

West Exmoor Federation



School Complaints Procedure

September 2018

A PROCEDURE TO DEAL WITH COMMENTS AND COMPLAINTS ABOUT SCHOOLS

Purpose

Within the West Exmoor Federation, we value the generally good relations enjoyed with parents and the community. These good relations are based on mutual respect and a willingness to listen to other points of view. The purpose of this 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.

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 (e.g. 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.

Stages

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

PROCEDURE ADOPTED BY THE GOVERNING BODY

Stage 1 - Teacher or Executive Head teacher

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.

Stage 2 - Investigation by Executive Head teacher or Chair of Governors

The complainant will be asked to confirm the complaint in writing to the Executive Head teacher (or Chair of Governors if the complaint is about the Executive Head teacher and it will be acknowledged in writing. The Executive Head teacher (or chair) will copy relevant papers to any member/s of staff named in the complaint. Any concerns should be raised as soon as possible after the event.

Stage 3 - Complaint to the Governing Body

This can be made only 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 clearly in writing (normally within *two months* of the event)
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Each governing body must set up a panel to deal with complaints (this could contain the same governors as on the Staff Dismissal Committee or the Discipline Committee, since the procedures will be similar) 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 who have not previously been involved in dealing with the complaint, and the chair of the panel should be named. The Executive Head teacher should not be a member of the panel. The governing body should name reserves to make sure the panel can be constituted when necessary.

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 immediately 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 clerk will immediately send the text of the formal complaint to the Executive Head teacher and the Chair of Governors. The Executive Head teacher may have *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 complainant's 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 Executive Head teacher 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. Copies of all papers submitted plus the agenda will be sent to the complaints panel members, complainant, Head teacher, Chair of Governors and Director of Education, Arts and Libraries at least five school days before the meeting date. The Executive Head teacher will copy relevant papers to any member/s of staff named in the complaint.

The complainant may bring a friend, interpreter or advocate to the meeting. The Executive Head teacher may bring a friend or professional representative. If teachers or other members of staff are asked by the Executive Head teacher to be present at a complaints committee meeting, they have a 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 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 'Part 2' procedure.

The Committee can:

- uphold the complaint in full or in part, and make recommendations to the governing body for action

Or

- 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 Executive Headteacher.

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

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 Education, Arts and Libraries 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 Education will therefore take the advice of 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" September 1989. There is no further appeal to the local authority.

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 County Council will advise on the procedure to be followed in those cases.

ADVICE TO SCHOOL GOVERNING BODIES ON THE HANDLING OF COMPLAINTS

1 The role of the governing body

As well as its responsibility for the general conduct of the federation, a key role of the governing body is to influence the ethos of the school, its general atmosphere and philosophy. This influence carries with it an equivalent responsibility to support the Executive Head teacher and the staff and to ensure fairness to them as well as to pupils, parents and those in the community who come into contact with the school. Complaints, if dealt with properly, can enhance the reputation of the school. The governing body has an important role to play in handling complaints well.

2 The role of the LEA

The local education authority offers this model procedure for adoption, and adaptation if necessary,

by every governing body. Advice is available on the procedure itself, and on legal matters. Devon County Council expects schools will deal with complaints without outside help.

3 Complaints procedures

In following the procedures of the County Council, the governing body should make every effort to ensure that all parents, staff and governors are fully aware of the procedure to be followed. It is advisable for the governing body to consider using a "mediation" stage between a dispute with the Executive Head teacher and the formal consideration by the governing body. Mediation can be offered through a governor (perhaps a parent governor who will act impartially. If this stage exists, it should be clearly indicated in the procedure. An important principle in dealing with complaints is that each stage must take place in order, and that as each stage is reached and put into effect, there is no return to previous stages. A governing body, therefore, should not deal with complaints until the Executive Head teacher has had opportunity to resolve them, and the LEA will not consider any formal involvement (under Stage 4, above) until the governing body has heard the complaint and given its judgement.

4 Complaints Panel

The detailed procedure of hearing the complaint should be dealt with in the same way as that laid down for hearing parental representation against exclusion. Everyone before the event can therefore share the agenda and "rules". Every effort should be made to help the complainant feel relaxed and comfortable. The membership of the panel should be seen as fair to all, and because the possibility of a recommendation for discipline being a part of the outcome, it would be useful to consider as members those who already sit on the "first" committee which would deal with such matters. Appeals processes are therefore less likely to be compromised in the longer term. **It is important that everyone understands that the panel is acting for the governing body, and that the governing body will not re-hear the case.**