomes the complainant and asks those present to introduce themselves.
2. The Chair explains the purpose of the meeting, the procedure, and checks that all written evidence has been made available to all parties.
3. The complainant explains their complaint, calling witnesses if appropriate.
4. The Committee and Headteacher may ask questions of the complainant and witnesses.
5. The Headteacher is then invited to present a response to the complaint, including action taken to address the complaint at stages 1 and 2 of the procedure, calling witnesses, if appropriate.
6. The Committee and complainant may ask questions of the Headteacher.
7. The Headteacher summarises the schools position, highlighting evidence, including anything that has emerged in the questioning.
8. The complainant summarises their case, highlighting evidence, including anything that has emerged in the questioning.
9. The Chair of the Committee checks that all parties feel that they have had a fair hearing and reminds everyone of the confidentiality of the case.
10. The Chair of the Committee thanks both parties for attending and gives an indication of when they can expect to hear the outcome. All parties then leave the room together.
11. The Committee considers the complaint and reaches a unanimous or majority decision. Where necessary, the Committee decides what action to take to resolve the complaint and, if appropriate, recommends changes to ensure similar complaints are not made in future.
12. Both parties will be informed of the outcome of the complaint in writing by the Clerk within 5 school days of the hearing.

Complaints Flowchart



FURTHER RECOURSE	
Complainant writes to the Secretary of State or the Local Government Ombudsman if they feel there has been maladministration.	The Secretary of State may intervene if a Governing Body or the LA has acted unreasonably.