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<b>POLICY &amp; PROCEDURES FOR MANAGING SCHOOL COMPLAINTS</b>	
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## THE LOXFORD SCHOOL TRUST

### POLICY & PROCEDURES FOR MANAGING SCHOOL COMPLAINTS

#### 1. Points for consideration when using this procedure

- 1.1 A complaint is an expression of dissatisfaction however made, by a parent or carer with a legitimate interest in the school. It may be about school policies or procedures, the conduct, actions or omissions of members of staff employed at the school or the standards of teaching and learning.
- 1.2 Section 29 of the Education Act 2002 requires all Governing Boards to have in place a school's complaints procedure. The procedure must be publicised to parents and the procedure must be readily available to anyone requesting a copy.
- 1.3 The procedure outlined in section 2 is not for complaints from staff about matters relating to their duties or employment at the school, or for complaints they may have about parents or carers. Those issues should be dealt with through the school's staffing procedures and policies.
- 1.4 This complaints procedure is intended to be used by those persons who have a complaint relating to the school and no other alternative process exists for addressing that complaint.
- 1.5 Where an appeal mechanism or legislative process takes precedence, then that procedure must be followed and the procedure outlined below in section 2 will not apply. Examples of where alternative measures would take precedence may include (but are not limited to) some of the following:
  - Complaints about the statementing process for children with special educational needs;
  - Disciplinary issues relating to members of staff;
  - Child protection allegations;
  - Admissions and exclusions;
  - Provision of collective worship and religious education;

- Complaints concerned with the delivery of the National Curriculum (or the school's sex education policy);
- Allegations of bullying by pupils.

In some of these cases Judicium – our legal representatives may have a role to play in ensuring that the school has followed the correct procedure, for example where the school plays a specific part in discharging the local authority's responsibilities for admissions.

- 1.6 Initially most complaints will be oral. There should not be a requirement for the complainant to put their complaint in writing at the informal stage. However, schools should be mindful that English may not be the complainant's first language and due consideration and appropriate action should be taken where this is known to be the case. Such actions may include for example agreeing to the parent being accompanied by a friend or family member to act as interpreter.
- 1.7 Schools should keep a written record of all complaints made and the actions taken. When receiving anonymous complaints in the majority of cases the only action the head teacher will take is to log the complaint and a record of any actions taking in response to the complaint. However there may be exceptions to this where the head teacher feels further action should be taken and it is for the head teacher to use his/her discretion in making that decision and in deciding how to proceed in such cases. These may include complaints that raise serious concerns such as child protection allegations or bullying.
- 1.8 Governors should not attempt to deal with complaints outside of this procedure. Any governor who is approached by a complainant wishing to complain about the school should direct them to the Headteacher. There will be some instances, for example when the complaint is about the Headteacher, where it would be appropriate for the complainant to be advised to write to the Chair of Governing Board instead of the Headteacher.
- 1.9 The Local Authority (LA) does not have any power to investigate most of the concerns raised by parents or carers wishing to complain nor do they have the power to require school staff or Governing Boards to take any particular action in the majority of cases raised through complaints. (The main exceptions to this are child protection and health and safety where the LA does still have the powers to investigate and intervene). Therefore in the majority of cases any complainant who approaches the LA (except in such cases as specified above) will be referred back to the Headteacher or the Chair of the Governing Board.
- 1.10 It is important that all concerns are taken seriously. Children learn best when there is an effective partnership between the school and the parents. All members of the school community are entitled to have their points of view properly considered and heard.
- 1.11 It is very important that all complaints are dealt with as swiftly and as fairly as possible. Failure to address complaints promptly frequently results in greater dissatisfaction. Complaints and concerns relating to issues, which occurred more than three months before will generally be ruled "out of time".
- 1.12 Headteachers or governors should not investigate (or in the case of governors be a member of the review panel) when a complaint is about their own actions.
- 1.13 When investigating a complaint the investigating officer should try to establish what happened, discover what the complainant feels would remedy the situation and interview those involved, keeping notes of the interviews. It may be appropriate to have another person present to take notes on occasions.

