



COMPLAINTS PROCEDURE

Sale Grammar School

June 2008

Section A

General Complaints Procedure

Introduction

Parents and pupils should be encouraged to express their views on what goes on within our school so that an early warning of potential difficulties can be communicated to staff. Whilst problems may be relatively few, we believe that it is important for complaints to be dealt with speedily and effectively. Complaints procedures must also be clear for parents, pupils, staff and governors. Therefore, it is important that our procedures are easily accessible, well publicised and that they should always be consistent and fair. Procedures should have clearly defined time limits and where it is not possible for these to be implemented, explanations should be given. The following Complaints Procedure complies with the Education Act 2002, which makes it a statutory requirement for the Governing body to have such a procedure in place. The procedure does not cover those aspects of school life for which there are no specific statutory requirements e.g. complaints about SEN, collective worship, religious education.

Key Principles

- Where possible concerns and complaints should be resolved informally
- Complaints should be dealt with quickly, positively and constructively
- There should be established time limits for action and all parties should be kept well informed of progress
- Any investigations should be full and fair
- The Complaints Procedure is distinct from formal disciplinary proceedings for staff
- All communications should be treated with discretion and confidentiality where appropriate
- All communications should be recorded. It should be made clear to the complainant when information may have to be shared
- It should be at the Headteacher's or Governing Body's discretion to decide whether the gravity of an anonymous complaint warrants an investigation.
- School staff should be familiar with the procedures so that they can advise parents about their operation.
- Complaints will be monitored termly by senior staff and governors



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Procedures

Stage 1: Informal

The vast majority of concerns and complaints can usually be resolved informally. There are many occasions where concerns are resolved straight away, depending on whom the parent first approached. Parents must feel able to raise concerns with members of staff without any formality. The school approach will be as follows:

1. Parents have an opportunity for discussion of their concern with the appropriate member of staff who clarifies with the parent the nature of the concern, and reassures them that the school wants to hear about it. The member of staff may explain to the parent how the situation happened. It can be helpful to identify at this point what sort of outcome the parent is looking for.
2. If the member of staff first contacted cannot deal with the matter quickly a clear note on the relevant pro forma is made of the complainant's name, address/phone number together with the date. A record should be made of the nature of the complaint and what response the member of staff gave
3. The member of staff will refer, if necessary, to the person with responsibility for the particular issue raised by the parent. This referral should be recorded and dated on the appropriate pro forma. It may be that in some circumstances the Headteacher is the person to whom the referral should be made
4. Where a concern relates to the Headteacher, then parents should be advised to contact the Headteacher directly. In such cases, the Chair of Governors will be informed by the Headteacher and parents will be advised to contact the Chair should the matter not be resolved
5. The staff member dealing with the concern must make sure that the parent is clear what action (if any) or monitoring of the situation has been agreed, putting this in writing if this seems the best way of making things clear. Agreed actions and timescales must also be recorded on the appropriate pro forma
6. Where no satisfactory solution has been found within 20 days, parents will be asked if they wish their concern to be considered further. If so they should be given clear information about how to proceed and about any independent advice that may be available to them.



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Stage 2: Formal

Referral to the Headteacher (or designate) for investigation

At this stage it has become clear that the concern is a definite complaint. In some cases the Headteacher may have been involved in looking at the matter; in others it is his/her first involvement.

1. The Headteacher will acknowledge the complaint orally or in writing within 3 working days of receiving the written complaint. The acknowledgement will give a brief explanation of the school's complaints procedure and a target date for providing a response to the complaint. This should normally be written within 10 working days; if this proves impossible, a letter is sent explaining the reason for the delay and giving a revised target date.
2. The Headteacher will provide an opportunity for the complainant to meet him/her to supplement any information provided previously. It will be made clear to the complainant that if s/he wishes s/he may be accompanied to any meeting by a friend who can speak on his or her behalf.
3. If necessary, the Headteacher will interview witnesses and take statements from those involved. If the complaint centres on a pupil, the pupil should also be interviewed. Pupils may be interviewed with parents/carers present. In some situations circumstances may prevent this. If so, another member of staff with whom the pupil feels comfortable should be asked to attend. If a member of staff is complained against the needs of that person will be borne in mind.
4. The Headteacher will keep written records of meetings, telephone conversations, and other documentation.
5. Once all the relevant facts have been established, the Headteacher will then produce a written response to the complainant, or any wish to meet the complainant to discuss/resolve the matter directly.
6. A written response will include a full explanation of the decision and the reasons for it. Where appropriate this will include what action the school will take to resolve the complaint. The complainant is advised that should s/he wish to take the complaint further s/he should notify the Chair of the Governing Body within five weeks of receiving the outcome letter.



