



School Complaints Procedure

Adopted autumn 2011

Complaints Policy –(Devon County Council model)

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1 Purpose

Schools value the generally good relations they enjoy with parents and the community. These goods relations are based on mutual respect and a willingness to listen to other points of view. The purpose of the complaints procedure is to provide a framework for the governing body to adopt, giving a structured opportunity for all concerned to express and resolve concerns and thus to improve provision.

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2 Introduction

It is in the best interest of all parties that any concern is expressed and resolved quickly and at the earliest possible stage.

At any stage in the process, any party may consult the Devon County Council Education, Arts and Libraries Directorate for impartial advice on matters of procedure.

This procedure builds on the legal requirements of Section 23 of the Education Reform Act (replaced by Section 409 Education Act 1996) and the Guidance issued in Department of Education & Science Circular 1/89: Local Arrangements for the Consideration of Complaints. There exists a written procedure which covers “Arrangements for the consideration of Complaints about the School Curriculum and Related Matters.” Governing Bodies should consider the use of the same basic procedure for general complaints which do not strictly fall under those arrangements – the reason for this document.

There are specific procedures for certain other complaints (eg SEN statements, accusations of child abuse, admissions, exclusion) which must be followed in those cases – this procedure is intended for those complaints which do not appear to fall into any of the existing categories.

3 Stages

The full procedure has five stages, but every effort should be made to resolve issues at the earliest possible stage.

Stage		
1	Teacher (or Headteacher if immediately involved)	Most concerns are easily resolved informally by discussion with staff at the school: more difficult or complex concerns may take more than one discussion.
2	Investigation by Headteacher or Chair of Governors	The Headteacher will make an investigation and respond to the complaint. If the complaint is directed at the Headteacher, then the chair of governors should take on this stage.
3	Complaint to the Governing Body	If after careful attempts a resolution is not achieved, the complaint will be heard by a panel of at least three governors.
4	Complaint to the LEA	If, and only if, the complaint falls under the arrangements set up under Section 409, Education Act 1996, it can be referred to a Local Authority Panel. In other cases, the governing body’s decision will stand.

Stage		
5	The Secretary of State for Education and Skills	The Secretary of State will only give direction if the governing body or the County Council have acted unreasonably or have failed to make provision. If the complaint is against action taken, or not taken, by the County Council, it is also possible for that complaint to be referred to the Local Government Ombudsman.

4 Procedure

4.1 Stage 1 – Teacher or Headteacher

All schools are happy to receive suggestions and to talk about concerns which help them identify areas of success and areas in which they could improve. Where a concern is brought to the school's attention it can often be resolved with a single conversation. Sometimes an issue is more complex and will take more than one discussion to resolve.

Occasionally despite the best efforts of all parties these discussions do not resolve the concern, which then may become a complaint.

4.2 Stage 2 – Investigation by Headteacher or Chair of Governors

The complainant will be asked to confirm the complaint in writing to the headteacher (or chair of governors if the complaint is about the headteacher) and it will be acknowledged in writing. The headteacher (or chair) will copy relevant papers to any member/s of staff named in the complaint. At this point a letter in response to the complaint will be written by the Headteacher or Chair of Governors, and all parties will be invited to an informal meeting to try and resolve the issue. This meeting will only take place if all parties are in agreement.

Any concerns should be raised as soon as possible after the event.

4.3 Stage 3 – Complain to the Governing Body

This stage can only proceed if the complainant has:

- sought to resolve the concern through approaches to the school as described in Stages 1 and 2.
- allowed reasonable time (normally no more than four school weeks) for investigation of the concern.

- accepted any reasonable offer by the school to discuss the result of the investigation.
- taken part in any process of mediation offered by the school.
- put the complaint in writing within two months of the event.

The Governing Body will set up a panel to deal with complaints whose responsibility is to hear and decide about formal complaints which have not been resolved at the earlier stages. The panel should consist of three governors (not staff) who have not previously been involved in dealing with the complaint.

The chair of the first complaints panel will be the chair of the Resources committee and the three governors will be drawn from members of the Resources committee. The Head teacher should not be a member of the panel.

