



**SCHOOL COMPLAINTS PROCEDURE AND
POLICY**
**For resolution of concerns and complaints
2016**

At Trefonen RESPECT is our core value. Mutual respect and good behaviour is the expectation of all adults and children at all times.

Section 1 : Background and underlying principles

Section 2 : Complaints policy

Section 3 : Complaints committee and panel guide

Annex 1: Model letters for complainants

Section 1

Background

Some governing bodies adopt ad hoc complaints procedures, while others have formally adopted procedures the contents of which cover an enormous spectrum. Some of these procedures allow for adversarial hearings and/or numerous appeal stages up to and including Local Authority (LA) level. As a result, school leaders are not infrequently faced with protracted and often spurious complaints. These generate enormous additional workload (100+ hours is not unusual) and tremendous personal stress, particularly where the complainants are aggressive or accusatory. Many of these protracted procedures actually militate against complaint resolution as the focus becomes one of blame allocation and retribution rather than concentrating on taking steps to rectify an error/oversight or preventing a recurrence. We have adopted the policy set out here to maximise resolution and minimise delay and frustration.

Legal framework

Section 409 of the 1996 Education Act allows a Local Authority to make arrangements for the consideration or disposal of any complaint about the unreasonable action of the LA or of a governing body in relation to a statutory duty or power. This includes admissions, the provision of an appropriate curriculum, SEN, and exclusions appeals. Complaints of a more general nature fall outside the remit of this section.

Section 29 of the 2002 Education Act requires governing bodies to establish procedures for dealing with all complaints relating to the school or the provision of facilities or services, **other than** “complaints which fall to be dealt with in accordance with procedures required to be established by other statutory provision”, and to publicise these procedures.

While the majority of complaints received by our school are properly dealt with by other procedures, it is still necessary for our school to have a “general” procedure for the minority of complaints that are not covered by other statutory procedures.

Section 496 of the 1996 Act allows a person to complain to the Secretary of State that a governing body or LA has acted, or is proposing to act, unreasonably with respect to any power conferred or duty imposed by that Act. Such a complaint is unlikely to be successful where a school can show that it has acted reasonably in seeking to resolve a complaint and has used a “fair” procedure.

Informal procedure

As a matter of daily routine, school receives numerous contacts from parents and other interested parties. Many of these will be resolved simply by providing

information or through the arrangement of an informal meeting. Therefore the initial approach should normally be made to the school office, or to the individual member of staff who is likely to be able to provide the necessary information.

In some cases it may be necessary to request a meeting with a senior member of staff. Any such request should be made via the school office, preferably in writing [a model form is provided in Annex 1]. The request will need to include sufficient details to allow the school to decide whether a meeting is necessary, who should be asked to attend the meeting and to make any necessary preparations.

Formal procedure

Where a matter is more serious, or where an informal approach has failed to resolve the issue, it may be raised formally as a complaint. This should be done in writing [again, a model form is provided in Annex 1].

On receipt of the complaint the school will normally arrange a meeting with the complainant to clarify details of their concerns and of the resolution that is being sought. Once the school has this information a decision will then be taken about the need for further investigation and the appropriate procedure to be followed. See Table 1 below which outlines appropriate procedures to be followed depending on the nature of the complaint. This may involve additional meetings with the complainant to obtain further information.

Statute requires every school to have a large number of formal procedures in place. These include those for: pupil behaviour and discipline; exclusion of pupils; staff capability; staff conduct; and for “general” complaints relating to the school or to the provision of facilities or services.

Similarly, statute requires that a number of matters must be dealt with by other bodies, such as the Local Authority: provision to meet special educational needs; failure of a school to provide the National Curriculum; exclusion appeals; admission appeals.

When the school’s procedures have been completed the complainant will be informed that the matter of their complaint has been dealt with and is now closed as far as the school is concerned. The complainant will be provided with as much additional information as is possible in the circumstances, while respecting any right to confidentiality of third parties.

Trefonen CE School complaints policy
Selecting the most appropriate procedure

Any approach may have the potential to develop into a complaint. For that reason it is very important to follow the appropriate procedure from the outset, so that the interests of the individuals may be safeguarded and in order to seek to identify a resolution as quickly as possible.

