

St Bede C of E Primary Academy



Complaints Procedure

Selecting the most appropriate procedure

As a matter of daily routine, schools receive numerous contacts from parents and other interested parties. Many of these will be resolved simply by providing information or through the arrangement of an informal meeting. However, any approach may have the potential to develop into a complaint. For that reason it is very important to follow the appropriate procedure from the outset, so that the interests of the individuals may be safeguarded and in order to seek to identify a resolution as quickly as possible.

Therefore schools should have clear procedures for receiving enquiries and complaints and an effective mechanism for 'triage', so that they are directed to the appropriate person(s) for resolution.

It may be helpful to invite any complainant to complete a complaint form, to assist in the understanding and analysis of their complaint and to ensure that an accurate record is maintained.

Contact/complaints triage table

Nature of contact	Appropriate person to receive contact	Relevant policy/procedure
Request for published information	School office	FOI Act Charging policy
Request for personal pupil information	Headteacher or senior member of staff	DPA Charging policy
Complaint about GB policy (content or application of)	Clerk/chair	General complaints procedure
Unreasonable exercise of discretion by Headteacher e.g. declining to accept a volunteer or to sign a passport application	Headteacher Chair	General complaints procedure
Allegation about conduct of a member of staff	Headteacher or Chair (if allegation against Headteacher)	School staff discipline procedure (confidential to school and employee)
Allegation of verbal or physical assault by employee on pupil	Headteacher or child protection co-ordinator or Chair (if allegation against Headteacher)	Local child protection procedures (confidential to school, LA CPO and parents of alleged victim)

Allegation about capability of a member of staff	Headteacher or Chair (if allegation against Headteacher)	School staff competence procedure (confidential to school and employee)
Conduct of another pupil (e.g. bullying)	Headteacher or senior member of staff	School behaviour and discipline procedures (confidential to school and parents of alleged perpetrator)
Discipline of a pupil	Headteacher or senior member of staff	School behaviour and discipline procedures (confidential to school and parents of pupil)
Content of/failure to maintain a statement of SEN	Headteacher/SENCO/LA	LA procedures
Admissions	Chair/clerk (foundation/VA) LA (community/VC)	Admissions procedure Admissions appeal procedure
Exclusion	Chair/clerk (foundation/VA) LA (community/VC)	Exclusion appeal procedure
Failure to provide NC entitlement or inappropriate curriculum	Headteacher Clerk to GB LA	LA Procedure
Extended services	Manager of relevant service	Procedures of service provider
GB decision to remove licence for a person to enter school premises (banning)	Clerk to GB/Chair	GB appeal committee
Selection of pupil for school team/play	Headteacher/clerk to GB	General complaints procedure

General Principles

- 1) The procedure is designed to ensure that, wherever possible, an informal resolution is attempted.
- 2) All stages of the complaints procedure should be investigatory rather than adversarial.
- 3) The procedure is intended to be extended to those persons who may have a legitimate complaint relating to the school and where any complaint may not be pursued through a statutory complaints procedure. It is anticipated that, primarily, these persons will be parents, as defined by Section 576 of the Education Act 1996, and those with parental responsibility, as defined in the Children Act 1989.
- 4) The responsibility for dealing with general complaints lies solely with the school or academy. The procedures of LAs, Diocesan Boards and other agencies are expected to reflect existing legislation and ensure that any complaint received by them, that do not fall to them by statute to resolve, will be redirected to the school or academy immediately and that the complainant be informed accordingly.
- 5) Any procedure should include provision that “an anonymous complaint will not be investigated under this procedure unless there are exceptional circumstances”. These would include serious concerns such as child protection issues or bullying allegations, where the school would either involve appropriate external agencies or else conduct its own internal review to test whether there is any corroborative evidence which might trigger a formal investigation.
- 6) There should be a mechanism for terminating spurious complaints and those brought by vexatious complainants. In advising complainants of the outcome of their complaint it is important to be most circumspect in the details provided. To do otherwise may prejudice the ability of any employee complained about to continue in post. The release of certain

information might be an obstacle to the fair application of disciplinary/capability procedures or otherwise contravene the employee's employment or data protection rights.

