



COMPLAINTS POLICY AND PROCEDURE

St Nicholas School is working towards the UNICEF Rights Respecting School Award and promotes rights respecting values in all its policies



The Governing Body of St Nicholas School formally adopted this policy on 12th March 2020

To be reviewed March 2022

Signed _____

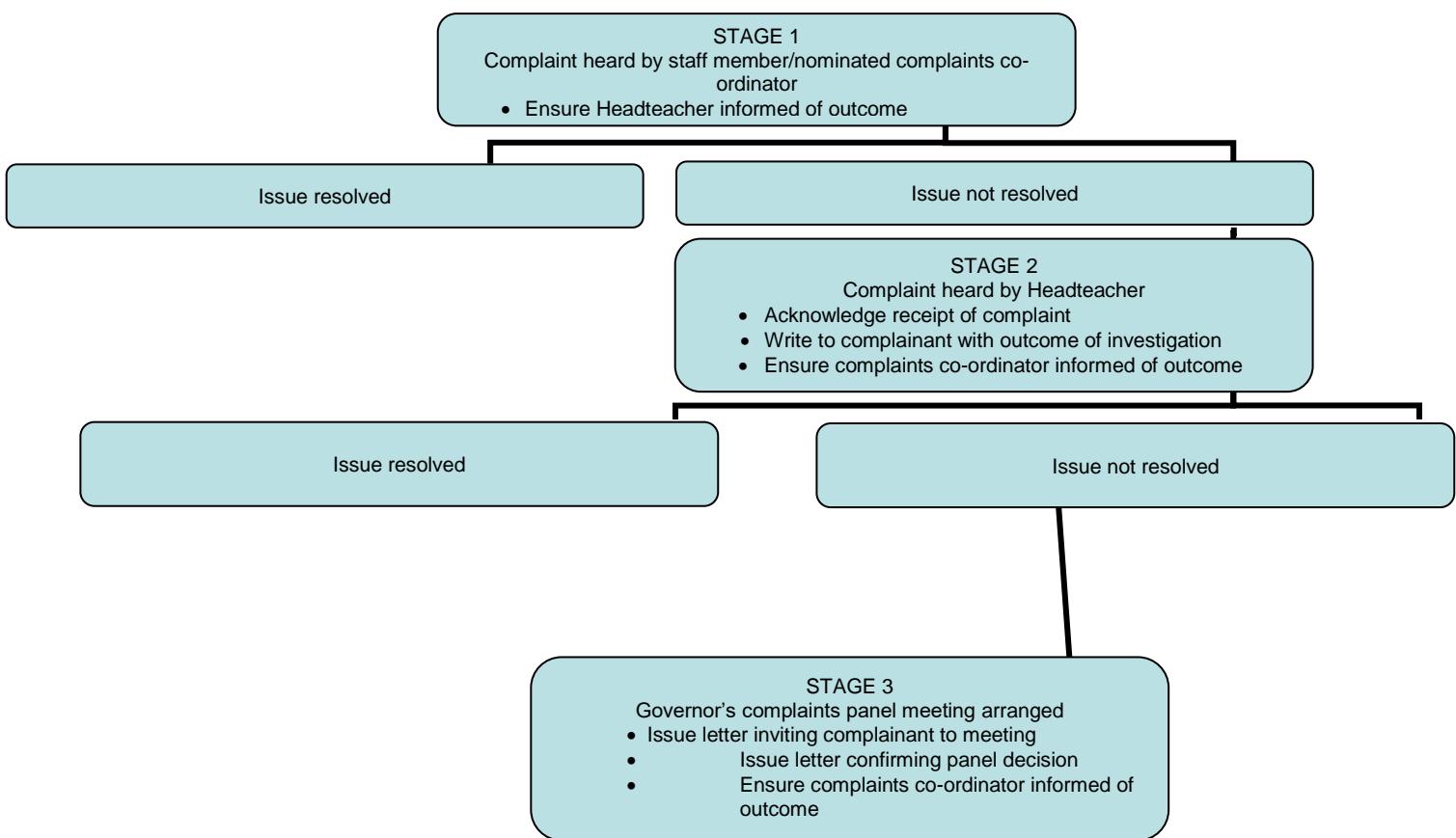
Headteacher

Signed _____

Chair of Governors

Flowchart

Summary of Dealing with Complaints



Summary

Making a Complaint.

If you wish to make a complaint relating to the curriculum and related matters please phone or make an appointment to talk to the Headteacher first. We hope that your complaint can be discussed and resolved at this level. However if you do not feel your complaint has been dealt with you should write to the Governing Body.

This document gives the detailed procedures relating to the reporting, investigation and handling of complaints to the school, and further actions that may be taken by a complainant.

