

# The James Oglethorpe Primary School

## Complaints Policy and Procedures



<b>Policy Review Date</b>	October 2016
<b>Date of next Review</b>	October 2020
<b>Approved by Governing body</b>	
<b>Name:</b>	<b>Signed:</b>
<b>Role:</b>	<b>Date:</b>

## **COMPLAINTS POLICY AND PROCEDURE**

### **Rationale: Background and Legal Framework**

The 1998 School Standards and Framework Act required governing bodies, in accordance with regulations, to establish procedures dealing with non-statutory complaints and to publicise their procedures. No such regulations were made by the Secretary of State.

The 2002 Education Act has established that all governing bodies must have complaints procedures in place by September 2003 and must have regard to guidance given by the Secretary of State. The DfES issued via its website, guidance regarding a model policy for governing bodies to consider and to adopt or adapt as appropriate. ***This policy is based on that model.***

In terms of LEA statutory duties or powers, procedures are already in place to deal with such issues as admissions, the provision of an appropriate curriculum, SEN and exclusions. In relation to a non-statutory complaint, there is no statutory right of appeal by a complainant to an LEA or Diocesan Board.

Further advice has been provided by Havering LEA and that is included at the end of this policy.

### **Section 1 - Complaints about the actions of a member of staff other than the Head Teacher**

#### **Informal Stage**

Most parental concerns can be adequately resolved by discussion with the class teacher or with other members of staff who may be the object of the complaint. There will be no need for the complaint to be put in writing which would formalise matters and may lead parents to feel less prepared to articulate concerns perhaps because of fear that such action may prejudice the interests of their child. In the case of serious concerns it may be appropriate to address them directly to the Head Teacher or a designated member of the Senior Management Team.

#### **Formal Stage**

If the complainant is not satisfied with the response received they should put their complaint in writing. This may be to the Head Teacher or a designated member of the Senior Management Team. The complainant should normally have a response within 15 school days of contacting the senior member of staff.

The complainant should include details, which might assist the investigation, such as names of potential witnesses, dates and times of events, and copies of relevant documents. In addition the Head Teacher may meet with the complainant to clarify the complaint.

The Head Teacher, or other designated member of staff, will collect such other evidence as he/she deems necessary. Where this involves an interview with a member of staff, he/she may be accompanied by a friend or representative if they wish.

The investigation will begin as soon as possible and when it has been concluded the complainant, and the member of staff concerned, will be informed in writing of the outcome.

This may be to the effect that:

- There is insufficient evidence to reach a conclusion, so the complaint cannot be upheld.
- The concern is not substantiated by the evidence.
- The concern was substantiated in part or in full (some details may then be given of action the school may be taking to review procedures etc but details of the investigation or of any disciplinary procedures must not be released).
- The matter has been fully investigated and appropriate procedures are being followed, which are strictly confidential.

The complainant will be told that consideration of their complaint by the Head Teacher is now concluded.

If the complainant is not satisfied with the manner in which the process has been followed, the complainant may request the Governing Body to review the process followed by the Head (see section 3). Any such request must be put in writing within two school weeks of receiving notice of the outcome from the Head Teacher, and include a statement specifying any perceived failures to follow procedure.

If the complainant considers that the decision of the Head Teacher is perverse, or that the Head Teacher has acted unreasonably in considering the complaint, then the complainant may bring a complaint against the Head Teacher as detailed in section 2 below.

## **Section 2 - Complaints about the actions of the Head Teacher**

### **Informal Stage**

The complainant is usually expected to arrange to speak directly with the Head Teacher, except in the case of serious concerns when it may be appropriate to raise them directly with the Chair of the Governing Body. Many concerns can be resolved by simple clarification or the provision of information. If the matter is not resolved, if both parties agree, then a third party may be invited to act as a mediator at a further meeting.

### **Formal Stage**

If the complaint is not resolved at the informal stage the complainant must put the complaint in writing to the Chair of the Governing Body who will arrange for its investigation.

The complainant should include details, which might assist the investigation, such as names of potential witnesses, dates and times of events and copies of relevant documents. In addition the complainant will be invited to meet with the chair to present oral evidence or to clarify the complaint. The Chair will collect such other evidence as is deemed necessary. This may include the interviewing of witnesses and others who may provide relevant information.

The Head Teacher will be provided with a copy of the complaint and any additional evidence presented by the complainant or collected by the Chair.

Once there has been an opportunity for the Head Teacher to consider this, he/she will be invited to meet separately with the Chair, in order to present written and oral

evidence in response. The Head Teacher may be accompanied at this meeting by a friend or representative.

When the investigation has been concluded, the complainant and the Head Teacher will be informed in writing of the outcome. The complainant will not be informed of any disciplinary/capability action. The whole process should be concluded within 20 school days.

The complainant will be told that consideration of their complaint by the Chair is now concluded.