Therefore our school has clear procedures for receiving enquiries and complaints and an effective mechanism for “triage” as set down below so that they are directed to the appropriate person(s) for resolution.

Table 1: Contact/Complaints Triage Table

Nature of contact	Appropriate person to receive contact	Relevant policy/procedure
Request for published information	School office	Freedom of Information Act Charging Policy
Request for personal pupil information	Head teacher or senior member of staff	Data Protection Act Charging Policy
Complaint about GB policy (content or application of)	Clerk/Chair	General complaints procedure
Concern about provision of facilities or services by the school	Head teacher Chair of GB	General complaints procedure
Allegation about conduct of a member of staff	Head teacher or chair of GB (if the allegation is about the head teacher)	School staff discipline procedure (confidential to school and employee)
Allegation of verbal or physical assault by employee on pupil)	Head teacher or child protection co-ordinator or chair of GB (if the allegation is about the head teacher)	Local child protection procedures (confidential to school, LA child protection officer and parents or carers of the alleged victim)

Allegation about capability of a member of staff	Head teacher or chair of GB (if the allegation is about the head teacher)	School staff competence procedure (confidential to school and employee)
Conduct of another pupil (e.g. bullying)	Head teacher or senior member of staff	School behaviour and discipline procedures (confidential to school and parents or carers of the alleged perpetrator)
Discipline of a pupil	Head teacher or senior member of staff	School behaviour and discipline procedures (confidential to school and parents or carers of the pupil)
Content of /failure to maintain a statement of SEN	Head teacher /SENCO Local Authority	Local Authority procedures
Admissions	Local Authority	Admissions procedure admissions appeal procedure
Exclusion	Local Authority	Exclusion appeal procedure
Failure to provide NC entitlement or inappropriate curriculum	Head teacher clerk to governing body or Local Authority	Local Authority procedure
Extended services	Manager of relevant service or chair of governing body	Procedures of service provider
Decision to remove licence for a person to enter school premises (banning)	Clerk to GB/chair	Governing body appeal committee

General Principles

1. The procedure is designed to ensure that, wherever possible, an informal resolution is attempted.
2. All stages of the complaints procedure should be investigatory rather than adversarial.
3. The procedure is intended to be extended to those persons who may have a legitimate complaint relating to the school and where any complaint may not be pursued through another statutory procedure. (It is anticipated that, primarily, these persons will be parents, as defined by Section 576 of the Education Act 1996, and those with parental responsibility, as defined in the Children Act 1989.)
4. The responsibility for dealing with general complaints lies solely with the school. The procedures of LAs, Diocesan Boards and other agencies are expected to reflect existing legislation and ensure that any complaint received by them, which does not fall to them by statute to resolve, will be redirected to the school immediately and that the complainant be informed accordingly.
5. An anonymous complaint will not be investigated under this procedure unless there are exceptional circumstances. These would include serious concerns such as child protection issues or bullying allegations, where the school would either involve appropriate external agencies or else conduct its own internal review to test whether there is any corroborative evidence which might trigger a formal investigation.
6. There is a mechanism for terminating spurious complaints and those brought by vexatious complainants.
7. In advising complainants of the outcome of their complaint it is important to be most circumspect in the details provided. To do otherwise may prejudice the ability of any employee complained about to continue in post. The release of certain information might be an obstacle to the fair application of disciplinary/capability procedures or otherwise contravene the employee's employment or data protection rights
8. In the event that a complainant believes that the appropriate procedures or process have not been followed by the person(s) dealing with their complaint, the complainant may request that the governing body reviews the *process* that has been followed in order to verify whether the procedure has been adhered to. Any review request that is based solely on dissatisfaction with the outcome, rather than any identified failure to deal with a complaint according to procedure, will not be accepted.
9. Any governors involved in the process should receive prior training for their role.