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7. If a complaint is against the action of the Headteacher, or if the Headteacher has been very closely involved at Stage 1, the Chair of the Governing Body should carry out all the Stage 2 procedures.

Stage 3: Review by the Governing Body

Although complaints rarely reach this formal level, it is important that the Governing Body is prepared to deal with them when necessary. At this stage, the school should seek advice from any relevant authority e.g. LA

This review must be independent and impartial and it should be clearly demonstrated that it is seen to be so. If an individual governor is approached with a complaint the complainant should be referred directly to the Headteacher. The governor should not normally become involved in the complaints procedure. If an individual governor decides to take up a complaint on behalf of an individual or a group, s/he should not take any part in the formal hearing of the complaint.

Complaints should not be raised at full meetings of the governing body and should not be reported to the governing body until resolved by the appropriate panel and then not in detail.

Parents inevitably see many complaints as being 'against' a particular member of staff. However, complaints reaching this stage will have done so because the complainant has not been satisfied by the Headteacher's response at the earlier stage of the procedure. It may be appropriate for the Governing Body to consider that the complaint is against the school rather than against the member of staff whose actions led to the original complaint.

Procedure for review by the Governing Body

1. Upon receipt of a written request by the complainant for the complaint to proceed to stage 3, the procedures outlined below should be followed.
2. The Chair of the Governing Body should write to the complainant to acknowledge receipt of the written request. The acknowledgement should inform the complainant that the complaint is to be heard by a panel of three members of the school's Governing Body within 20 working days of receiving the complaint. The letter should also explain that the complainant has the right



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- to submit any further documents relevant to the complaint. These must be received in time for the documents to be sent to the panel members.
3. The Chair should arrange to convene a Complaints Panel elected from members of the governing body. It may be necessary for the Governing Body to appoint reserves to this Panel to ensure that three governors are available to carry out their task within the set time.
 4. The Panel members should be governors who have had no prior involvement with the complaint. Governors will want to be sensitive to issues of race, gender and religious affiliation. A chair should be elected.
 5. The Chair of the Panel will ensure that the complaint is heard by the Panel within 20 working days of receiving the letter (2). All relevant correspondence regarding the complaint should be given to each Panel member as soon as the composition of the Panel is confirmed. If the correspondence is extensive, the Chair of the Panel should prepare a thorough summary for sending to Panel members.
 6. The Chair of the Panel will write and inform the complainant, Headteacher, any relevant witnesses and members of the Panel at least 5 working days in advance of the date, time and place of the meeting. The notification to the complainant should also inform him/her of the right to be accompanied to the meeting by a friend. The letter will also explain how the meeting will be conducted and the complainant's right to submit further written evidence to the Panel.
 7. The Chair of the Panel should invite the Headteacher to attend the Panel meeting and to prepare a written report for the Panel in response to the complainant. The Headteacher may also invite members of staff directly involved in matters raised by the complainant to respond in writing or in person to the complaint. Any relevant documents including the Headteacher's report should be received by all concerned - including the complainant - at least 5 working days prior to the meeting.
 8. The involvement of staff other than the Headteacher is subject to the discretion of the Chair of the Panel.
 9. It is the responsibility of the Chair of the Panel to ensure that the meeting is properly minuted.



