



# Church Valley Schools Federation

## Complaints Policy



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## 1. Introduction

Complaints against a school can take many forms e.g. they may be to do with actions of members of staff or policies of the governing body. It is a statutory requirement that all maintained schools have in place a procedure to deal with all complaints relating to their school and to any community facilities or services that the school provides. This does not limit complainants to parents or carers of pupils registered at school. A complainant could be a member of the wider community or representing an ex-pupil. The law also requires the procedure to be published.

This document offers heads and governors guidance and a detailed model policy to assist in drawing up the school's own procedure.

It is recommended that governors ensure that any third party providers offering community facilities or services through the school premises, or using school facilities, have their own complaints procedure in place.

## 2. Principles of an effective complaints procedure

The model procedure is based on principles which can be found in any effective complaints system. It should:-

- be easily **accessible** to all and **well-publicised**;
- be **simple** to understand and use;
- be **impartial**;
- be **non-adversarial**;
- encourage resolution of problems by **informal** means wherever possible;
- ensure a full and fair **investigation** for all parties;
- allow **swift** but **robust** resolution, with established **time limited** guidelines for action and keeping parties informed of progress;
- respect people's desire for **confidentiality**;
- address all the points at issue, and provide an **effective** response and if appropriate redress;
- provide information to the senior management team and/or governing body so that services and procedures can be reviewed and improved if appropriate.

For the complainant it is important that the procedure enables them to:-

- be given the time and opportunity to clarify the complaint and explain their desired outcome.
- receive adequate notice of the time, date and place of any necessary meeting to discuss the complaint. This should normally be not less than five school days' notice.
- be accompanied by a friend and, if needed, an interpreter at any such meeting.

- receive a written report of the decision, the reasons, and any action it is proposed to take and to have this in an accessible format.

### **3. Exceptions to school procedures**

For most complaints a governing body should determine its own procedures on how it intends to address them. The exceptions to this are when set procedures need to be followed:-

#### **Admission to a School**

If parents are unsuccessful in their application for a place for their child at a school they have the right of appeal to an Independent Appeal Panel.

Parents will be informed of how to make their appeal when they are notified their application has been unsuccessful.

#### **Failure to Assess a Child's Educational Needs**

If parents consider the LA has failed to assess their child's special educational needs they have the right of appeal to an independent appeals tribunal.

If a parent formally requests the LA to carry out a statutory assessment in accordance with Section 36 of the Children and Families Act the LA must comply with that request unless it concludes that it is not necessary. Parents will be notified and given full details of how to appeal to the Special Educational Needs Tribunal against the LA's decision.

In such cases the appeal is against the LA, not the school itself.

#### **Exclusion of Children from School**

Only the head teacher of a school/academy can exclude a pupil which must be on disciplinary grounds. The exclusion can be for either a fixed period of time or a permanent exclusion. Informal or unofficial exclusions are unlawful, regardless of whether they occur with the agreement of parents or carers. Any exclusion of a pupil, even for a short period, must be formally recorded. If parents are not in agreement with the decision of the Head Teacher to exclude, they can appeal to the governing body of the school/academy that have a duty to consider parents representations.

Information on the procedures can be found in the DfE's Exclusion from maintained schools, Academies and pupil referral units in England. If the exclusion is permanent, parents have the right to make a further appeal to an Independent Review Panel.

#### **4. Other procedures that may affect the investigation of the complaint.**

There are a number of areas where agreed procedures impact on the school complaints process. In such cases these procedures should be read in conjunction with this guidance and your school complaints policy and advice taken before or during any investigation. These are:-

##### **Disciplinary Policy**

If at any time during the investigation, there appears to be a potential disciplinary issue in respect of an employee, the school's disciplinary policy must be invoked and no further action taken under the complaints procedure until this has been resolved/concluded. Advice should be sought from your HR adviser.

It would be reasonable to advise a parent that the issue has been referred to a disciplinary process. It would also be appropriate following this to confirm that sanctions have been taken (although not the detail) or alternatively that the outcome is that there hasn't been any disciplinary finding.

