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# COMPLAINTS PROCEDURE

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This procedure is based on guidance for dealing with school complaints issued by the Department of Education in 2011.

## **Legislation**

Section 29 of the Education Act 2002 requires every maintained school to establish a procedure for dealing with complaints relating to the school and to publicise the procedure.

Section 39 of the Education Act 2002 defines a maintained school as being a community, foundation or voluntary school, a community or foundation special school or a maintained nursery school (a nursery school which is maintained by a local education authority and is not a special school).

## **General Principles**

Schools must adopt a three stage process for dealing with formal complaints. Further details of each stage together with roles and responsibilities of staff involved can be found in Section 3 of this document. The three stages are:

Stage 1 – complaint heard by member of staff

Stage 2 – complaint heard by head teacher

Stage 3 – complaint heard by Governing Bodies complaint appeal panel

Every effort should be made to resolve a complaint informally in the first instance, without the need to invoke the formal complaints procedure. In most cases this can be achieved by a discussion between the class teacher and the complainant.

Schools should consider nominating a member of staff to be the school's 'complaints co-ordinator'. The complaints co-ordinator will be responsible for the following:

- Acknowledging receipt of the complaint
- Effective recording of all complaints received
- Monitoring responses
- Ensuring responses are made within a reasonable timescale
- Identify trends and themes arising from complaints and report same to school's senior management team

All schools should have an easily accessible complaints procedure. The procedure must:

- Encourage informal resolution
- Be easily accessible, publicised and included on the school website
- Be simple to understand and use
- Be impartial and non adversarial
- Allow swift handling and establish timescales for dealing with the complaint
- Ensure a full and fair investigation by an independent person if necessary
- Maintain confidentiality of all involved
- Address all points of complaint, provide an effective response and offer appropriate redress where appropriate
- Provide information to the school's senior management team so that services can be improved

## **Investigating Complaints**

The person investigating the complaint should ensure they:

- Establish what has happened to date and who has been involved
- Clarify the nature of the complaint and what remains unresolved
- Meet with the complainant or contact them to verify information provided or gain further information
- Clarify what the complainant feels would resolve issues – establish desired outcomes
- Interview those subject of, and involved in, the complaint (the interviewees may be accompanied if they so wish)
- Conduct the interview with an open mind and be prepared to persist in the questioning
- Keep notes of all interviews

## **Resolving Complaints**

The following can be used in an attempt to resolve a complaint if it is found to be appropriate:

- An acknowledgement that the complaint was justified – this can include an outcome of upheld or partially upheld. Please note that unjustified complaint outcomes will not be upheld or unable to substantiate
- An apology
- An explanation
- An admission that the situation could have been handled better or differently
- An assurance that the reason for the complaint will not recur
- An explanation of the steps taken to ensure there will be no recurrence
- An undertaking to review a school policy or procedure as a result of the outcome of a complaint

## **Vexatious Complaints**

Implementation and adherence to the model complaints procedure should reduce the number of complaints that become protracted or vexatious. If a complainant tries to reopen the same issue the Chair of the Governing Body should write to the complainant explaining that the complaint has been through all stages of the procedure, is now exhausted and the matter is now closed.

## **Timescales**

Complaints should be acknowledged, investigated and resolved as soon as possible. The complainant should be notified of the anticipated timescales for dealing with the complaint when receipt of the complaint is acknowledged.

## **Shiney Row Primary School - Formal Complaints Procedure**

Our school is committed to providing a safe, stimulating, consistent and accessible service to children and their parents/carers. We always aim to provide high quality services for everyone, but accept that sometimes things do not always go to plan. It is important that we receive comments so that we can take the necessary action and learn from our mistakes.

Shiney Row Primary School has adopted a three stage approach for dealing with complaints.

### Stage 1

The complaint is raised to a member of staff who will attempt to resolve the problem by way of an informal discussion before advising the Deputy Headteacher (Complaints Co-ordinator).

If the member of staff does not feel comfortable investigating the complaint or the complaint was about that staff member, then the complaint can be delegated to the Deputy Headteacher. If a satisfactory resolution has not been reached, the complaint can be escalated to Stage 2.

### Stage 2

During this stage the Headteacher will collate evidence and information relating to the complaint before making a decision on the action to be taken.

If the complaint has not been resolved satisfactorily, it can be escalated to Stage 3.

### Stage 3

The complainant needs to write to the Chair of the Board of Governors at The Governor Support Team, Sandhill Centre, Sunderland SR3 4EN (or by email sent to [governor@sunderland.gov.uk](mailto:governor@sunderland.gov.uk)) providing full details of the complaint and the reason why he/she remains dissatisfied with previous attempts to resolve the complaint.

The Chair or nominated Governor will convene a Governing Body complaints panel which consists of between 3 and 5 Governors.

Once the hearing has taken place, the Chair of the Governors Complaints Panel will write to the complainant within 15 working days of the hearing advising of the outcome of the hearing.

### Stage 4

Should a complainant remain dissatisfied following a Stage 3 complaint, they have a right to escalate their complaint to the following bodies:

## Local Authority

The Local Authority MAY consider complaints in relation to school admissions and allocations, school transport, some aspects of Special Educational Needs, school exclusions, non-delivery of the curriculum, religious worship and tuition at home.

Children's Service Complaints and Feedback Manager  
Commercial & Corporate Services  
Civic Centre  
Sunderland  
SR2 7DN

Telephone: 0191 5611276

Email: [children.complaints@sunderland.gov.uk](mailto:children.complaints@sunderland.gov.uk)

## Secretary of State for Education

If a complainant feels that a school has or is proposing to act unreasonably, or has failed to discharge a duty under certain legislation they can contact the Secretary or State for Education.