10. To reduce the likelihood of letters of complaint being directed, say, to the LA, Secretary of State, Councillors, MP, local paper, individual governors, the Diocese or the Bishop, it is important that any potential complainant is aware of the correct channel through which to pursue their complaint. Therefore it is essential that reference is made to the existence of the General Complaints Procedure in the school prospectus and web site.
11. Some existing procedures include a “hearing” stage, where the subject of the complaint is questioned in the presence of the parent or by the parent. The absence of such a stage in this procedure is deliberate as its inclusion creates an opportunity for confrontation, which runs counter to the resolution of any complaint.
12. Complaints not raised within 3 months of the event being complained of will not be considered, save in exceptional circumstances.
13. There is a time scale within which the school will process the complaint. . Investigation of any complaint or review request will begin within 5 school days of receipt of the same, save in exceptional circumstances. The investigation will be completed as soon as reasonably practicable, ideally within 10 school days, save in exceptional circumstances.
14. At all stages a record of the complaint and its investigation (including contemporaneous notes) must be kept. Except in *exceptional* circumstances, an independent third party will be present to keep notes/minutes. The school will ensure safe storage of these records.
15. “Complaints” and “Review request” forms assist the process by focusing the complainant on the importance of being specific about the nature of their complaint and the need to provide evidence or at least to be able to cite relevant incidents.
16. It is unhelpful if a complaint is broadcast to the school community. Therefore the school will make it clear to any person who raises a concern that the school will treat the matter with a high degree of confidentiality and asks the complainant to do likewise.

Vexatious Complainants

The vast majority of complaints are resolved by informal contact. However, there will be occasions when the complainant remains dissatisfied. Problems may arise where the complainants are unreasonable and are not seeking to have a situation remedied but instead are determined to extract retribution for some real or imagined wrong.

The policy for use in such circumstances is a separate stand-alone policy and is available on application the chair of the governing body.

SECTION 2

Trefonen CE School general complaints procedure

General Principles:

- This procedure is intended to allow you to raise a concern or complaint relating to the school, or the services that it provides.
- An anonymous concern or complaint will not be investigated under this procedure, unless there are exceptional circumstances.
- To enable a proper investigation, concerns or complaints should be brought to the attention of the school as soon as possible. In general, any matter raised more than 3 months after the event being complained of, will not be considered.

Raising a concern or complaint

1) Informal Stage

It is normally appropriate to communicate directly with the member of staff concerned. This may be by letter, by telephone or in person by appointment, requested via the school office. Many concerns can be resolved by simple clarification or the provision of information and it is anticipated that most complaints will be resolved by this informal stage.

In the case of serious concerns it may be appropriate to address them directly to the head teacher (or to the chair of the governing body, if the complaint is about the head teacher).

If you are uncertain about who to contact, please seek advice from the school office or the clerk to the governing body.

2) Formal Stage

If your concern or complaint is not resolved at the informal stage you will need to put the complaint in writing and pass it to the head teacher, who will be responsible for ensuring that it is investigated appropriately.

If the complaint is about the head teacher, your complaint should be passed to the clerk to the governing body, for the attention of the chair of the governing body.

A complaint form is provided to assist you (Annex 1)

You should include details which might assist the investigation, such as names of potential witnesses, dates and times of events, and copies of relevant documents.

It is very important that you include a clear statement of the actions that you would like the school to take to resolve your concern. Without this, it is much more difficult to proceed.

Please pass the completed form, in a sealed envelope to the school office. The envelope should be addressed to the head teacher, or to the clerk to the governing body, as appropriate.

The head teacher (or chair) may invite you to a meeting to clarify your concerns and to explore the possibility of an informal resolution. If you accept that invitation, you may be accompanied by a friend, if you wish, to assist you in explaining the nature of your concerns.

It is possible that your complaint will be resolved through a meeting with the head teacher (or chair). If not, arrangements will be made for the matter to be fully investigated, using the appropriate procedure. The following table explains which procedure is followed depending on the type of complaint.