## Complaints Procedure

### 2. Stage one: - Local resolution of the problem (the informal stage)

2.1 In the vast majority of cases a problem can and should be resolved by contacting the class teacher, subject teacher or member of staff directly involved with the problem. The initial communication with the member of staff may be by letter, telephone conversation or in person by appointment. Where this action does not lead to the problem being resolved then the complaint should be dealt with through the formal stages of this procedure.

### 3. Stage two – The Formal Stage

3.1 If the Complainant is not satisfied with the response from the member of staff at stage 1 they should be advised that the next stage is to put their complaint in writing to the Headteacher. Where the Headteacher is the subject of the complaint then sections 4 and 5 of this procedure apply.

3.2 The Headteacher will be responsible for carrying out an investigation or appointing another senior member of staff to carry out the investigation and report their findings to the Headteacher who will then reach a conclusion based on the investigation and circulated for approval. Notes should be kept of any interviews held as part of the investigation. In order to clarify the specific details of the complaint, the nature of the complaint and any background to the complaint, the investigating officer may feel it necessary to meet with the complainant. The investigating officer should produce notes of this interview.

3.3 At the conclusion of their investigation the investigating officer will compile a report detailing their findings and any recommendations or actions they propose need to be considered by the Headteacher.

3.4 When writing to the Headteacher the complainant should seek to include details that might assist the investigation, such as witnesses, dates and times of events and copies of relevant documents.

3.5 The Headteacher should write to the complainant within 5 school days of receipt of their letter, setting out who is conducting the investigation and that the Headteacher will write again to the complainant within a further 20 school days setting out the actions taken to investigate the complaint and their findings (that is in total 25 school days from the date the complaint letter was received).

3.6 Before the Headteacher (or senior member of staff investigating) interviews a member/s of staff, they must be informed that they can be accompanied by a colleague or representative of a recognised union or professional association.

3.7 Once satisfied that the investigation has been concluded and they have reached a decision on the complaint the Headteacher will notify the complainant in writing of their conclusions and any actions that will be taken as a result of the complaint (except where this would involve taking any formal action against individual members of staff which would remain confidential). This should be done no later than 20 school days as set out in paragraph 3.5 above. The Headteacher may feel it appropriate to meet with the complainant to communicate their findings.

3.8 The outcome of the investigation would usually be one of the following but not limited to:

- The evidence indicates that the complaint was substantiated and therefore upheld;
- The complaint was substantiated in part or in full (some details would be given of the actions the school will take in response to the complaint except where they may be of a disciplinary or other such nature relating to an individual member of staff);
- There is insufficient evidence to reach a conclusion so the complaint is inconclusive;
- The complaint is not substantiated by the evidence and therefore not upheld;

3.9 At this stage the complainant will be told that consideration of the complaint by the head teacher is now concluded. The complainant will also be informed that if they are not satisfied with the manner in which the process has been followed, they may request that the Governors Complaints Review Panel review the process followed by the Headteacher in handling the complaint.

3.10 The complainant must be advised in writing of exactly who to contact and the timescale by which they should make contact, should they wish to pursue the matter to stage 3 – the Complaints Review Panel. This stage is set out below in paragraph 6.

3.11 This request must be made in writing to the Clerk to the Governing Board within 10 school days of receiving the outcome from the Headteacher and must include a statement specifying reasons for the request for the review and any perceived failures arising from the investigation process followed.

#### **4. Where the complaints is about the actions of the Headteacher**

4.1 **Stage one - Local resolution of the problem (the informal stage):** In the vast majority of cases a problem can and should be resolved by speaking to the head teacher directly in an effort to resolve the problem or concern. The initial communication with the Headteacher may be by letter, telephone conversation, in person or by appointment. Where this action does not lead to the problem being resolved then the complaint should be dealt with through the formal stage of this procedure.