If the complainant is not satisfied with the manner in which the process has been followed, the complainant may request that the Governing Body review the process. Any such request must be made in writing within 2 school weeks of receiving notice of the outcome from the Chair, and include a statement specifying any perceived failures to follow the procedure.

### **Section 3 - Review of Complaint's Process by Governing Body Panel**

Any review of the process followed by the Head Teacher or the Chair of Governors shall be conducted by a panel of three members of the Governing Body. It should be noted, however, that if any of the governors have been involved directly or indirectly with the case then they must not form part of the panel.

The panel is established to review the process not the decision taken by the Head Teacher or Chair of Governors, following the receipt of a formal complaint. However, when a parent writes to the panel seeking a review it will not be clear until the panel meets, whether or not this is a matter of process or simple dissatisfaction with the decision reached. The first task of the panel, therefore, is to determine the nature of the request.

If the panel forms the view that it is a matter of the complainant being dissatisfied with the decision reached then the panel will not take the matter any further\*. If however, the complainant is concerned that the process undertaken by the Head Teacher or the Chair of Governors was not in accordance with the published process then the panel will continue their review.

The panel may receive evidence from the complainant orally, who may be accompanied by a friend or relative, or representative if they wish, and/or in writing. The complainant may submit relevant documentary evidence. In addition, the panel will meet separately with the Head Teacher or the Chair, as appropriate, to receive an account of the procedure which has been followed. This account may be presented orally and in writing. The panel will also have access to the records kept of the process followed.

The complainant and the Head Teacher or the Chair, as appropriate, will be informed in writing of the outcome, normally within 20 school days from the beginning of the review.

This may be to the effect that:

- There is insufficient evidence to reach a conclusion, so the complaint cannot be upheld
- The concern is not substantiated by the evidence
- The concern was substantiated in part or in full, but that the procedural failure did not affect the outcome significantly, so the matter is now closed
- The concern was substantiated in part or in full and the Governing Body will take reasonable steps where practical to prevent a recurrence or to rectify the situation.

*\*The nature of the complaint may give the panel cause to consider it in the best interests of the school to review even if it is clear that it is not about due process. It must be made clear to all parties that the panel is not empowered to overturn the judgement of the Head Teacher or Chair but could refer it back for further consideration if they feel uneasy about the initial judgement. Should they review the case on this basis they will follow the same procedure as laid down for the Chair of Governors in investigating a complaint against the Head Teacher.*

#### **APPENDICES FOR PARENTS**

Attached to this model policy is a model complaint form that parents may use.

### The James Oglethorpe Primary School Complaint Form

Please complete this form and return it to the Head Teacher who will acknowledge its receipt and inform you of the next stage in the procedure.

Your name: .....

Relationship with school [ e.g. parent of a pupil on the school's roll ]:

.....

Pupil's name [ if relevant to your complaint ]:

.....

Your Address:

Daytime telephone number: .....

Evening telephone number: .....

Please give 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 paperwork, 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: \_\_\_\_\_ Name: \_\_\_\_\_

Date: \_\_\_\_\_

**School use only:**

Date Form received:

Received by:

Date acknowledgement sent:

Acknowledgement sent by:

Complaint referred to:			
Date:			

## **London Borough Of Havering- Education Service**

### **General (non-statutory) Complaints Procedure for Maintained Schools:**

In considering the issues involved in establishing complaints procedures, Havering LEA would like to offer advice and guidance to schools and governing bodies in order for them to establish an appropriate policy. The sections detailed below are therefore intended to inform schools and governing bodies accordingly.

#### **General Principles**

- It would seem reasonable to limit the right of access to any procedure to parents and those with parental responsibility.
- Procedure should be designed to ensure that, wherever possible, resolution is achieved through an informal process.
- All stages of the complaints procedure must be investigatory rather than adversarial.
- Any procedure should include provision that “An anonymous complaint will not be investigated under this procedure unless there are exceptional circumstances.”
- The responsibility for dealing with general complaints lies with the school. Any non-statutory complaint received by the LEA will be redirected to the school and the complainant informed accordingly.
- There should be a mechanism for terminating spurious complaints and those brought by vexatious complainants.
- Advice to complainants of the outcome of their complaint must not include confidential information as this could be prejudicial in terms of employer/employee relationships. It is important therefore to be circumspect in the information provided.
- In the event that a complainant believes that the appropriate investigative procedures have not been followed, the complainant may request the Governing Body to review the matter. A review panel of three governors should be established for this purpose from a pool of, for example, five. Any request that is based purely on dissatisfaction with the outcome should be rejected although there could be limited exceptions to this position.
- Governors involved in the process should receive prior training for their role.
- As well as clear time scales for lodging and processing complaints, there needs to be a definite end-point to any procedure whereafter the matter is closed as far as the school is concerned.
- It is important that any potential complainant is aware of the correct channel through which to pursue their complaint. This will reduce the likelihood of letters of complaint being sent to the LEA, Secretary of State, Councillors, MP, local press etc.

**Therefore it is essential that reference is made to the existence of the General Complaints Procedure, in the school prospectus.**