The chair of the second complaints panel will be the chair of the Curriculum committee and the three governors will be drawn from members of the Curriculum committee. The Head teacher should not be a member of the panel.

The complainant should write to the governing body clerk at the school requesting a meeting of the complaints panel. Enclosed with the letter should be a copy of the written complaint submitted at the earlier stages, indicating which matters remain unresolved. No new complaint may be included.

The governing body clerk will contact the complaints panel nominated by the governing body as part of their committee arrangements. The clerk is responsible for making all the arrangements for the meeting, including time and place, (the meeting will take place during working hours, Monday – Friday, 9am – 5pm). The clerk will immediately send the text of the formal complaint to the Head teacher and the Chair of Governors. The Head teacher has up to 10 school days from receipt of this notification to submit a response to the clerk. The meeting will be arranged as soon as possible, and no later than 20 school days after receipt of the complainants request for a formal meeting. If there is difficulty agreeing a date the chair of the panel makes the final decision.

Any documents from either the complainant or the headteacher to be considered by the panel, and the names of any witnesses or friends who might attend, must be received by the clerk at least seven school days before the meeting. If new witnesses or evidence is brought to the meeting without the clerk being notified seven days in advance, the meeting may be adjourned at the request of any party.

The complainant may bring a friend, interpreter or advocate to the meeting.

The Headteacher may bring a friend or professional representative.

If teachers or other members of staff are asked by the Headteacher to be present at a complaints committee meeting, they have the right to bring a friend or professional representative.

It is not appropriate for a child/pupil to attend, unless they are bringing the complaint on their own behalf being over the age of eighteen.

The panel will consider the complaint on the basis of the papers they receive and what is said at the meeting. In the event of either party not attending the meeting, the panel chair has the discretion to proceed or to adjourn at any stage.

The panel chair controls the meeting and will aim to complete all the business at a reasonable hour without the need to adjourn to another day. It is important that all participants help by being clear about the points they wish to make, by keeping to the point and by being courteous throughout. The clerk should take full minutes which must be confidential under the Governing Body "Part 2" procedure.

The Committee can:

1. uphold the complaint in full or in part, and make recommendations to the governing body for action
- or
2. decide to recommend no action to be taken and give reasons for the decision.

Having come to a decision about the complaint, the committee may additionally refer issues of principle or general practice to another forum, such as the governing body, or to an individual such as the Headteacher.

The clerk will send the complainant, Headteacher, Chair of Governors and Director of Education a letter with the outcome of the meeting within seven school days of the meeting.

The Director of Education has the right, under this procedure, to have a representative present at all stage of the governing body complaints panel meeting and to have a copy of all associated paperwork.

No further appeal to the governing body is available in the matter of the complaint.

In respect of a grievance arising from a member of staff, this will be heard separately under the existing grievance procedures.

4.4 Stage 4 – Complaint to the Local Authority

If the complainant wishes to pursue the matter further, the local education authority (Devon County Council) will only consider the case if the complaint is one deemed relevant under Section 409 Education Act 1996 (Complaints and enforcement. Complaints about the Curriculum). Such a request must be addressed to the Director of Children and Young People's Services, Anne Whiteley, and be received within 15 days of the date of the letter from the clerk giving the outcome of the meeting.

The local authority has a statutory responsibility to consider a relevant complaint about the curriculum which has not been resolved by the governing body.

It may be difficult to agree whether a complex complaint is subject to the statutory arrangements for curriculum complaints (see "*Arrangements for the consideration of complaints about the school curriculum and related matters*"). The Director of Children and Young People's Services will therefore take advice from the County Solicitor as to whether the complaint may be considered.

The procedure at this stage ("formal complaint to the Local Education Authority") is set out in the LEA pamphlet "*Arrangements for the consideration of Complaints about the School Curriculum and related Matters*".

There is no further appeal to the local authority.

4.5 Stage 5 – Complaint to Secretary of State or Local Government Ombudsman

If a complainant wishes to pursue the complaint s/he has recourse to the Secretary of State or Local Government Ombudsman.

The Local Education Authority will advise on the procedure to be followed in those cases.