The Secretary of Stage for Education  
Department of Education  
Castle View House  
East Lane  
Runcorn  
Cheshire  
WA7 2GJ

Telephone: 0370 000 2288

Typetalk: 18001 0370 000 2288

Fax: 01928 738248

Website: [www.education.gov.uk/schoolcomplaints](http://www.education.gov.uk/schoolcomplaints)

## Ofsted

Ofsted can consider complaints if they affect the school as a whole. Examples of this are is the school not providing good enough education, the pupils are not achieving as much as they should or their different needs are not being met, the school is not well managed or is wasting money, the pupils personal development and wellbeing are being neglected.

Ofsted  
Enquiries – National Business Unit  
Royal Exchange Buildings  
St Ann's Square  
Manchester  
M2 7LA

Telephone: 08456 404045 (8am to 8pm Monday to Friday)  
Email: [enquiries@ofsted.gov.uk](mailto:enquiries@ofsted.gov.uk)  
Website: [www.ofsted.gov.uk/Ofsted-home/Footer/How-to-complain](http://www.ofsted.gov.uk/Ofsted-home/Footer/How-to-complain)

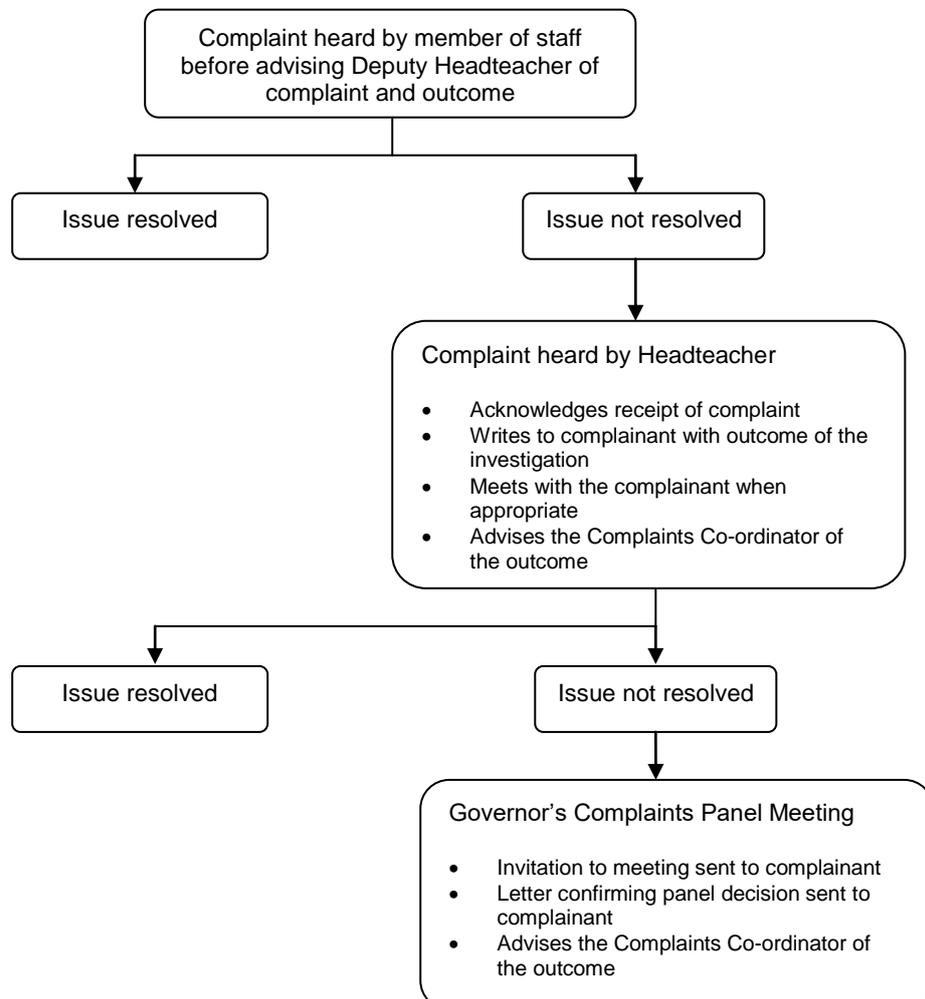
## Local Government Ombudsman

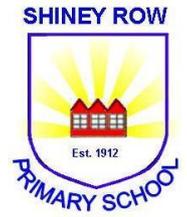
The Local Government Ombudsman currently considers school complaints in relation to school transport, special education needs, school admissions, permanent exclusions and children who are out of school.

Local Government Ombudsman  
P O Box 4771  
Coventry  
CV4 0EH

Telephone: 0300 061 0614 (8.30am to 5pm Monday to Friday)  
Fax: 024 7682 0001  
Text 'call back' 0762 4803014  
Website: [www.lgo.org.uk/forms/Showform.asp?fm-fid=62](http://www.lgo.org.uk/forms/Showform.asp?fm-fid=62)

## Summary of Dealing with Complaints





# Complaint Form

Your Name: .....

Address: .....

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Contact Tel No: .....

Pupil's Name: .....

Relationship to pupil: .....

Please give full details of your complaint (please continue on a separate sheet if necessary):

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

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

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

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Signed: .....

Date: .....

Please return completed form to Miss J Ward, Deputy Headteacher (School Complaints Co-ordinator) who will acknowledge receipt and explain what action will be taken.

<b>OFFICIAL USE</b>	
<b>Date received:</b>	.....
<b>By who:</b>	.....
<b>Date acknowledge sent:</b>	.....
<b>Complaint referred to:</b>	.....
<b>Date:</b>	.....