



# Complaints Policy

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# Complaints Policy

## Parental Complaints

**It is the responsibility of individual schools to respond to complaints about the school. This document is intended to assist Headteachers and governors to deal effectively with any concerns raised.**

The school also has a duty under the Education Act 2002 to publicise the procedure. This can be done by including a summary in the school's prospectus, displaying posters or leaflets, or on the school's website.

Should anyone contact the local authority regarding a school complaint, they will be provided with information on the procedure and encouraged to contact the school directly. The Complaints Officer will also endeavour to inform the Head Teacher of any calls that have been made to the LA regarding a complaint about their school.

A complaint is defined as:

***"An expression of dissatisfaction or disquiet, in relation to a school or teacher, which requires a response."***

Pupils, parents or carers can make a complaint to the school about most aspects of its function including:

- Attitude / behaviour of staff
- Teaching and learning
- Application of behaviour management systems
- Bullying
- Provision of extra-curricular activities

The Local Authority retains responsibility for:

- The National Curriculum
- Collective Worship in schools

(In the case of denominational schools, concerns relating to worship and spiritual matters may be referred to the relevant Diocese or Archdiocese).

- Provision of support services e.g. SEN, education welfare, educational psychology
- Complaints about these matters should be referred to the relevant officer in Children & Young People Service.

Members of the general public may make complaints to the school if the school is directly responsible for the issue being complained about e.g.

- Behaviour of pupils during break-times
- Disturbance to neighbours during school hours
- Health and Safety issues of premises
- Behaviour of staff

Schools are not responsible for the actions or behaviour of pupils outside school hours. Legal, child protection or disciplinary proceedings take precedence over complaints procedures and time scale.

### **General principles**

The school should be clear about the difference between a concern and a complaint. By taking informal concerns seriously at the earliest stage, the numbers that develop into formal complaints can be kept to a minimum.

The underlying principle is that concerns ought to be handled without the need for formal procedures. For example, it would be helpful if the staff receiving the first approach were able to resolve issues on the spot, including apologising, where necessary.

Formal procedures need only to be started when initial attempts to resolve the issue are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further.

The school should:

- welcome complaints as a positive means of promoting pupil/parent satisfaction
- use complaints as a way of identifying opportunities to do things better
- listen to pupils and parents
- seek to resolve complaints swiftly
- reply with an acknowledgement letter in the first instance if a complaint is sent in by letter and state you are looking into the matter (*nothing inflames a situation more than failure to acknowledge*)
- have clear, simple to understand and use, published procedures for making complaints (**schools are required by law to have, and to make available to parents, their complaints procedures**)
- keep complainants informed about progress
- provide redress where a complaint is found to have substance
- regularly review how effective the complaints procedure is

### **Investigating complaints**

The person who takes forward the first formal procedure should make sure s/he:

- establishes what has happened so far and who has been involved
- clarifies the nature of the complaint and what remains unresolved
- meet the complainant or contacts them if further information is required
- clarifies what the complainant feels would put things right
- interview those involved, with an open mind
- keep notes of any interviews.
- keep the chair of governors informed without giving any details at this stage

### **Resolving complaints**

At each stage, the school should keep in mind ways the complaint can be resolved. It might be sufficient to acknowledge that the complaint is valid in whole or in part. It might also be appropriate to offer:

- an apology
- an explanation

- 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 taken to make sure it will not happen again
- an undertaking to review school policies in light of the complaint.

The school should encourage complainants to state what actions they feel might resolve the problem at any stage.

***Please remember, an admission that the school could have handled the situation better is not the same as an admission of negligence.***

### **The awkward or vexatious complaints**

A good complaints procedure will limit the number of complaints that become protracted. But there will be occasions when a complainant becomes dissatisfied even though all stages of the procedure have been followed. If the complainant tries to re-open the same issue, again, the chair of governors can write to say that the procedure has been exhausted and the matter is now closed.

### **Timescales**

The school will consider and resolve complaints as quickly and efficiently as possible and set realistic time limits for each action. However, where investigations are complex, new time limits can be set as long as school informs the complainant of the reason for the delay and give them new deadlines.

### **Stage 1 – complaint heard by a staff member**

It is in everyone's interest to resolve complaints at the earliest possible stage. The experience of the first contact between the complainant and the school can be crucial in determining whether the complaint will escalate. Staff should be fully aware of the procedures and know what to do if and when they receive a complaint.

A complainant might feel they would have difficulty discussing a complaint with a particular member of staff. Be flexible and refer the complainant to another member of staff. If the complaint is about the headteacher, the complaint should be referred straight to the chair of governors.

If a staff member directly involved feels compromised and unable to deal with the matter, once again refer to another staff member. This does not have to be a more senior member of staff; the ability to consider a complaint objectively and impartially is more important.