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1. Introduction

The school's Governors and the Headteacher are committed to providing the best educational experience they can for all pupils attending this school. They recognise the value to all concerned of dealing fairly, speedily and effectively with any complaint against their decisions, actions or omissions which a pupil or parent or other aggrieved person may have. To this end, they have adopted the underlying principles and procedures set out here.

2. Underlying Principles

- The principles guiding the school's procedure for handling complaints are that it should:
- encourage resolution of problems by **informal** means wherever possible;
- be easily **accessible** and **publicised**;
- be **simple** to understand and use;
- be **impartial**;
- be **non-adversarial**;
- allow **swift** handling with established **time-limits** for action and keeping people informed of the progress;
- ensure a full and **fair** investigation by an independent person where necessary;
- respect people's desire for **confidentiality**;
- address all the points at issue and provide an **effective** response and **appropriate** redress, where necessary;
- provide **information** to the school's senior management team so that services can be improved.

Complainants will be treated seriously and courteously and given the time they require to be heard. It is important to the school that complainants have confidence in these procedures and know that their cases will be impartially investigated.

Complainants will be advised at the earliest possible stage of:

- the scope, if any for pursuing their complaint and the extent of the procedure for dealing with it;
- the way in which the complaint is likely to be handled

Complaints will be dealt with as quickly and effectively as possible, adhering to time limits laid down for responding to complainants at each stage of the procedure. Everyone involved will adhere to the procedures for the hearing of complaints.

3. Definition of a complaint

A 'complaint', within the terms of the procedures described here is an expression of dissatisfaction, however made, by a person or persons with a legitimate interest in the school but not being employed at the school, about the standard of teaching of members of the teaching staff, or about the conduct, actions or omissions of members of the teaching or non-teaching staff employed at the school.

4. Definition of a complainant

A proper complainant is someone:

- who allegedly has been wronged; or
- whose child(ren) has been wronged, i.e., a parent, guardian or other person with parental responsibility; or
- someone representing a person in one of the above groups, for example, a Councillor

Where a complainant is a pupil under the age of 18 years, the complaint may be pursued only by, or on behalf of, the child's parent or other guardian. Where someone other than a pupil or parent

is pursuing a complaint on their behalf, this can be done only with the consent of the pupil or parent.

5. Handling complaints of various kinds

Where there are established statutory or other procedures for disposal of a complaint, those will be followed. Areas to which this applies are:

Parental choice of School

This is a matter for the Local Authority in the case of maintained special schools .

Complaints about the Curriculum (Section 23)

Law requires the LA, to have arrangements in place for parental complaints in respect of the delivery of the national curriculum and collective worship in schools.

The LA's arrangements are set out in detail in a booklet that is available the Education Department.

Temporary disapplication's of the National Curriculum

Section 19 of the Education Reform Act 1988 sets out the right of appeal to the governing body in respect of the conditions whereby a Headteacher may determine that aspects of the National Curriculum will not apply to a particular pupil for a specified length of time.

Appeals to Special Education Needs Tribunal

Details for parents of when they can appeal to the Tribunal are set out in the booklet "Statutory Assessment of Children with Special Educational Needs Information for Parents".

Copies of the booklet can be obtained from Croydon Education Department.(SEN)

Exclusions from Schools

The Education (Nº. 2) Act 1986, amended by the Education Act 1993, sets out the procedures for exclusion and the rights of parents.

6. Complaints not covered by established procedures

Those complaints for which there is no other established procedure will be handled in the manner set out below. The procedure has three distinct stages one informal and two formal stages. If the complainant is not satisfied with the second formal stage the hearing by the governors she/he has the right then to pursue the complaint with the Secretary of State for Education or the office of the Ombudsman.

7. The Procedure

Stage 1 Informal Stage

All complaints, however received, will be reported to the Headteacher, who is the designated complaints officer. The Headteacher may refer the complaint to an appropriate member of staff to act as the complaints co-ordinator who will attempt to resolve the matter. That member of staff will have a duty to inform the Headteacher if any issue is not resolved after discussion with the complainant. The complainant can, if she/he chooses, raise their concern with the LA at the informal stage.

Where the complaint concerns the Headteacher, the complaints co-ordinator can refer the complainant to the Chair of Governors. Where the first approach is made to a governor, the next step would be to refer the complainant to the appropriate person and advise them about the procedure

If further attempts to resolve the complaint informally are not successful, the Headteacher may decide to involve officers from the LA.

The Headteacher has the discretion to omit the informal stage where the circumstances or nature of the complaint make this appropriate.

If the complaint is not upheld, the complainant should receive a written explanation of the decision whereby the complaint is not upheld.