##### **Employee Grievance Policy**

The schools complaints policy should not be used for complaints by members of staff. The schools grievance policy enables employees to complain about the actions of other members of staff, the headteacher or governor(s) and is a separate procedure to the complaints policy, which is intended for parents and other members of the community not employed by the school. Advice should be sought from your HR adviser.

##### **Guidance on Child Protection Matters**

The LA and other agencies responsible for children have a duty under the Children Act 2004 to safeguard and promote the welfare of all children. As part of this, detailed child protection procedures have been developed which outline the steps which must be taken in cases of alleged abuse. This has been supplemented by guidance from the Council (for further information contact the Local Authority Designated Officer for Child Protection or the Schools' HR Team) where the allegation is against a member of the school staff.

If the nature of the complaint involves child protection issues, or where clarity is required, a discussion should take place with the Local Authority Designated Officer for Child Protection or a member of the Schools' HR Team.

It is important that any early action to establish the nature of the allegation should be undertaken in such a way that it does not prejudice any subsequent investigation that may need to be carried out by Social Services or the Police. There must be no interference with evidence i.e. education staff or governors

should not attempt to investigate the allegation, interview children or discuss the allegation with the member of staff until a conversation has taken place as mentioned above. ***Schools should not therefore take action without seeking advice and guidance from the local authority first.***

### **Professional Capability Procedures**

In the event of the headteacher or governors wishing to invoke professional capability procedures as a result of the complaint it is important to refer, in the first instance, to the adopted managing performance/professional capability procedure. Advice can be sought from your HR adviser.

### **Financial Compensation**

If at any stage of a complaint it becomes apparent that the Complainant is seeking some financial compensation then any investigation will be halted whilst advice is sought from the Principal Solicitor, Legal Services.

## **5. Accessibility and publication of the Complaints Policy**

Each school has the primary responsibility in law for dealing with complaints received and must ensure that complaints are thoroughly and fairly investigated and that complainants are given a reply within a reasonable timescale.

A model complaints policy is provided to governing bodies of maintained schools (see **Appendix 1**) to help ensure that complaints from parents and others can be considered appropriately and to ensure that it is a fair procedure for all parties including any employees who may be the subject of the complaint. The procedure must be accessible to all and adjustments and additional support given where appropriate to ensure there are no discriminatory or negative consequences in terms of equalities legislation.

The complainant's experience of their first contact with the school about the issue can be crucial in determining whether the complaint will escalate. Therefore all staff should be aware of the procedures and know what to do when they receive a complaint

If any governor is contacted directly by a parent regarding a complaint then that governor must refer the parent to this complaints procedure. It is therefore important that all governors are aware of the complaints policy and the procedures involved.

There is a statutory requirement for the complaints policy to be publicised so that parents and others are clear about the procedures and their rights of redress. It is up to the governing body to decide how to fulfil this requirement but details of the Complaints Procedures could be included in:

- the school prospectus;

- the school website;
- the home-school agreement;
- appropriate home school bulletin or newsletter;
- documents supplied to community users including course information or letting agreements;
- a specific complaints leaflet which includes a form on which a complaint can be made;
- posters displayed in areas of the school that will be used by the public, such as reception or the main entrance.

## **6. Types of complaint**

### **Children**

Children have a legitimate right to make a complaint and this procedure envisages that it might be used by them in appropriate circumstances. Obviously a great deal will depend on the age and maturity of the child and schools should consider the legitimacy of each complaint on its merits.

### **Anonymous Complaints**

If an anonymous complaint is received and is of a sufficiently serious nature then the Headteacher or Chair of Governors will decide whether action is appropriate. If an anonymous complaint raises child protection issues then the complaint should be referred immediately to the Local Authority.

If the complainant is known but requests anonymity they should be urged to be prepared to identify themselves in the interests of fairness and of dealing effectively with the complaint.