#### **5. Stage two – The formal stage (where the complaint is about the actions of the Headteacher)**

5.1 If the complainant is not satisfied with the response from the Headteacher at stage 1 they should be advised that the next stage is to put their complaint in writing to the Chair of Governors.

5.2 The Chair of Governors will be responsible for carrying out an investigation or appointing another governor to carry out the investigation and report their findings to the chair of governors who will then reach a conclusion based on the investigation. Notes should be kept of any interviews held as part of the investigation. In order to clarify the specific details of the complaint, the nature of the complaint and any background to the complaint the investigating governor may feel it necessary to meet with the complainant. The investigating governor should produce notes of this interview and circulated for approval.

5.3 At the conclusion of their investigation the investigating governor will compile a report detailing their findings and any recommendations or actions they propose need to be considered by the Chair of Governors.

5.4 When writing the initial letter to the Chair of Governors the complainant should seek to include details that might assist the investigation, such as witnesses, dates and times of events and copies of relevant documents.

- 5.5 The Chair of Governors should write to the complainant within 5 school days of receipt of their letter, setting out who is conducting the investigation and that they will write to the complainant within a further 20 school days setting out the actions taken to investigate the complaint and their findings (that is in total 25 school days from the date the complaint letter was received).
- 5.6 Before the investigating governor interviews a member/s of staff, they must be informed that they may be accompanied by a colleague or representative of a recognised union or professional association.
- 5.7 Once satisfied that the investigation has been concluded and they have reached a decision on the complaint the Chair of Governors will notify the complainant in writing of their conclusions and any actions that will be taken as a result of the complaint (except where this would involve taking any formal action against individual members of staff which would remain confidential). This should be done no later than 20 school days as set out in paragraph 5.5 above. The Chair of Governors may feel it appropriate to meet with the complainant to communicate their findings.
- 5.8 The outcome of the investigation would usually be one of the following but not limited to:
- The evidence indicates that the complaint was substantiated and therefore upheld;
  - The complaint was substantiated in part or in full (some details would be given of the actions the school will take in response to the complaint except where they may be of a disciplinary or other such nature relating to an individual member of staff);
  - There is insufficient evidence to reach a conclusion so the complaint is inconclusive;
  - The complaint is not substantiated by the evidence and therefore not upheld;
- 5.9 At this stage the complainant will be told that consideration of the complaint by the Chair of Governors is now concluded. The complainant will also be informed that if they are not satisfied with the manner in which the process has been followed, they may request that the Governors Complaints Review Panel review the process followed by the Chair of Governors in handling the complaint. This stage is outlined in paragraph six below.
- 5.10 The complainant must be advised in writing of exactly who to contact and the timescale by which they should make contact, should they wish to pursue the matter to stage 3 – the Complaints Review Panel. This stage is set out below in paragraph 6.
- 5.11 This request must be made in writing to the Clerk to the Governing Board within 10 school days of receiving the outcome from the Chair of Governors and must include a statement specifying reasons for the request for the review and any perceived failures arising from the investigation process followed.

## **6. Stage three – The Governors Review Panel (All Complaints)**

- 6.1 Review Panels are convened to review the school's response to a complaint (stage 2). If the complaint has not been settled at the formal stage and the person making the complaint is not satisfied with the outcome or the way it was dealt with, they can ask for the process to be reviewed by the review panel – the next stage in the process.
- 6.2 The Review Panel's purpose, in each case, is to reconsider (not to re-investigate) the original complaint and the school's response to it, including its investigation and to make recommendations with reason to all those involved. The Review Panel's role is not to undertake a re-investigation of the case, nor to extend its reference beyond the above matters.

6.3 The role of the stage 3 Review Panel is to review the actions and supporting evidence of the stage 2 investigation. The Panel is not permitted to do the following:

- To re-investigate the complaint;
  - to reach a definite view on a point of law;
  - to criticise the complainant for any “contributory negligence” that may have contributed to the difficulties;
  - to be an alternative to a disciplinary hearing, as far as staff are concerned;
- or
- To hear any new complaints (except if it relates to the length of time taken to deal with the substantive complaint).