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10. The aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant. However, it has to be recognised that sometimes it may only be possible to establish the facts and make recommendations that will satisfy the complainant that his/her complaint has at least been taken seriously.
11. The Panel should remember that many parents are unused to dealing with groups of people in formal situations and may feel inhibited when speaking to the Panel. It is therefore recommended that the Chair of the Panel ensures that the proceedings are as informal as possible.
12. If either party wishes to introduce previously undisclosed evidence or witnesses, it is in the interests of natural justice to adjourn the meeting so that the other side has time to consider and respond to the new evidence.
13. The meeting should allow for:
 - the complainant to explain their complaint and the Headteacher to explain the school's response;
 - the Headteacher to question the complainant about the complaint;
 - the complainant to question the Headteacher and/or other members of staff about the school's response;
 - Panel members to have an opportunity to question both the complainant and the Headteacher;
 - either party to have the right to call witnesses (subject to the approval of the Chair of the Panel) and to have the right to question witnesses;
 - final statements by both the complainant and the Headteacher.
14. The Chair of the Panel will explain to the complainant and the Headteacher that the Panel will now consider the evidence presented, and a written decision will be sent to both parties within 15 working days. The complainant, Headteacher, other members of staff and witnesses will then leave.
15. The Panel will then consider the complaint and all the evidence presented and:
 - reach a unanimous, or at least a majority, decision on the complaint;
 - decide upon the appropriate action to be taken to resolve the complaint and, where appropriate;
 - recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not happen again.



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16. A written statement outlining the decision of the Panel must be sent to the complainant and Headteacher. The letter to the complainant should explain how a further appeal can be made, and if so, to whom.
17. The school should ensure that a copy of all correspondence and notes are kept on file in the school's records. These records should be kept separately from the pupil's personal records.

Stage 4: Beyond the Governing Body

4.1 The Secretary of State

Complaints can be taken to the Secretary of State for Education under section 496 of the Education Act 1996 on the grounds that a Governing Body or LEA is acting or proposing to act unreasonably, or under section 497 of the same Act, on grounds that either the Governing Body or the LA has failed to discharge its duties under the Act. The Secretary of State may contact the Governing Body or the LA for more information in order to consider the complaint. These powers relate to both community and voluntary schools.

4.2 The Local Government Ombudsman

Complaints about the maladministration of Local Authority services including the way it operates any general school complaints procedure could be made to the Ombudsman. However the Ombudsman does not look at internal school management matters and usually expects that thorough attention has been given to a complaint locally before investigation



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Pro Forma

Record of Complaint

Member of Staff:

Parent:

Date:

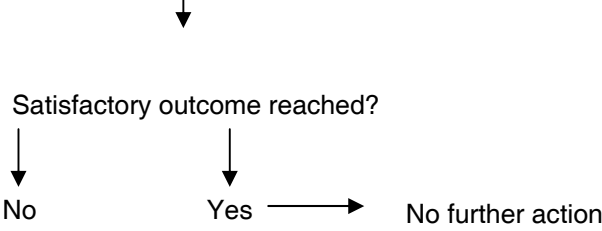
Nature of Complaint

Agreed Action and Timescales

Monitoring

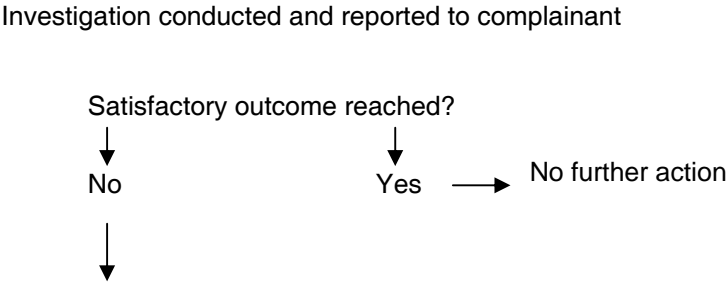
**Stage One:
Informal**

Expression of concern to member of staff



**Stage Two:
Head's
Investigation**

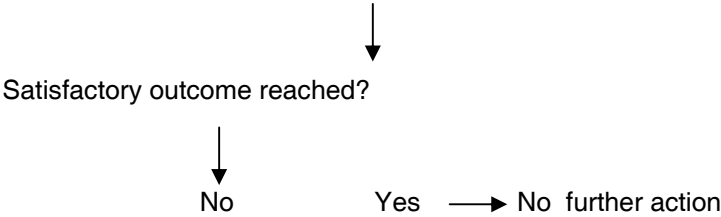
Complainant makes written complaint to Headteacher