### **Petition Complaints or a Complaints made by a number of Individuals**

If a written complaint is signed by a number of individuals it is advised that two key contacts be established for the purpose of investigating the issues. School Improvement and/or HR should be contacted for advice depending on the nature of the complaint.

### **Complaints about a member of staff including the Headteacher**

The following principles apply:-

- Advice should be sought from your HR adviser e.g. what should the employee be told initially and whether a copy of the complaint should be issued to the employee
- The employee would normally be advised in writing of the general nature of the complaint and be advised to contact his/ her professional association/union.
- The employee should be advised that they can be accompanied by their professional association/union representative or a workplace colleague at any subsequent interview or hearing;
- The complaint must only be treated as an allegation during the investigation stage

For **potential disciplinary issues** refer to pages 5 and 6 of this guidance.

If the complaint is one that may result in disciplinary or legal action against the Headteacher, or the complaint is regarding the Headteacher, then the complaint should immediately be escalated to Stage 2 of a letter via a letter to the Chair of Governors.

### **Child Protection Issues**

*Please see pages 5 and 6 of this guidance.*

### **Allegation of potentially serious criminal nature**

If the complaint involves an allegation of potentially serious criminal nature against an employee, you must contact the HR Team so that appropriate advice can be given. It may not be appropriate in these circumstances for the employee to be advised of this allegation straightaway so advice must always be taken before doing so.

### **Vexatious Complaints**

If properly followed, a good complaints procedure will limit the number of complaints that become protracted. However, there will be occasions when, despite all stages of the procedures having been followed, the complainant remains dissatisfied. There are times when a school has done everything it can in response to a complaint and it is a poor use of the schools time and resources to reply to repeated letters, emails or telephone calls making substantially the same points. If the complainant tries to reopen the same issue, the Chair of Governors is able to inform them in writing that the procedure has been completed and that the matter is now closed.

If the complainant contacts the school again on the same issue, then the correspondence may be viewed as serial or persistent and there will be no obligation on the part of the school to respond. However a school must be careful that a complaint is not marked as vexatious or serial before the complainant has completed the procedure.

Before a decision is taken to stop responding it is recommended that a school needs to be able to say yes to all of the following:

- The school has taken every reasonable step to address the complainants needs
- The complainant has been given a clear statement of the school's position and their options (if any); and
- They are contacting the school repeatedly but making substantially the same points each time.

The case is stronger if the school agrees with one or more of these statements:

- The school has reason to believe the individual is contacting them with the intention of causing disruption or inconvenience – have they actually said as much in a letter, email or telephone call?
- Letters/emails/telephone calls are often or always abusive or aggressive.
- They make insulting personal comments about or threats towards staff.

Where an individual's behaviour is causing a significant level of disruption a school may wish to implement a tailored communications strategy such as restricting them to a single point of contact via an email address or by limiting the number of times they may contact. If a school is experiencing significant difficulties with dealing with a complainant then contact should be made with the Governor Services Team for advice and support.

It is important to note however that, should a complainant raise an entirely new, separate complaint, it must be responded to in accordance with the complaints policy. A school should not stop responding just because an individual is difficult to deal with or asks complex questions. In most circumstances the subject matter is what you can refuse to respond to, not the correspondent.

## **7. The Stages of the Complaints Procedure**

### **Initial concerns**

There should be clarity about the difference between a concern and a complaint. A 'concern' may be defined as *'an expression of worry or doubt over an issue considered to be important for which reassurances are sought.'* A complaint may be generally defined as *'an expression of dissatisfaction however made, about actions taken or a lack of action.'*

It is in everyone's interest that complaints are resolved at the earliest possible stage. The longer a complainant is in dispute with a school, the more irritated they become and the greater the chances of this having a negative impact on their child's outcomes.

Many issues can be resolved informally, without the need to invoke formal procedures. The requirement to have a complaints policy need not in any way undermine efforts to resolve the concern informally and the model procedure takes this into account. In most cases the teacher or relevant employee will receive the first approach. It would be helpful if staff were able to resolve issues at the earliest opportunity, including offering an apology where appropriate.

