

## **NEWHAM PARTNERSHIP WORKING Complaints Procedure**

### **1. Background**

This policy is based upon the DfE document "School Complaints Toolkit 2014 which is attached. The law requires schools and nurseries to have a publicised procedure.

This complaints policy for schools in the Learning in Harmony Trust is the responsibility of the Directors and all schools within the trust will adopt this policy.

### **2. Making a complaint**

Complainants can be parents/carers of pupils registered at a school or it could be a member of the wider community or someone representing an ex-pupil. However, anonymous complaints will be dealt with under a different procedure.

#### **a) Investigating complaints**

Schools must ensure that at each stage, the person investigating the complaint:-

- Establishes what has happened so far
- Identifies who has been involved
- Understands the nature of the concern or complaint
- Knows what issues remain unresolved
- Have contacted the complainant to establish and clarify information
- Have spoken to or interviewed those involved as required
- Conducts meetings with an open mind and be prepared to persist with questioning and finding the answer
- Keeps accurate records of the complaint including notes of any meetings, discussions and if required arrange for a minute/note taker.

#### **b) Resolving complaints**

Schools must acknowledge and register complaints from complainants. The possible outcomes of a complaint will be one or more of the following (this list is not exhaustive):-

- An apology
- An explanation of what actually happened, clarification of the facts
- An admission that the situation could have been handled differently or more appropriately
- An assurance that the event complained of will not reoccur
- An explanation of the steps that have been taken to ensure that it will not happen again
- An undertaking to review school policies in light of the complaint.

#### **c) Dealing with vexatious complaints**

On occasions, despite all stages of the procedures having been followed, the complainant continues to be dissatisfied. If the complainant tries to reopen the same issue, the Chair of the Local Governing Body is able to inform them in writing that the

procedure has been exhausted and that the matter is now closed. If the complainant writes again on the same issue, then the correspondence may be recognised as vexatious and there will be no obligation on the part of the school to respond.

It is important to note however that, should a complainant raise a new, separate complaint, it must be responded to in accordance with the school complaints procedure.

### **3. The Four Stage Complaints Procedure**

#### **a) Stage 1 – Informal**

The complaint is dealt with by an appropriate staff member or designated Stage 1 Complaints Officer (who is not the subject of the complaint).

In the vast majority of cases, a concern can and should be resolved by contacting the appropriate member of staff. This may be the class teacher, head of year, a member of the learning mentor or social inclusion team or another designated staff member directly involved with the reported problem.

The initial communication from the complainant to the member of staff may be by letter, telephone conversation or in person by appointment. The complainant must allow the designated staff member at least 5 days to respond to the concern.

If this does not lead to a resolution of the problem then the concern/complaint must be referred to the next stage of the process which is the commencement of the formal process.

#### **b) Stage 2 – Formal (if unresolved at Stage 1)**

The complaint is heard by the Head Teacher/ Principal.

If the complainant is dissatisfied with the response from the member of staff at Stage 1 they should be advised to put their complaint in writing to the Head Teacher/ Principal who will deal with it formally at Stage 2. Where the Head Teacher/ Principal is the subject of the complaint, the complainant should be advised to address it to the Chair of Governors. If the complaint is being dealt with by the Chair of Governors this will bypass Stage 2 and go to Stage 3 of the formal procedure and heard by the Chair of Governors. The complainant must ensure that they include details of why they are still dissatisfied and what action they would like to resolve the complaint. They can also attach any evidence to support their concerns.

The Head Teacher/ Principal must acknowledge the complaint within 5 days by writing to the complainant. The acknowledgement should state a further communication will follow, within 20 school days that will set out the actions taken to investigate the complaint and the findings.

The Head Teacher/ Principal can delegate another senior member of staff to carry out the investigation and report their findings to them. The Head Teacher/ Principal will then reach a conclusion based on the investigation. All notes relating to the investigation should be kept on file. The investigating officer may feel it necessary to meet with the complainant. If this happens, then notes should be produced of the meeting.

The investigating officer will then compile a report detailing their findings. Any recommendations or actions proposed must be considered by the Head Teacher/ Principal.

Once satisfied that the investigation has been concluded and a decision has been reached, the Head Teacher/ Principal must notify the complainant in writing of the conclusion and any actions that will be taken as a result. The decision can be communicated by the Head Teacher/ Principal to the complainant in writing or, if they may feel it appropriate, meet with them first to communicate their findings and then confirm in writing afterwards.

Useful model letters are attached in Appendices C and D.

The complainant must also be informed if they are still dissatisfied with the outcome they can write to the Chair of Governors outlining why they are still unhappy.

c) Stage 3 – Formal (if not resolved at stage 2)

The complaint is heard by the Chair of Governors (this will be delegated to the vice-chair or other nominated governor if appropriate).