**Stage Three:
Governors'
Review**

Complainant makes formal complaint to Governing Body

Panel meeting of governors, complainant and headteacher



**Stage Four:
Beyond the
Governing
Body**

Complainant refers to Secretary of State or to Ombudsman



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MODEL PROCEDURE FOR COMPLAINT APPEAL MEETING

1. Chair to open meeting and explain the procedure
2. The parent will explain the events which have brought about the complaint
3. The headteacher will then be given the opportunity to question the parent
4. The panel will then be given the opportunity to question the parent
5. The headteacher will then put his/her case to the panel
6. The parent will then be given the opportunity to question the headteacher
7. The panel will then be given the opportunity to question the headteacher
8. The parent and headteacher will then be asked to sum up their respective cases
9. The headteacher and parent will be asked to withdraw
10. The panel will deliberate in private and the parties will be advised as to the timescale for a response



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Section B

Procedure for the Consideration of Complaints about the School Curriculum and Related Matters

a) Introduction

The Education Reform Act 1988 requires the establishment of Local Education Authority arrangements, approved by the Secretary of State for Education, for the consideration of complaints about the actions of Governing Bodies and Local Authorities in respect of the School curriculum and related matters. Governing Bodies and heads of Schools have been consulted about these arrangements in general, and the discrete arrangements for R.E. in aided Schools, in particular.

b) Scope of the Arrangements

The areas of the curriculum and related matters, to which this procedure refers, are as follows:

- i) the provision of a curriculum, including religious education and worship, which meets the general requirements of the Education Reform Act 1988;
- ii) the implementation of the National Curriculum and compliance with the Orders and Regulations made about its requirements and exceptions to its provision;
- iii) provision to pupils of compulsory School age of courses leading to an external qualification, but only if that qualification and the associated syllabus criteria have been approved by the Secretary of State;
- iv) provision of religious education and collective worship as required by the relevant Education Acts;
- v) in the case of a Local Authority, the establishment of a Standing Advisory Council on Religious Education (SACRE) and review of the agreed syllabus for the area if the SACRE so required;



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- vi) the need to act reasonably in deciding whether or not to be associated with an application for an exemption from part, or all, of the National Curriculum in order to carry out developmental work;
 - vii) in the case of a Governing Body, consideration of appeals by parents about the temporary withdrawal of pupils from part or all of the provisions of the National Curriculum;
 - viii) operation of charging policies in relation to the curriculum;
 - ix) compliance with regulations about the provision of information;
 - x) compliance with any other enactment in relation to the curriculum.
- c) **Procedure**
- i) In the first instance it is hoped that most cases of dissatisfaction with the curriculum provisions within a School will be settled through amicable discussions between the parents, the Headteacher and teaching staff of the School.
 - ii) Where a complaint has not been settled by the approach set out in c(i), the complainant should set out the complaint in writing to the Head of the School. The Head shall then refer the complaint formally to the Authority's nominated officer who will assess the relevance of the complaint and its urgency in order to ensure that it is dealt with as speedily as is consistent with the arrangements which are to be made. A Committee of Governors of the School, comprising 3 members shall be called within 10 working days upon receipt of the written complaint. The complainant shall be given the opportunity to present the complaint, accompanied by a friend if so wished, to that Committee. There shall be a right of reply by the Headteacher if he/she wishes. After they have considered the complaint the Governors shall inform the complainant, in writing, of the decision, giving reasons for it; explaining any action taken, or proposed to be taken to resolve the complaint and, if they have turned down the complaint, they should explain any possibilities there may be for the complainant to appeal against that decision.



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Where the complaint is concerning religious education or the collective act of worship, the Governors should ensure that their representatives on the complaints Committee are the most appropriate.

The complainant may be accompanied by an interpreter during oral presentations, if required.

- iii) If a complaint has not been resolved by the procedures outlined in paragraphs c(i) and c(ii), the complainant shall have the right to submit the written complaint to a Committee of members of the Education Committee, comprising 3 members, none of whom shall be Governors involved in the Panel outlined at c(ii). Where the complaint is concerning religious education or the collective act of worship, **the Panel** shall, at the discretion of the relevant Diocesan Authority, be supplemented by up to 4 representatives of that Diocesan Authority, none of whom may be Governors involved in the procedure outlined at c(ii).