Contact/Complaints Triage Table

Nature of Contact	Appropriate person to receive contact	Relevant Policy/Procedure
Request for published information	School office	Freedom of Information Act Charging policy
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Concern about provision of facilities or services by the school	Head teacher Chair of GB	General complaints procedure
Allegation about conduct of a member of staff	Head teacher or chair of GB (if the allegation is about the head teacher)	School staff discipline procedure (confidential to school and employee)
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Allegation about capability of a member of staff	Head teacher or chair of GB (if the allegation is about the head teacher)	School staff competence procedure (confidential to school and employee)
Conduct of another pupil (e.g. bullying)	Head teacher or senior member of staff	School behaviour and discipline procedures (confidential to school and parents or carers of the alleged perpetrator)
Discipline of a pupil	Head teacher or senior member of staff	School behaviour and discipline procedures (confidential to school and parents or carers of the pupil)
Content of /failure to maintain a statement of SEN	Head teacher /SENCO Local Authority	Local Authority procedures
Admissions	Local Authority	Admissions procedure Admissions appeal procedure
Exclusion	Local Authority	Exclusion appeal procedure
Failure to provide NC entitlement or inappropriate curriculum	Head teacher Clerk to governing body or Local Authority	Local Authority procedure
Extended services	Manager of relevant service or chair of governing body	Procedures of service provider
Decision to remove licence for a person to enter school premises (banning)	Clerk to GB/chair	Governing body appeal committee

If the matter cannot be resolved through the head teacher and/or chair of governors then, provided it is an issue to be dealt with under the General Complaints

Procedure, it will be referred to a panel of 3 governors as part of the investigation. You may bring a friend or family member with you to assist you. Any such request for the matter to be referred to this panel must be made in writing to the chair of governors (see model letters in Annex 1) explaining in detail what the outstanding issue is and what resolution you are seeking

You should learn in writing, usually within 5 days of the school receiving your formal complaint, of how the school intends to proceed. This notification should include an indication of the anticipated timescale.

Any investigation will begin as soon as possible and when it has been concluded, you will be informed in writing of its conclusion.

If you are not satisfied with the manner in which the *process* has been followed, you may request that the governing body reviews the process followed by the school, in handling the complaint. Any such request must be made in writing to the clerk to the governing body, within 10 school days of receiving notice of the outcome, and include a statement specifying any perceived failures to follow the procedure. The procedure described below will be followed. A Review Request form is provided for your convenience.

Review Process

Any review of the process followed by the school will be conducted by a panel of 3 members of the governing body not involved in the original investigation. This will usually take place within 10 school days of receipt of your request.

The review will normally be conducted through a consideration of written submissions, but reasonable requests to make oral representations will be considered sympathetically.

You will learn in writing, usually within 10 days of the panel meeting, of the decision of the panel.

Vexatious complaints

Occasionally despite all stages of the procedure being followed there are occasions when the complainant tries to reopen the complaint. The school does have a Vexatious Complaints Policy that it follows in these circumstances. A copy of this policy is available on request from the chair of the governing Body.

Section 3: General complaints: governing body committee and panel guide.

1.0 Complaints committee and panel

1.1 If the school receives a formal complaint about one of the limited number of matters, that is not dealt with by another statutory process, it may be necessary to convene a governing body panel to consider the matter and formulate a response.

1.2 The complaint is likely to relate to matters such as:

- the content or the application of a governing body policy
- school facilities
- services that the school provides

1.3 The governors' appeal panel is the last school based stage of the complaints procedure, and is not convened merely to rubber stamp previous decisions. Complaints are not normally divulged to the whole governing body as this may compromise the impartiality of any panel set up to review the process or of a possible disciplinary panel.

1.4 The governing body has delegated powers to a complaints committee to:

- draw up its procedures;
- annually review the policy;
- annually review the general nature of all complaints received (it may not be party to all personal detail) so as to monitor trends;
- set up a complaints panel to hear individual complaints in accordance with the general complaints policy;
- make recommendations on policy as a result of the complaint(s).

1.5 The complaints committee will consist of 3 to 5 members of the governing body. The committee will decide the chair.

1.6 In most circumstances 3 members of the complaints committee will be chosen to form the complaints panel for any individual complaint. Each panel will decide the chair.

1.7 All complaint panels will be clerked by an independent Local Authority clerk. The clerk is the contact point for the complainant and is required to:

- set the time, date and venue of the hearing, in writing, giving reasonable notice to all parties;
- collate any written material and send it to the parties in advance of the hearing;
- meet and welcome the parties as they arrive at the hearing;
- record the proceedings;
- notify all parties of the panels' decision.