There are occasions when complainants would like to raise their concerns formally. In those cases, the formal procedure should be invoked through the stages outlined in the procedure. Regardless of whether or not the complaint is 'justified', a dissatisfied complainant must always be given the opportunity

to complete the complaints procedure in full. At each stage of investigating a complaint it is helpful to clarify exactly who will be involved, what will happen, and indicate how long it should take. There may, on occasion, be the need for some flexibility in timescale; for example, the possibility of additional meetings as a result of further information arising from the initial investigation. There may also be occasions when the nature of the complaint is such that it is necessary to go straight to stage 2, the formal part of the policy.

### **Timeliness**

Complaints need to be considered, and resolved, as quickly and efficiently as possible. An effective complaints procedure will have realistic and reasonable time limit guidelines for each action within each stage. However, where further investigation is necessary, new time limits can be set and the complainant sent details of the new deadline and an explanation for the delay. Holiday periods do not count in the recommended time limited in the policy as it is not normally possible to carry out an effective investigation outside of term time.

Expect complaints to be made as soon as possible after an incident arises. Three months is generally considered to be an acceptable time frame in which to lodge a complaint, however the school should always consider exceptions and the policy needs to reflect this. It is not appropriate to have a blanket policy of refusing to consider any complaints not lodged within a stated period.

### **Stage One: Informal Concerns Heard by Staff Member**

It is in everyone's interest that concerns are resolved at the earliest possible opportunity. The complainant's experience of their first contact with the school about the issue can be crucial in determining whether the complaint will escalate.

The views of a complainant should be respected when he/she indicates that they would have difficulty discussing a complaint with a particular member of staff. In these cases, the complainant should normally be referred to another staff member. Similarly, if the member of staff directly involved feels too compromised to deal with a complaint, then the complainant could be referred to another staff member. The member of staff may be more senior but will depend on the circumstances. The ability to consider the complaint objectively and impartially is crucial.

Governors should not act unilaterally on an individual complaint outside the formal procedure or be involved at the early stages in case they are needed at a later stage of the procedure. If any governor is contacted directly by a parent regarding a complaint then that governor must refer the parent to this complaints procedure. It is therefore important that all governors are aware of the complaints policy and the procedures involved.

It is preferable that the teacher or other member of staff agrees a time and place to discuss the concerns in peace and quiet. Most problems can be sorted out in this informal way by a frank and open discussion, free from distraction.

## Stage 2 Formal Investigation of the Complaint

If a concern has not been solved through discussion with the teacher, or is of a sufficiently serious nature, then it will be investigated through the formal stage of the policy i.e. Stage 2. This will either entail:

- a) Investigation by head/senior leader (where the head is not subject of the complaint) or
- b) Investigation by chair or other governors (where the head is part of or subject of the complaint) and by the chair where the complaint is against individual governors.

Complainants should be asked to state in writing from Stage 2 onwards the nature of the complaint and what actions they feel might resolve the problem. A pro-forma for this is attached as **Appendix 2**.

There may be situations where complainants would find it difficult to express their concerns in writing. The headteacher and governors are asked to be sympathetic if such situations arise.

When a formal complaint is received a letter of acknowledgement must be sent to the complainant confirming the procedure to be followed and asking for clarification if necessary.

It is suggested that at stage 2, the person(s) investigating the complaint ensure they:

- establish **what** has happened so far, and **who** has been involved;
- clarify the nature of the complaint, and what remains unresolved;
- meet with the complainant or contact them (if unsure or further information is necessary);
- clarify what the complainant feels would put things right;
- conduct sensitive and thorough interviewing of those involved in the matter and/or those complained of, allowing them to be accompanied if they wish;
- conduct interviews with an open mind and be prepared to persist in the questioning;
- Ensure there are notes of the interview which are provided to the interviewee who will have the opportunity to confirm if they are an accurate record.