If the complainant is dissatisfied with the response from the Head Teacher/ Principal at Stage 2 they should be advised to put their complaint in writing to the Chair of Governors for consideration at Stage 3 of the procedure.

The complainant must ensure that they include details of why they are still dissatisfied with the decision, the recommendations and actions of the Stage 2 complaint and what they require to resolve the matter. They may also attach any evidence to support their concerns that can be additional to that submitted at Stages 1 and 2.

On receipt of a complaint at stage 3 the CEO must also be informed, and if necessary they will work with the chair of governors to help to resolve the complaint.

The Chair of Governors must write to the complainant within 5 days of receipt of the complaint to acknowledge this. The letter should state that another letter will follow within 20 school days setting out the actions taken to investigate the complaint and the findings.

The Chair of Governors will look at all the information pertaining to the complaint submitted by the complainant and the investigatory evidence by the school at Stages 1 and 2. The Chair may want to talk with the complainant or investigating staff members to establish facts and obtain further information.

Useful model letters are attached in Appendices C and D.

Once satisfied that the investigation has been concluded and a decision has been reached on the complaint, the Chair of Governors will notify the complainant in writing of the conclusion.

The conclusion could be:

- The evidence indicates that the complaint was substantiated and therefore upheld
- The complaint was substantiated in part and what action will be taken
- The complaint is not substantiated by the evidence and therefore not upheld

The complainant is also informed if they are still dissatisfied they can write to the Directors of the trust

d) Stage 4 – Formal (if not resolved at Stage 3)

The complaint is heard by the Directors. This is the final stage of the process.

If the complainant is dissatisfied with the response from the Chair of Governors (or Vice-Chair) at Stage 3 they should be advised that the next stage is to put their complaint in writing to the Directors at Stage 4.

The complainant must ensure that they include details of why they are still dissatisfied with the decision of the Chair, recommendations and actions of the Stage 3 complaint and what they feel would resolve the matter. They can also attach any evidence to support their concerns in addition to that submitted at Stages 1, 2 and 3.

The complaint will be acknowledged within 10 school days.

The complaint is considered by a panel of Directors and Local Governing Body members from across the trust who form a complaints appeal panel. The panel must be independent and impartial. No governor may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it. The panel must have a cross-section of categories of governors and sensitive to the issues of race, gender and religious affiliation.

The panel must convene a meeting to discuss the complaint and all the investigation evidence to make a final decision on how to progress. A clerk should be appointed to take notes of the meeting and records must be kept. A useful checklist for a panel hearing is attached in Appendix 2.

The Head Teacher/ Principal has a statutory duty for the internal organisation and management of the school, which they must carry out in accordance with any rules, regulations or policies laid down by the governing body. Therefore the remit of the panel's consideration of a complaint about a matter of internal organisation and control will be as to whether the Head Teacher/ Principal has followed any relevant school policies; it is not to substitute its own operational judgement for that of the Head Teacher/ Principal.

The panel can decide:

- To convene a meeting with the complainant. If a meeting is to be convened, the person chairing the meeting will write to the complainant to acknowledge the complaint within 10 school days. The letter would also include the date, time and venue of the convened meeting to hear the complaint.
- Decide on the appropriate action to be taken to resolve the complaint
- For non-complex complaints, not to meet with the complainant, but to use all the information available to them and make a decision on the complaint as there is enough information to allow for a decision to be made.

Possible outcomes for the Panel

- Dismiss the complaint in whole or in part
- Uphold the complaint in whole or in part
- Recommend changes to school systems or procedures to ensure that similar do not occur

An outcome letter will be sent to the complainant within 20 school days of the meeting. A model response letter is attached in Appendix F.

#### 4. Further information

The outcome letter from the School Complaints Panel exhausts the 4 Stage procedure. If the complainant is dissatisfied with the process, they are able to contact  
The Secretary of State for Education,  
The School Complaints Unit (SCU)  
Department for Education  
2<sup>nd</sup> Floor, Piccadilly Gate  
Manchester  
M1 2WD

The SCU will examine if the school complaints policy and any other relevant processes were followed. The SCU will also examine policies to determine if they adhere to education legislation. However, the SCU will not re-investigate the substance of the complaint.

### Appendix A

#### Example Complaint Form

Please complete and return to ..... (named person or school office) who will acknowledge receipt and explain what action will be taken.

Your name:
Pupil's name (if relevant):
Your relationship to the pupil (if relevant):
Address:
Postcode:
Daytime 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 as this stage?