- 7) In the event that a complainant believes that the appropriate procedures have not been followed, by the person dealing with their complaint, the complainant may request that the governing body reviews the process that has been followed in order to verify whether the procedure has been adhered to. Any review request that is based solely on dissatisfaction with the outcome, rather than any identified failure to deal with a complaint according to procedure, should not be accepted.
- 8) Any governors involved in the process should receive prior training for their role.
- 9) 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 directed, say, to the LA, Secretary of State, Councillors, MP, local paper, individual governors, the Diocese or the Bishop. Therefore it is essential that reference is made to the existence of the general complaints procedure in the school prospectus.
- 10) Some existing procedures include a 'hearing' stage, where the subject of the complaint is questioned in the presence of the parent or by the parent. The absence of such a stage in this procedure is deliberate as its inclusion creates an opportunity for confrontation, which runs counter to the resolution of any complaint. This is strictly in accord with the principle stated in the DfE guidance that the procedure be non-adversarial.
- 11) Complaints must be raised within 3 months of the event being complained of, save in exceptional circumstances.
- 12) Investigation of any complaint or review request shall begin within 5 school days of receipt of the same, save in exceptional circumstances. The investigation shall be completed as soon as reasonably practicable, say within 10 school days, save in exceptional circumstances.
- 13) The use of well designed 'complaints' and 'review request' forms may assist the process by focusing the complainant on the importance of being specific about the nature of their complaint and the need to provide evidence or at least to be able to cite relevant incidents.
- 14)
- 15) It is usually unhelpful if a complaint is broadcast to the school community. Therefore the school should make it clear any person who raises a concern that the school will treat the matter with a high degree of confidentiality and asks the complainant to do likewise. This is more likely to meet with a favourable response if the complainant is convinced that the school is taking their concern seriously and is actively seeking to resolve the matter.

Vexatious Complainants

The vast majority of complaints are resolved by informal contact. Problems arise where the complainants are unreasonable and are not seeking to have a situation remedied but instead are determined to extract retribution for some real or imagined wrong.

It is these latter circumstances that can lead a school, which is acting very reasonably, to being drawn into an interminable saga with letters flying back and forth with each reply demanding more and more answers to more and more questions. Often an attempt to clarify the situation will trigger a multitude of questions, none of the possible answers to which serve any constructive purpose. It is these vexatious complainants from which schools need protection.

General Principles

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

Raising a concern or complaint

1) Informal Stage

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

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

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

2) Formal Stage

If your concern or complaint is not resolved at the informal stage you must put the complaint in writing and pass it to the Headteacher (or to the clerk to the governing body, for the attention of the Chair, if the complaint is about the Headteacher) who will be responsible for ensuring that it is investigated appropriately.

A complaint form is provided to assist you.

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

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

Please pass the completed form, in a sealed envelope, to the Headteacher or to the clerk to the governing body, as appropriate.

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

It is possible that your complaint will be resolved through a meeting with the Headteacher (or Chair]. If not, arrangements will be made for the matter to be fully investigated, using the appropriate procedure. In any case you should learn in writing, usually within 5 days of the school receiving your formal complaint, of how the school intends to proceed. This notification should include an indication of the anticipated timescale.

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

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

Review process

Any review of the process followed by the school will be conducted by a panel of 3 members of the governing body. This will usually take place within 10 school days of receipt of your request.

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

The panel will first receive written evidence from the complainant.

The panel will then invite representatives of the school (Usually the Headteacher or the Chair of the governing body panel that has considered the matter), as appropriate, to make a response to the complaint.

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

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

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

If you believe that the governing body has acted illegally or arbitrarily in handling the complaint, then you may make representations to the Secretary of State for Children, Schools and Families.

St Bede C of E Primary Academy Formal Complaint Form

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

Your name: _____

Relationship with school (e.g. parent 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 concise details of your complaint (including dates, names of witnesses etc...), to allow the matter to be fully investigated (*you may continue on separate paper, or attach additional documents, if you wish*):

Number of Additional pages attached:

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

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

Signature: _____

Date: _____

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

Complaint referred to:			
Date:			

St Bede C of E Primary Academy Complaint Review Request Form

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

Your name: _____

Your address:

Daytime telephone number: _____

Evening telephone number: _____

Dear Sir

I submitted a formal complaint to the school on ***(insert date)*** and I am dissatisfied by the procedure that has been followed.

My complaint was submitted to ***(insert name)*** and I received a response from ***(insert name)*** on ***(insert date)***.

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

I am dissatisfied with the way in which the procedure was carried out, because *(you may continue on separate paper, or attach additional documents, if you wish)*:

Number of Additional pages attached:

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

Signature: _____

Date: _____

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

Complaint referred to:			
Date:			