1.7 All complaints panels will be chaired by a nominated member of the complaints committee. The chair of the complaints panel will ensure that:

- the remit of the panel is explained to all parties;
- each party has the opportunity of putting forward their case;
- key findings of fact are made;
- the hearing is conducted in a non adversarial manner with all parties treating each other with respect and courtesy;
- the panel is open minded and independent;
- no member of the panel has a vested interest;
- no member of the panel has been involved at an earlier stage of the complaint;
- all parties have the opportunity to see and consider written material.

1.8 To avoid confrontation, which runs counter to the resolution of any complaint, the complainant and subject of the complaint will be interviewed separately.

1.9 A meeting of the panel will take place, usually within 10 school days of receipt of the complaint.

1.10 Both the complainant and the member of staff may be accompanied by another person.

The governors' appeal panel is the last school based stage of the complaints procedure unless the complainant believes that the appropriate procedures have not been followed. In this instance the complainant may request a further review is undertaken. It must be emphasised that this stage is purely to look at the process of the complaint and not to revisit the complaint itself.

2.0 Review Meeting

2.1 Any review of the process followed by the school will be conducted by a panel of 3 members of the governing body not involved in the original investigation. This will usually take place within 10 school days of receipt of a written request.

2.2 The review will normally be conducted through a consideration of written submissions, but reasonable requests from any of the parties, to make oral representations will be considered.

2.3 The panel will then invite representatives of the school usually the head teacher or the chair of the governing body panel that has considered the matter, as appropriate, to make a response about the complaint.

2.4 The panel will also have access to the records kept of the process followed.

2.5 If the review panel does interview either party it must do so in accordance with the procedures outlined for the initial panel hearing. It is essential that any such meeting is clerked by an independent Local Authority clerk.

2.6 The complainant and the school representative(s) will be informed in writing of the outcome, usually within 5 school days of the panel meeting.

2.7 The matter will then be closed as far as the school is concerned.

ANNEX 1

Trefonen CE School meeting request form

I wish to meet to discuss the following matter:

Brief details of topic to be discussed:

Dates/times when it would be most convenient for a meeting:

Your name:
Relationship with school (e.g. parent or carer of a pupil on the school roll):
Pupil's name (if relevant to the matter to be discussed)
Your address:

Telephone numbers
Daytime: Evening:
e-mail address:

Signed

Date

[Please complete this form and return it to the school office]

School use:
Date Form received: Date response sent:
Received by: Response sent by:

Trefonen CE School formal complaint form

Please complete this form and return it, via the school office, to the Head Teacher (or Clerk to the governing body), who will acknowledge its receipt and inform you of the next stage in the procedure.

Your name:

Relationship with school (e.g. parent or carer of a pupil on the school roll):

.....

Pupil's name (if relevant to your complaint):

.....

Your address:

Telephone numbers

Daytime:

Evening:

e-mail address:

Please give concise details of your complaint, (including dates, names of witnesses etc...), to allow the matter to be fully investigated.:

You may continue on separate paper, or attach additional documents, if you wish.

Number of additional pages attached =

What action, if any, have you already taken to try to resolve your complaint? (i.e. who have you spoken with or written to and what was the outcome?)

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

Signature:

Date:

School use:
Date form received:
Received by:
Date acknowledgement sent:
Acknowledgement sent by:

Complaint referred to:			
Date:			

Trefonen CE School complaint review request form

Please complete this form and return it to Head Teacher (or Clerk to the governing body), who will acknowledge its receipt and inform you of the next stage in the procedure.

Your name:

Your address:

Telephone numbers:

Daytime:

Evening:

e-mail address:

Dear Sir

I submitted a formal complaint to the school on and am dissatisfied by the procedure that has been followed.

My complaint was submitted to and I received a response from on

I have attached copies of my formal complaint and of the response(s) from the school.

I am not satisfied that me complaint has been adequately addresses
or

I am dissatisfied with the way in which the procedure was carried out, because:

You may continue on separate paper, or attach additional documents, if you wish.
Number of additional pages attached =

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

Signature:

Date:

School use
Date form received:
Received by:
Date acknowledgement sent:
Acknowledgement sent by:

Request referred to:			
Date:			

Summary of Process to Resolve Complaints