6.4 Any review of the process followed by the Headteacher, Chair of Governors or the investigating governor shall be by a panel of at least three members of the Governing Board/Directors Board who are independent of the original process appointed to be the Review Panel. No Governor/Director may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it. The third member of the panel must be independent of the Trust.

6.5 The review will normally be conducted through a consideration of written evidence but any requests received to make an oral representation should be considered sympathetically.

6.6 The panel will consider the letter from the complainant (outlined in paragraph 5.11 above) and if needed request that the complainant submit in writing (within a reasonable timescale) any further information needed by them relating to their reasons for requesting a review and any perceived failures arising from the investigation process followed. The Headteacher or investigating governor will be invited to make a written response to the complainant’s submissions.

6.7 The panel should have access to all records, notes or information considered during the investigation (unless prevented from doing so for reasons such as data protection).

6.8 The outcome of the investigation may be one of the following but not limited to:

- The evidence indicates that the complaint was substantiated and therefore upheld;
- The complaint was substantiated in part or in full (some details would be given of the actions the school will take in response to the complaint except where they may be of a disciplinary or other such nature relating to an individual member of staff);
- There is insufficient evidence to reach a conclusion so the complaint is inconclusive;
- The complaint is not substantiated by the evidence and therefore not upheld;
- 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 occur.

6.9 The panel should communicate its findings and recommendations to the complainant, Headteacher and Chair of Governors within 25 school days of receipt by the Clerk of the complainant’s letter requesting a review. Copies of the panel’s findings and recommendations

will be available on the school's premises and a written record of all complaints made will be kept.

6.10 If the complainant is still not happy at this stage they should be informed that they can appeal to the Secretary of State for Education & Skills (or any other relevant body appointed to hear parental complaints against schools as set out in Regulations or Acts of Parliament) on the following grounds:

- The Governing Board is acting or proposing to act unreasonably;
- The Governing Board has failed to discharge its legal duties as set out in Regulations or Acts of Parliament.

### **Dealing with unreasonable or persistent complaints**

The school's definition of this type of complaint is a complainant who persists in pursuing a complaint where the complaints procedure has been fully and properly exhausted. Their complaints have been thoroughly investigated and have received a comprehensive and full response to each of their complaints, but continue to pursue the matter [and/or any evolving issues] despite correspondence, apologies and/or meetings.

Complainants (and/or anyone acting on their behalf) may be deemed by the Headteacher and /or the Chair of Governors to be unreasonable or persistent where previous or current contact with them shows that they meet any one of the following criteria (but this list is not exhaustive). The following are given as examples of behaviour by complainants that may be described as unreasonably persistent. (In these examples a "contact" may be in person, by telephone, letter, email, fax or SMS text). The complainant:

- By the frequency of contact with the school hinders objective consideration of a "live" complaint;
- Makes a string of further complaints about a "live" investigation or changes aspect of the complaint, during the investigation;
- Who has exhausted all stages of the school's complaints procedure but continues to pursue the matter;
- Who seeks an unrealistic outcome and persists in doing so despite being advised that this is the case.

An additional consideration of the school may be to decide to deal with such complaints in one or more of the following ways, for example;

- a. Try to resolve matters before invoking this policy by drawing up a signed "agreement" with the complainant (and if appropriate involving the relevant {officer, practitioner etc} in a two-way agreement) which sets the code of behaviour for the parties involved if the school is to continue processing the complaint. If these terms were contravened, consideration would then be given to implementing other action.
- b. To require contact to take place with a named officer.
- c. To restrict telephone calls to specified days and times.
- d. Decline contact with the complainant either in person, by telephone, by email, by fax, by letter or any combination of these, provided that one form of contact is maintained. Similarly, indirect contact may be agreed via a third party.
- e. Notify the complainant in writing that the school has responded fully to the points raised and has tried to resolve the complaint but there is nothing more to add and continuing contact on the matter will serve no useful purpose. The complainant should also be notified that the

**It must be noted that any statutory change will supersede any areas of this document.**

correspondence is at an end and that further communication about the same matters will be acknowledged but not answered.