Meetings should not normally be arranged where the complainant and any members of staff named in the complaint are present at the same time. There should be separate investigation meetings for this purpose.

Any investigation meeting should be recorded and care should be taken in identifying a clerk. This will normally be the clerk to the governors but it may

be appropriate for a member of staff such as the school secretary to take notes although consideration will be given to the sensitivity and confidentiality of the particular complaint. The clerk would be the contact point for the complainant and be required to:

- set the date, time and venue of meetings with the different parties and ensuring that the venue and proceedings are accessible;
- meet and welcome the parties as they arrive at the hearing;
- record the proceedings;

It is important that formal records are kept throughout the investigation. The records will include details of the complaint, how it was dealt with, by whom and the outcome. In addition a copy of any evidence that is provided should be retained. In the event of the complaint proceeding to the appeal stage, this record will be made available to the Governors considering the appeal.

### **Resolving Complaints**

A school will want to keep in mind ways in which a complaint can be resolved. It might be sufficient to acknowledge that the complaint is valid in whole or in part. In addition, it may be appropriate to offer one or more of the following:

- an apology;
- an explanation;
- an admission that the situation could have been handled differently or better;
- an assurance that the event complained of will not recur;
- 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.

An admission that the school could have handled the situation better is not the same as an admission of negligence.

An effective procedure will identify areas of agreement between the parties. It is also of equal importance to clarify any misunderstandings that might have occurred as this can create a positive atmosphere in which to discuss any outstanding issues.

### **Confirming the outcome to the complainant and any other relevant parties**

At the end of the investigation the head/senior leader/governor will analyse all the information, form a conclusion and identify solutions and recommendations where appropriate. The complainant and any other relevant parties will receive the outcome in writing.

Written responses to complainants will aim to answer all the points of concern, be factually correct, avoid jargon, and tell the complainant what to do next if they are still not satisfied. It may be appropriate for the head/senior leader/governor to speak with the complainant regarding the outcome. However this will always be followed up with a letter to ensure there is no misunderstanding.

If after relevant discussion and investigation at Stage 2 the issue cannot be resolved to the complainant's satisfaction, then they will be advised that they can make a formal complaint to the governors by putting their appeal in writing to the chair of governors within 10 school days. They should state the grounds for that appeal.

### **Stage 3 Appeal to Governors**

Two or three governors should be identified by the chair of governors. It is important that the appeal process is independent and impartial and that it is seen to be so. No governor should be asked to consider the appeal if they have had a prior involvement in the complaint or in the circumstances surrounding it. They should ideally be a cross-section of the categories of governor and sensitive to the issues of equality.

Determining what the appeal panel considers is for the school to decide. The aim of the appeal investigation, and associated meetings 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.

The governors need to familiarise themselves with the complaints procedure and they can contact the School Improvement and Achievement Team (and HR Advisor depending on the nature of the complaint) for advice and support.

The appeal process is not a hearing where all parties are present. This process is normally a paper review by the nominated governors of the evidence from the previous stages. There will only be a reinvestigation when the governors consider there are major flaws in the previous process necessitating this action.

### **Next Steps**

There isn't an automatic stage in the policy to allow for the LA or Diocese to provide an independent desk top review. In some complex cases this might be appropriate and advice should be sought from Governor Services.

If a complaint has completed the local procedures and the complainant remains dissatisfied, they have the right to refer their complaint to the

Secretary of State. The Secretary of State has a duty to consider all complaints raised but will only intervene where the governing body has acted unlawfully or unreasonably and where it is expedient or practical to do so.

## **8 Involvement of the Wider Governing Body**

### **Reporting to the Governing Body**

The receipt and investigation of a complaint should be reported back to the next meeting of the full governing body following the investigation and any appeal. Only a brief summary to the full governing body will be provided, with no detailed or named information. This will ensure that any further actions will not be jeopardised.