If the issue remains unresolved to the complainant's satisfaction, he/she will be advised in writing how to proceed to the formal stage of this procedure. A complainant will receive a response within 15 working days of making the complaint unless there is a good reason not to do so.

Stage 2 Headteacher

Where it has not been possible to achieve an informal resolution acceptable to the complainant, the complainant will be given a copy of this document and encouraged to put their complaint in writing to the Headteacher. It shall be open to the complainant to ask for the complaint to be considered at this level without it being put in writing.

The Headteacher will decide whether he/ she wishes the LA to investigate the complaint. If the Headteacher decides to investigate the complaint he/ she will be excluded from hearing the complaint at stage 3.

The Headteacher will write to the complainant acknowledging the complaint and inform the complainant how it will be handled at this stage.

The Headteacher or the LA will offer the complainant an interview, at which the complainant will be able to set out fully the grounds for the complaint. Where further time is needed after the interview to investigate the matter further, this will be stated at the interview and a time limit agreed upon.

Following the interview, a written record of the interview will be made and a written record made of any further investigations.

The outcome of any consideration by the LA or the Headteacher might be:

- (i) no further action, with reasons given;
- (ii) action within the Headteacher's own powers; or
- (iii) referral to the appropriate committee of the governing body for consideration

The complainant will be notified in writing of the outcome and also informed of the next formal stage if they are not satisfied.

Stage 3 Complaint to the Governing Body.

If the complainant is not satisfied by the outcome of the previous stage, the complainant must indicate this to the Clerk to the Governors, and if this has not already been done, set out the grounds for the complaint in Writing.

A committee of the governors who have had no prior involvement in the complaint will hear the complaint.

Where appropriate, the committee will seek the advice of the LA and will consider this advice before making a decision.

The committee will meet within 15 school days of the complaint being received by the clerk to the governors, at a time convenient to all parties, at the school or an alternative venue acceptable to the complainant.

The complainant will be invited, with a friend if she/he wishes, to attend the meeting of the committee, which will be conducted in accordance with laid down procedures.

The Headteacher will also attend the meeting and also an officer from the LA if the LA was invited to investigate at the second stage.

After the statements have been made and questions answered, the complainant and the Headteacher will withdraw to allow the committee to consider the matter.

The committee's decision will be notified to all parties as soon as possible after the meeting. The outcome will be one of the following:

- (a) no further action, with reasons given;
- (b) a recommendation for action to the Headteacher; or,
- (c) a recommendation for action to the governing body or to another of its Committees.

8. Further Stages

It is open to the complainant to pursue their complaint with the Department for Education. The governing body will give full consideration to any recommendations or directions the Secretary of State may make. The complainant will be advised of this course of action should they remain dissatisfied with a decision made by the governors' committee. Complainants should refer to annex A for recommended route to complain via the DfE

Section 29 of the Education Act 2002 requires that:

- (1) The governing body of a maintained school (including a maintained nursery school) shall –
 - (a) establish procedures for dealing with all complaints relating to the school or to the provision of facilities or services under section 27, other than complaints falling to be dealt with in accordance with any procedures required to be established in relation to the school by virtue of a statutory provision other than this section, and
 - (b) publicise the procedures so established.
- (2) In establishing or publicising procedures under subsection (1), the governing body shall have regard to any guidance given from time to time (in relation to England) by the Secretary of State.

Section 39 of the Education Act 2002 provides the following:

“maintained school” means a community, foundation or voluntary school, a community or foundation special school or a maintained nursery school;

“maintained nursery school” means a nursery school which is maintained by a local education authority and is not a special school;

Complaint form

Please complete and return to(Headteacher) who will acknowledge receipt and explain what action will be taken.

Your name:

Pupil's name:

Your relationship to the pupil:

Address:

Postcode:

Day time 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 at this stage?

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

Signature:

Date:

Official use

Date acknowledgement sent:

By who:

Complaint referred to:

Date:

Guidance Notes for Conducting the Complaints Procedure

Stage One: Complaint Heard by Staff Member

It is in everyone's interest that complaints are resolved at the earliest possible stage. The experience of the first contact between the complainant and the school can be crucial in determining whether the complaint will escalate. To that end, if staffs are made aware of the procedures, they know what to do when they receive a complaint.

It would assist the procedure if the school respected the views of a complainant who indicates that he/she would have difficulty discussing a complaint with a particular member of staff. In these cases, the complaints co-ordinator can refer the complainant to another staff member. Where the complaint concerns the Headteacher, the complaints co-ordinator can refer the complainant to the chair of governors.