Temporarily suspend all contact with the complainant or investigation of a complaint whilst seeking legal advice, guidance Judicium – our legal representatives, the DfES or other relevant agencies.

When a complainant is unreasonably persistent about a complaint (and the complaint has been properly exhausted) the Headteacher will report their concerns to the Chair of Governors. If the Chair of Governors is in agreement that the persistence and behaviour of the individual is unreasonable then the Headteacher and Chair of Governors shall jointly write to the individual setting out why they have come to this conclusion and what action the school are taking and the duration thereof.

Where a complainant continues to behave in an unacceptable fashion the Chair of Governors may authorise staff to terminate contact with the complainant (except in matters directly related to the education and welfare of their child) and they may discontinue any further investigation being carried out. Any further contacts from the complainant in writing will be read and placed on file. Telephone calls relating to the complaint will be terminated and logged.

### **Complainants who behave in an unacceptable way**

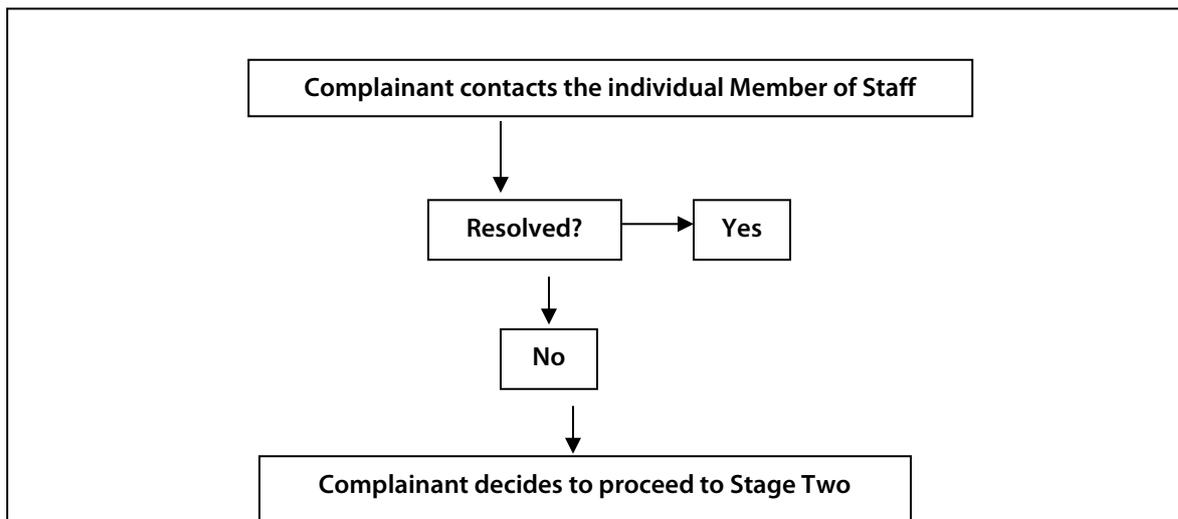
The School recognises that parents and carers who feel dissatisfied may feel angry about their treatment. However the school, the Governing Board and the Trust has a duty of care towards the safety and welfare of its staff.

If a member of staff feels threatened by a complainant they will report those fears to the head teacher (or in the case of the Headteacher to the Chair of Governors). The Headteacher or Chair of Governors will complete an incident report form and as part of the action arising from his/her investigation may consider:

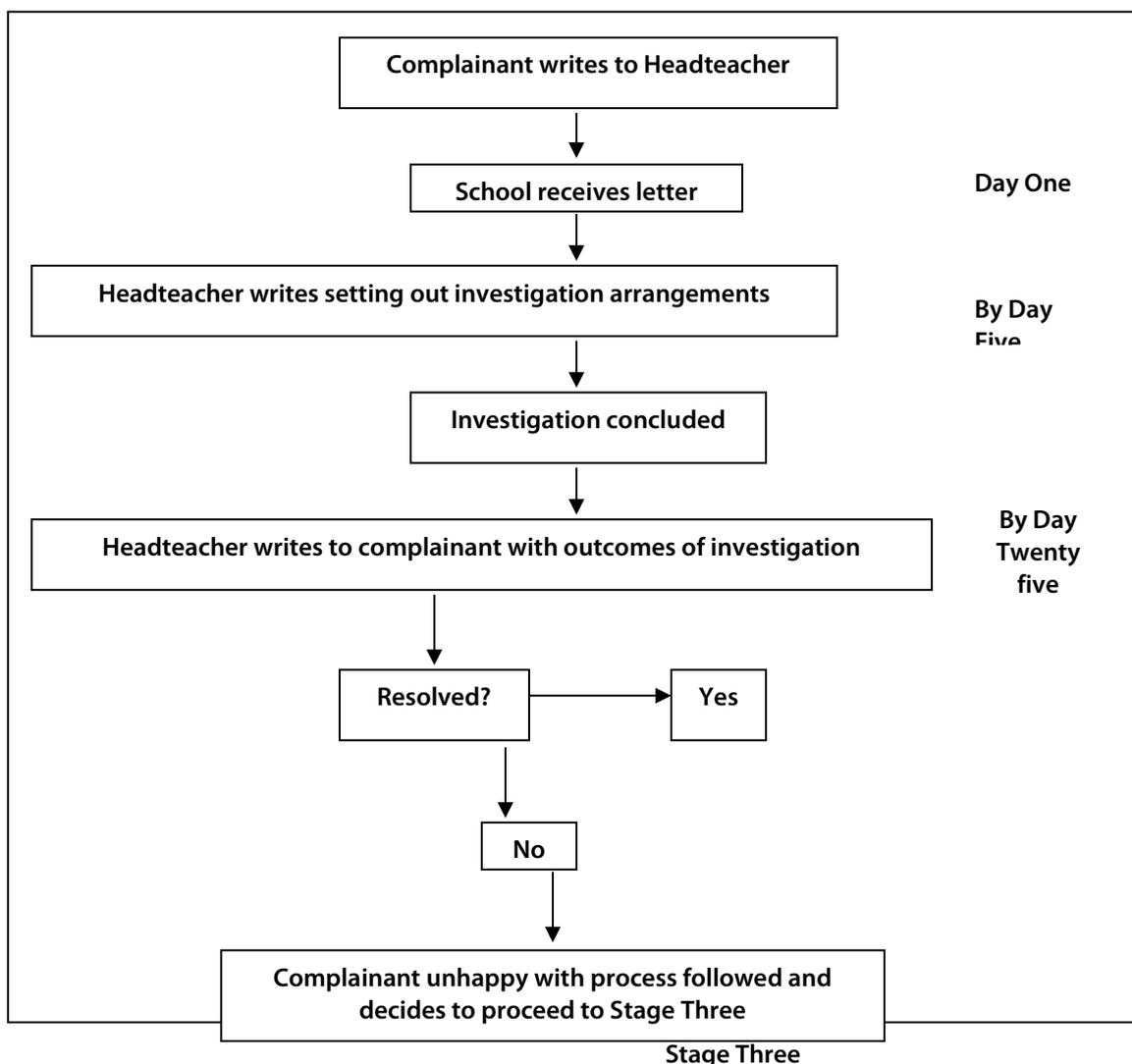
- Writing to the perpetrator requiring a guarantee of no repetition of the behaviour and, if necessary, setting out the conditions and restrictions for further contact with staff;
- Temporarily banning the parent or carer from the school site;
- Whether to report the matter to the police.
- Repeated calls or threatening contact may be deemed to be harassment which may be reported to the police if felt necessary by the Headteacher.