### **Governing Body Review**

The governing body can monitor the level and nature of complaints and review the outcomes on a regular basis to ensure the effectiveness of the procedure and make changes where necessary. Complaints information shared with the whole governing body will not name individuals.

As well as addressing an individual's complaints, the process of listening to and resolving complaints will contribute to school improvement. When individual complaints are heard, schools may identify underlying issues that need to be addressed. The monitoring and review of complaints by the school and the governing body can be a useful tool in evaluating a school's performance.



## Church Valley Schools Federation COMPLAINTS POLICY



### Introduction

Our Federation aims to work in partnership with parents in the best interests of the children. Any complaint will be given careful consideration and will be dealt with fairly and honestly.

We will provide sufficient opportunity for a complaint to be fully discussed, and aim to resolve it through open dialogue and mutual understanding.

### Actions before making any complaint

This complaints procedure is not intended to replace the normal informal discussions that take place between parents/carers, staff and the Headteacher about problems and concerns as they arise. Most issues can and should be resolved through this dialogue. These concerns might include such matters as your child's work or progress, relations with staff, relations with other pupils including bullying, or your child's personal welfare.

The first point of contact regarding concerns should always be the class teacher. Appointments to see the class teacher are available after school at a mutually arranged time.

When meeting with the teacher to raise your concerns please be patient, the teacher may need time to perform an investigation or put corrective measures in place and then determine their effectiveness. This informal stage may require several discussions to reach a conclusion satisfactory to all parties.

If you feel that a concern has not been resolved through discussions with the teacher or that it is of a sufficiently serious nature, then an appointment to discuss it with the Headteacher should be made. You should indicate that the appointment is regarding a complaint.

### Referral of complaints

The majority of formal complaints against the federation will fall within the remit of the Head or Governors to consider. However, there are five categories of complaint which the Local Authority has responsibility for, and not the Governing Body:

- Admission to the school
- Statutory Assessment of special educational needs
- Exclusion of pupils from the school
- Child protection related issues or allegations of child abuse
- Any complaint about the conduct of the Governing Body in discharging their duties and with regard to proper governance and management of the school.

In any of these five categories, your complaint must be sent directly to the Local Authority. A list of contacts is given at the end of this policy (*Annex 2*).

## General principles regarding any complaint

The following principles will apply to any complaint:

- The complaint will be handled with care and sensitivity.
- Confidentiality will be respected at all times
- Responses to any complaint will be prompt (timescale guidelines are detailed below)
- We will remain in communication with you during the investigation and you will be kept informed of timescales
- The handling of the complaint will be thorough and fair and address all the points at issue

Individual Governors cannot act unilaterally by investigating a complaint or making any prior judgement about it. The Governor can only refer you to the teacher, the Headteacher or the Chair of Governors as appropriate and in accordance with this policy.

It is important that the steps are followed in the complaints procedure. The Local Authority is unable to deal with complaints under the remit of this procedure and if there is escalation to the Secretary of State before the formal school procedures have been exhausted it will result in you being referred back to the school's procedure.

### Timeliness

We would normally expect complaints to be made as soon as possible after an incident arises and not normally later than three months.

Where it is not possible to respond to your complaint within the expected guidelines you will be informed in writing of the reason for the delay and given an anticipated response date.

### Stage 1 (Informal) – Teacher

It is helpful to be clear about the difference between a concern and a complaint. A 'concern' may be defined as *'an expression of worry or doubt over an issue considered to be important for which reassurances are sought.'* A complaint may be generally defined as *'an expression of dissatisfaction however made, about actions taken or a lack of action.'*

It is in all our interests that complaints are resolved at the earliest possible stage..

Many issues can be resolved informally, without the need to invoke formal procedures. In most cases the teacher or relevant employee will receive the first approach.

Resolving a concern/ complaint informally is beneficial to all parties and every effort should be made to do this before moving to a formal procedure.