Similarly, if the member of staff directly involved feels too compromised to deal with a complaint, the complaints co-ordinator may consider referring the complainant to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the complaint objectively and impartially is crucial.

Where the first approach is made to a governor, the next step would be to refer the complainant to the appropriate person and advise them about the procedure. It would be useful if governors did not act unilaterally on an individual complaint outside the formal procedure or be involved at the early stages in case they are needed to sit on a panel at a later stage of the procedure.

Stage Two: Complaint Heard by Headteacher

The Headteachers influence will already have shaped the way complaints are handled in the school. At this point, the complainant may be dissatisfied with the way the complaint was handled at stage one as well as pursuing their initial complaint. The head may delegate the task of collating the information to another staff member but not the decision on the action to be taken.

Stage Three: Complaint Heard by Governing Bodies Complaints Appeal Panel

The complainant needs to write to the Chair of Governors giving details of the complaint. The Chair, or a nominated governor, will convene a GB complaints panel.

The governors' appeal hearing is the last school-based stage of the complaints process, and is not convened to merely rubber-stamp previous decisions.

Individual complaints would not be heard by the whole GB at any stage, as this could compromise the impartiality of any panel set up for a disciplinary hearing against a member of staff following a serious complaint.

The governing body may nominate a number of members with delegated powers to hear complaints at that stage, and set out its terms of reference. These can include:

- drawing up its procedures;
- hearing individual appeals;
- making recommendations on policy as a result of complaints.

The procedure adopted by the panel for hearing appeals would normally be part of the school's complaints procedure. The panel can be drawn from the nominated members and may consist of three or five people. The panel may choose their own chair.

The Remit of the Complaints Appeal Panel

The panel can:

- dismiss the complaint in whole or in part;
- uphold the complaint in whole or in part;
- decide on the appropriate action to be taken to resolve the complaint;
- recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not recur.

There are several points which any governor sitting on a complaints panel needs to remember:

- a. It is important that the appeal hearing is independent and impartial and that it is seen to be so. No governor may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it. In deciding the make-up of the panel, governors need to try and ensure that it is a cross-section of the categories of governor and sensitive to the issues of race, gender, and religious affiliation.
- b. The aim of the hearing, which needs to be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant. However, it has to be recognised the complainant might not be satisfied with the outcome if the hearing does not find in their favour. It may only be possible to establish the facts and make recommendations, which will satisfy the complainant that his or her complaint has been taken seriously.
- c. An effective panel will acknowledge that many complainants feel nervous and inhibited in a formal setting. Parents often feel emotional when discussing an issue that affects their child. The panel chair will ensure that the proceedings are as welcoming as possible. The layout of the room will set the tone and care is needed to ensure the setting is informal and not adversarial.
- d. Extra care needs to be taken when the complainant is a child. Careful consideration of the atmosphere and proceedings will ensure that the child does not feel intimidated. The panel needs to be aware of the views of the child and give them equal consideration to those of adults. Where the child's parent is the complainant, it would be helpful to give the parent the opportunity to say which parts of the hearing, if any, the child needs to attend.
- e. The governors sitting on the panel need to be aware of the complaints procedure.

Roles and Responsibilities

The Role of the Clerk

The Department strongly recommends that any panel or group of governors considering complaints be clerked. The clerk would be the contact point for the complainant and be required to:

- set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible;
- 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 panel's decision.
-

The Role of the Chair of the Governing Body or the Nominated Governor

The nominated governor role:

- check that the correct procedure has been followed;
- if a hearing is appropriate, notify the clerk to arrange the panel;

The Role of the Chair of the Panel

The Chair of the Panel has a key role, ensuring that:

- the remit of the panel is explained to the parties and each party has the opportunity of putting their case without undue interruption;
- the issues are addressed;
- key findings of fact are made;
- parents and others who may not be used to speaking at such a hearing are put at ease;
- the hearing is conducted in an informal manner with each party treating the other with respect and courtesy;
- the panel is open minded and acting independently;
no member of the panel has a vested interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure;
- each side is given the opportunity to state their case and ask questions;
- All parties see written material. If a new issue arises it would be useful to give all parties the opportunity to consider and comment on it.

Notification of the Panel's Decision

The chair of the panel needs to ensure that the complainant is notified of the panel's decision, in writing, with the panel's response; this is usually within a set deadline that is publicised in the procedure. The letter needs to explain if there are any further rights of appeal and, if so, to whom they need to be addressed.

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 Headteacher may question both the complainant and the witnesses after each has spoken.
- The Headteacher is then invited to explain the school's actions and be followed by the school's witnesses.
- The complainant may question both the Headteacher 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 Headteacher is then invited to sum up the school's actions 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.

Agreed

Signed

Chair of Governors