### Complaints Procedure for Schools - Flowchart

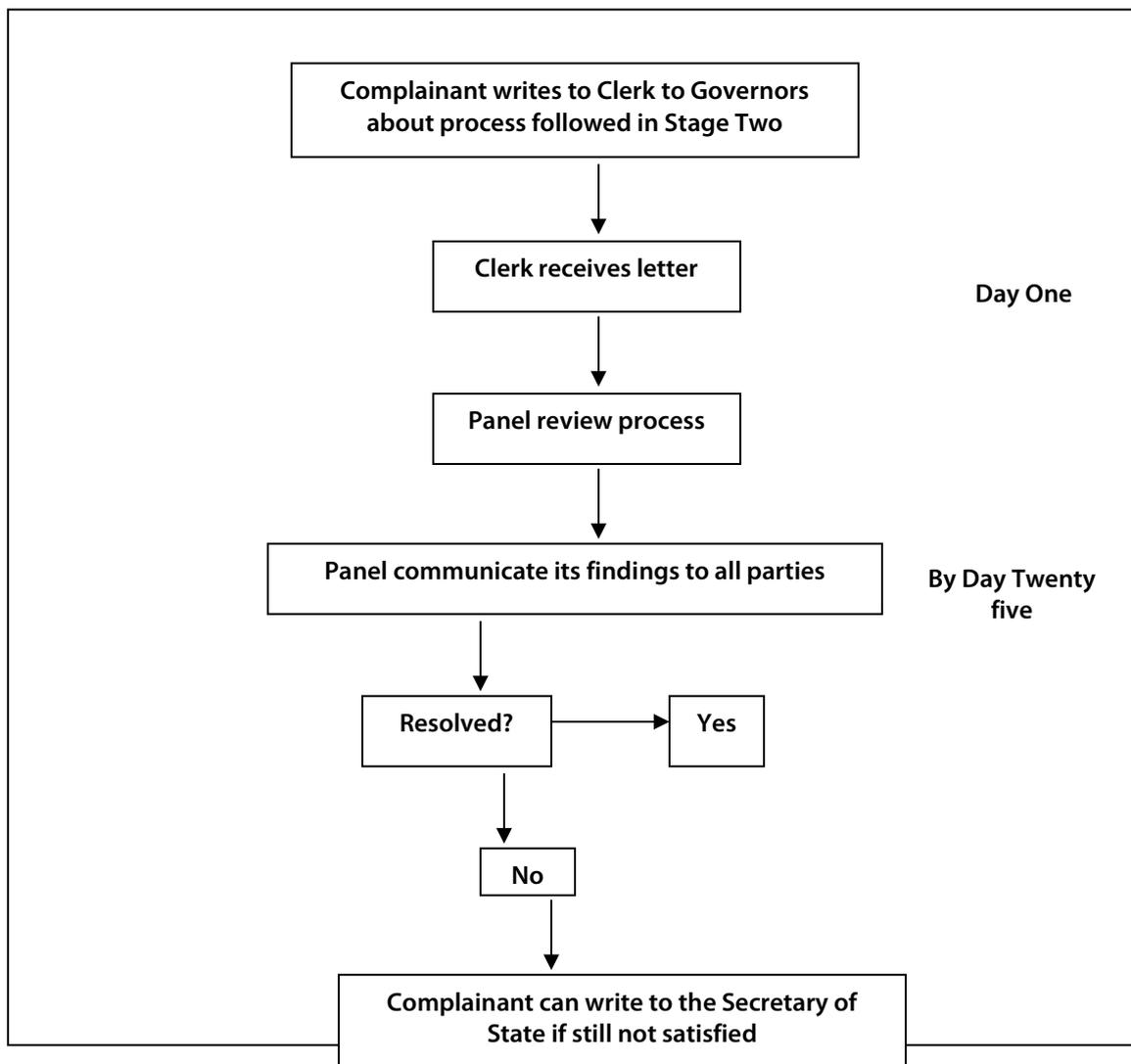
#### Stage One Informal Stage



#### Stage Two Formal Stage



Governors Review Panel (stage three)



**Note:** - If the complaint is about the actions of the Headteacher then the Chair of Governors carries out the Headteacher's role indicated above (section 5 in model procedure).