Your concerns/complaint should be directed to the class teacher unless they or the Headteacher are the subject of your complaint. **Consideration of the issues should normally take two weeks.**

## **Stage 2 (Formal)**

If your complaint has not been solved through informal discussion, or is considered to be of a sufficiently serious nature, then it will be investigated through the formal stage of the policy i.e. Stage 2. This will either involve:

- (a) Investigation by the Headteacher (where the Headteacher is not part of or subject of the complaint). The Headteacher may delegate the investigation to another member of staff but not the decision on the action being taken. **Or**
- (b) Investigation by Governors (where the Headteacher is part of or subject of the complaint) i.e. Where the complaint involves the Head then the complaint can be referred to the Chair of Governors who will make the decision whether it should be investigated by two governors at this stage. Where the complaint is about an individual governor then you should submit your complaint to the Clerk to the Governors.

You should set out your complaint in writing explaining:

- a) The precise nature of the complaint; and
- b) What you consider should be done to resolve the matter.

A form for submitting details of your complaint is attached to this Policy as *Annex 1*. When we receive your complaint a letter of acknowledgement will be sent to you within 5 school days. We will arrange to meet with you to explore your complaint and what can be done to resolve your issues. You can be accompanied by a friend at this meeting. Notes will be taken of our discussion and you will receive a copy of these. Care will be taken in identifying an appropriate clerk. This will normally be the Clerk to the Governors, however it may be appropriate for a member of staff such as the school secretary to act in this capacity.

If you require any specific assistance in putting your complaint in writing or when asked to attend any meeting then please inform us so appropriate support can be put in place.

If we are unable to resolve your complaint at an initial meeting with you then the School may carry out an investigation of your complaint.

Please note that it may be necessary to suspend the complaints procedure in respect of a complaint which indicates that there may be a need for a disciplinary investigation in respect of a member of staff or that child protection procedures need to be followed. Advice from the Local Authority will be sought. In such circumstances you will be notified that the complaints procedure has been suspended and the likely timescale for its reactivation.

On completion of this Stage 2 investigation, when all relevant persons have been given the opportunity to give their response, we will send you a formal written outcome.

***Consideration and investigation of a complaint at stage 2 should normally take four to six weeks.***

## **Stage 3 (Formal) – Appeal to Governors**

You should write to the Chair of Governors if you consider your complaint remains unresolved through the earlier stages. You should do so, stating the grounds for your appeal, within 10 school days of receiving the outcome of the investigation at Stage 2.

When a formal complaint is received by the Chair of Governors, a letter of acknowledgement will be sent to you within 5 school days to confirm the appeal process.

Two or three Governors will be identified to consider your appeal and make a decision about it on behalf of the Governing Body. The Governors appointed will have had no previous involvement in the complaint or will have no conflict of interest.

The primary purpose of the appeal is to understand your continuing concerns and to consider the investigative process carried out at Stage 2 of this policy. Consideration will be given to the rigour and fairness of the process i.e.:

- Were you given the time and opportunity to clarify your complaint and explain the outcome you were looking for?
- Was the complaints policy applied appropriately in relation to your specific complaint?
- Did relevant interviews take place of those individuals involved in events to ensure a thorough understanding of all relevant issues?
- Was there a review of relevant school procedures and correspondence?
- Are conclusions and recommendations reasonable and do they flow from the evidence or facts arising from the investigation?

The Governors will be determining one of the following outcomes:

1. Confirmation of the conclusions at Stage 2 on the basis of evidence indicating a full and fair investigation and outcome.
2. Identification of some procedural anomalies but confirmation that the overall conclusion was sound.
3. Identification of significant flaws in the investigation process which might lead to alternative conclusions and proposed remedies.

The appeal process is not a hearing where all parties are present. This process is normally a review by the nominated Governors of the written evidence from the previous stages. There will only be a reinvestigation when the Governors consider there are major flaws in the previous process necessitating this action.

The decision reached by the Governors will be notified in writing to you and other relevant parties. *The timescale for the appeal process is normally two to three weeks from receipt of the appeal.*

#### **Stage 4 Appeal to The Secretary Of State**

If you have followed our complaints policy but still consider your complaint has not been appropriately resolved then you are able to take your complaint to the Secretary of State for Education.