If a complainant approaches a governor in the first instance, the complainant should be referred to an appropriate member of staff. Governors should not act on individual complaints outside the formal procedure or be involved in the early stages in case they need to sit on a panel at the later stage.

### **Stage 2 – complaint heard by the headteacher**

The headteacher will have shaped the way complaints are handled in a school and will have decided who is the most appropriate person to deal with a complaint. In a large school it may be the deputy head or a head of year. The headteacher should be kept informed of any investigation carried out and should be involved in the final decision.

If the complaint is by letter the headteacher should acknowledge the complaint within 3 school days. The acknowledgement should include a summary of the complaints procedure and a target date of 15 school days for providing a response. If this date cannot be met, the complainant should be contacted and given a reason for the delay and a revised target date.

The headteacher should meet with the complainant to discuss their concerns and find solutions. The complainant may bring a friend, family member or advocate to the meeting and Interpreting services should also be made available where necessary. The Head Teacher may find it useful to have another member of staff present to observe and record the meeting and promote staff safety. Care should be taken in these circumstances not to create an intimidating atmosphere for the complainant.

The Head Teacher should make whatever enquiries s/he considers necessary to ascertain the facts and the legitimacy of decisions taken.

This may include:

- Interviewing staff / pupils
- Reviewing minutes of meetings
- Reviewing school records

Pupils should be interviewed in the presence of another member of staff, or in the case of serious complaints (e.g. where the possibility of criminal investigation exists) in the presence of their parents. Again, care should be taken in these circumstances not to create an intimidating atmosphere.

It is important that the Headteacher investigates complaints thoroughly and objectively. If s/he feels unable to do this (e.g. if s/he has been directly involved in the decision making process that led to the complaint) s/he should delegate responsibility for investigating the complaint to another member of the management team or the chair of governors. It is strongly advised that the Headteacher (or designated person) should keep a record of interviews, telephone conversations and other documentation.

Once all the relevant facts have been established, the Headteacher should provide a written response to the complainant. This should include a full explanation of decisions taken and the reasons for them. Where appropriate, it should include details of actions the school will take to resolve the complaint.

It may be useful at this point to offer the complainant a meeting to discuss the response and seek reconciliation. The complainant should be provided with details of how to contact the Governing Body if they are not satisfied with the response.

### **Stage 3 – complaint passed to Chair of Governors**

The Chair of Governors decides whether to convene the Complaints Committee to look into the complaint or commission the LA to start an investigation. If the complaint is about the Headteacher then the Chair will pass it directly to the LA.

### **Stage 4 – The Governors' Complaints Committee**

If the Complaints Committee is activated this is the last school based stage of the process and should not be perceived as a rubber stamp exercise.

The meeting should allow for:

- The complainant to explain their complaint and the headteacher to explain the school's response.
- Witnesses to be brought by the complainant or the headteacher.
- The headteacher and the complainant to ask questions of each other and any witnesses.
- The committee to ask questions of the complainant, headteacher and any witnesses.
- The complainant and the headteacher to summarise their position

Having considered all the evidence and questioned all parties, 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 resolve the complaint
- recommend changes or actions to school system and procedures to make sure that similar problems do not recur or
- request an investigation by an officer of the local authority.

A written response detailing the decisions, recommendations and the basis on which these have been made should be sent to the complainant within 15 school days.

The school should retain a copy of all correspondence and records of meetings.

### **Withdrawing a Complaint**

Complaints may be withdrawn in writing at any time.

The headteacher and Chair of Governors should review the issue of concern and consider whether further investigation is required through other internal management systems.

**The Complainant should be notified of the right to appeal to the Secretary of State for Education or the Local Government Ombudsman if they are unhappy with the way in which procedures have been carried out.**

### **Advice from the LA**

*Sometimes a complainant contacts the LA in the first instance. We cannot investigate a complaint; we can only investigate how the school has handled the complaint. So when a parent rings up we advise them to ring school and speak with the Headteacher (if a small school) or a senior member of staff (Headteacher, Deputy Headteacher or Head of Year) in a large school.*

*Not acknowledging a complaint either by a phone call or a letter could exacerbate the problem. It is in the school's best interest to arrange a meeting with the complainant to discuss and resolve the complaint as soon as possible.*

*If you have any questions or need advice on complaints, please contact:*

- KIAS (Kirklees Information, Advice and Support Service Special Educational Needs) formally Parent Partnership 01484 225422
- The Advisory Council for Education (ACE) tel: 0808 800 5793 or visit the website: [www.ace-ed.org.uk/](http://www.ace-ed.org.uk/)

**Review date: September 2024 \*Please read in conjunction with The School's Complaint Procedures Document**