The Committee shall meet, if possible, within 10 working days upon receipt of the written complaint. The written complaint should be sent to the Authority's nominated officer. The complainant should be given the opportunity to present the complaint personally, accompanied by a friend if so wished, to **the Committee of members**. **The Committee** will inform the complainant in writing of its decision, giving reasons for it, explaining any action taken or proposed to be taken to resolve the complaint and, if they have turned down the complaint, what further opportunity there is for the complainant to appeal against that decision.

The complainant may be accompanied by an interpreter during oral presentations, if required.

- iv) If the complaint is not resolved by any of the procedures set out in paragraphs c(i), c(ii) and c(iii), then the complainant will be advised to submit the complaint to the Secretary of State for Education.

At any stage within the procedure, the complainant will be informed of any requests to those complained against to take specific action.



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d) **Information**

The Authority will:

- i) publish details of this complaints procedure in the information which it provides under the terms of the Education Act 1980
- ii) require schools to include details in school prospectuses
- iii) ensure that a copy of the procedure is available at each individual School, the Education Department and at public libraries for inspection. It is not felt necessary to make the text of these arrangements available in languages other than English at the present time. However, this will be kept under review and arrangements will be made to provide the information in languages other than English, if necessary

e) **Monitoring**

The Headteacher will report back annually to the Governing Body on the number of complaints dealt with at various levels, the time taken to deal with them, and their outcome.

f) **Exceptions**

- 1) The arrangements outlined in this procedure will not cover complaints about the actions of individual Teachers or individual Headteachers.
- 2) The complaints procedure outlined will not cover parental appeals against the special educational provision specified in a statement under the terms of the Education Act 1981. All matters of concern in these circumstances should, in the first instance, be referred to the Local Authority Officer named in the letter accompanying the statement. For such cases the parents have the right of appeal when:
 - i) the first statement of special educational needs is made;
 - ii) the new statement is made after the child is formally reassessed.,



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- iii) the LA amends the statement so as to modify the requirements of all or part of the National Curriculum, or to remove all the requirements of the National Curriculum;
- iv) the LA makes any other amendment to the Special Educational provision in the statement.



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Procedures for Parental Requests and Appeals

1. Parents may ask the Headteacher to give a direction temporarily excepting their child from National Curriculum provisions. They may also ask for any direction that is already in force to be varied, revoked or renewed.
2. The Headteacher will discuss requests with parents and seek to resolve any differences without resort to formal procedures. Should this fail, parents may make a formal request either in writing or orally to the Headteacher. They must give reasons for it.
3. The Headteacher must respond to requests within a fortnight. If the request is accepted, the Headteacher will send copies of the direction or notice of variation or revocation to the parent, the Governing Body and, where appropriate, the LEA.
4. If the Headteacher decides not to meet the request, he or she will write to the parent giving reasons for rejecting it and details of the parent's right of appeal. Copies must be sent to the Governing Body and, in the case of LEA maintained Schools, the Authority. Where the parent may have difficulty in understanding the letter, because of difficulty with reading or with understanding English, the Headteacher should make appropriate arrangements to explain it.
5. If the Headteacher does not respond within a fortnight, the parent has the right of appeal to the Governing Body.
6. The Secretary of State expects Governing Bodies to hear appeals with all due speed. He is proposing that Governing Bodies should have discretion to delegate the hearing of appeals under Section 19 to any member of the Governing Body (except the headTeacher) or to Committees of Governors.
7. The Secretary of State expects Governing Bodies to allow representations from parents, accompanied by a friend if they wish, as well as the Headteacher and other specialist staff if necessary.
8. The Governing Body may either confirm the Headteacher's action or direct him or her to take any other action they consider appropriate within the scope of the Regulations - i.e. give, vary or revoke a direction in the manner permitted. They must notify the parent and Headteacher in writing of their decision.
9. The Headteacher must comply with the Governing Body's decision.



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10. In order to avoid continuing dispute and uncertainty, the Headteacher need not consider more than one request from a parent for a direction to be varied or revoked during the course of that direction. He/she must however consider a further request, if parents choose to make one, once a direction has been renewed.
11. If parents remain dissatisfied, they may make a complaint:
 - a. in the case of LEA maintained Schools, under arrangements made by the LEA and approved by the Secretary of State under Section 23 of the Act;
 - b. in the case of Foundation Schools, under arrangements made by the Governing Body and approved by the Secretary of State in accordance with the School's articles of government.