Any appeal to the Secretary of State for Education should be addressed to:

The School Complaints Unit (SCU)  
Department for Education  
2<sup>nd</sup> Floor, Piccadilly Gate  
Manchester  
M1 2WD

The SCU will not consider an appeal unless the complaint has exhausted the local procedures. SCU will examine if the complaints policy and any other relevant policies were followed in accordance with the provisions set out. SCU also examines policies to determine if they adhere to education legislation. However, the department will not re-investigate the substance of the complaint. This remains the responsibility of the School.

If legislative or policy breaches are found, SCU will report them to us and to you and, where necessary, require remedial action to be taken.

### **Monitoring and review**

The Governing Body will review this complaints policy on a regular basis. The Federation will log all formal complaints received by the Federation and will record how they were resolved. Governors will examine the complaints log on a regular basis and will consider the need for any changes to the complaints policy or other federation procedures.

**This form should only be completed if you feel you have exhausted all avenues for resolving the complaint.**

**Annex 1**

## **Complaint Form**

### **Personal Details**

<b>Your Name</b>	
<b>Pupils Name</b> (if relevant)	
<b>Your Relationship to the Pupil</b> (if relevant)	
<b>Your Address</b>	
<b>Daytime Contact Number</b>	
<b>Evening Contact Number</b>	

### **Details of the Complaint**

**Please provide details of your complaint:**

**What action, if any, have you already taken to try and resolve your complaint ?**  
(please detail who you spoke to and what the response was)

**Resolution**

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

**Evidence**

**If you are attaching any supporting paperwork, please give details:**

<b>Signature</b>	
<b>Date</b>	

**For Official Use Only:**

Date complaint form received	
Date Acknowledgement sent	
By who	
Complaint referred to	

**Contact Details for complaints for which the Local Authority People and Communities Service has responsibility**

**Please note the addresses provided below are for postal purposes only. The Services themselves are located in the Civic Centre, Market Walk, Keynsham Bristol, BS31 1FS**

**Admission to the school**

Officer in charge, Admissions & Transport  
Admissions & Transport Unit  
People and Communities Department  
Bath & North East Somerset Council,  
Lewis House, Manvers Street  
BATH, BA1 1JG  
Tel. 01225 394312  
E Mail [Admissions\\_Transport@bathnes.gov.uk](mailto:Admissions_Transport@bathnes.gov.uk)

**Statutory Assessment of special educational needs**

Statutory Special Educational Needs Manager\*  
Statutory Special Educational Needs Service  
People and Communities Department  
Bath & North East Somerset Council,  
Lewis House, Manvers Street  
BATH, BA1 1JG  
Tel. 01225 394306

**Exclusion of pupils from the school**

Officer in Charge, Children Missing Education\*  
Children Missing Education Team Exclusion  
People and Communities Department  
Bath & North East Somerset Council,  
Lewis House, Manvers Street  
BATH, BA1 1JG  
Tel. 01225 394241  
[exclusions@bathnes.gov.uk](mailto:exclusions@bathnes.gov.uk)

Information about raising concerns about exclusion can be found at: [www.gov.uk/school-discipline-exclusions/exclusions](http://www.gov.uk/school-discipline-exclusions/exclusions).

**Child protection related issues or allegations of child abuse**

Head of Safeguarding Assurance and Quality

Strategy and Commissioning\*

People and Communities Department

Bath & North East Somerset Council,

Lewis House, Manvers Street

BATH, BA1 1JG

Tel 01225 396974

**Any complaint about the action of the Governing Body**

Head of Governor Services

Governor Services

People and Communities Department

Bath & North East Somerset Council,

Lewis House, Manvers Street

BATH, BA1 1JG

Tel 01225 395103

# COMPLAINTS PROCEDURE FLOW CHART

Annex 3