Are you attaching any paperwork? If so, please give details.
Signature:
Date
<b>OFFICIAL USE</b>
Date acknowledgement sent:
By who:
Complaint referred to:
Date:

## Appendix B

### Model paragraph for inclusion in school policy/prospectus

#### Raising concerns and resolving complaints

From time to time parents, and others connected with the school, will become aware of matters which cause them concern. To encourage resolution of such situations the Governing Body has adopted a "Complaints Procedure".

The procedure is devised with the intention that it will:

- Usually be possible to resolve problems by informal means
- Be simple to use and understand
- Be non-adversarial
- Provide confidentiality
- Allow problems to be handled swiftly
- Address all the points at issue
- Inform future practice so that the problem is unlikely to recur.

Full details of the procedure may be obtained from the School Office.

## Appendix C

### Model letter - Complaint not heard

Dear ,

Following receipt of your communications and careful consideration of the same, I regret that I am unable to deal with this matter under the Governing Body's Complaints Procedure as. The reason for this is that:

- You have not identified any specific actions of which you might complain
- Your concerns are presented as conclusions rather than specific actions of which complain.
- The concerns that you identify relate to historical actions and any evidence which might have enabled an objective investigation of your complaint is no longer available.
- The substance of your complaint has been addressed under this procedure already.
- The concerns that you raise do not fall within the scope of this procedure.
- You have not identified any potential sources of evidence which might allow the matter to be investigated.

- The school offered to resolve the matter informally and in my judgement you refused unreasonably to take advantage of this.

If you wish my decision to be reviewed then you may take advantage of (Stage 3 / Stage 4) of the procedure by writing to the Clerk to the Governing Body, care of the school.

Yours sincerely,

Head Teacher/ Principal  
or Chair of Governing Body

**Appendix D**

### **Model letter – Decision notification**

Dear ,

Following receipt of your complaint and careful consideration of all the available relevant evidence, I have concluded that:

- There is insufficient evidence to reach a conclusion, so the complaint cannot be upheld. If you are able to provide additional evidence forthwith I/we will reconsider this decision.

**OR**

- The concern is not substantiated by the evidence in that .....

**OR**

- The concern was substantiated in part/in full, as ..... The school will review its practices/procedures..... with the intention of avoiding any reoccurrence. Parents will be informed in due course of any policy changes.

**OR**

- In order to address fully the matters investigated, the school has initiated appropriate internal procedures. Due to the nature of these procedures, their outcome must remain strictly confidential. We are confident, however, that the circumstances that gave rise to your complaint should not recur.

I hope that we may now put this matter behind us and work together for the benefit of your child's progress.

Yours sincerely,

Head Teacher/ Principal / Chair of Governors/

c.c. Head Teacher/ Principal

**Appendix E**

**Model letter – Review outcome**

Dear ,

Having carefully considered your representations in the context of the relevant evidence, the Governing Body Complaints Committee has concluded that the Complaints Procedure was followed appropriately in respect of your complaint in that .....

Therefore, the matter is now closed as far as the school is concerned.

Or

Having carefully considered your representations in the context of the relevant evidence, the Governing Body Complaints Committee has concluded that the Head Teacher/ Principal followed the Complaints Procedure except .....

Therefore, the following action will be taken .....

Once this action has been completed the school will consider the matter to be closed.

Or

Having carefully considered your representations in the context of the relevant evidence, the Governing Body Complaints Committee has concluded that the Head Teacher/ Principal followed the General Complaints Procedure except that .....

We have determined that this procedural failure did not affect the outcome of the consideration of your complaint so, while we regret this error, we will now consider this matter to be closed as far as the school is concerned.

Yours sincerely,

Chair of Complaints Committee

c.c. Head Teacher/ Principal

**Appendix F**

### **Checklist for a panel hearing**

The panel needs to take the following points into account:

- The hearing is as informal as possible.
- Witnesses are only required to attend for the part of the hearing in which they give their evidence.

- After introductions, the complainant is invited to explain their complaint and be followed by their witnesses.
- The Head Teacher/ Principal may question both the complainant and the witnesses after each has spoken.
- The Head Teacher/ Principal is then invited to explain the school's actions and be followed by the school's witnesses.
- The complainant may question both the Head Teacher/ Principal and the witnesses after each has spoken.
- The panel may ask questions at any point.
- The complainant is then invited to sum up their complaint.
- The Head Teacher/ Principal is then invited to sum up the school's action and response to the complaint.
- Both parties leave together while the panel decides on the issues.
- The Chair explains that both parties will hear from the panel within a set time scale.

The process set out above is based on the Head Teacher/ Principal and complainant being present at the same time. There are occasions where this is not the appropriate arrangement in order to ensure a fair and full consideration of the case. In such cases it is likely that the complaint will be seen first and the Head Teacher/ Principal at a later stage. At the separate meeting with the complainant, the principles set out above should be followed.