



Complaints Policy

Approved by the Governors of Viewley Hill Academy on:20.1.14

Date	Amendment	Signed
17.2.15	Complete revision - adoption of MBC Complaints Procedure(2013)	HM
10.11.15	Revised as per guidance from GDS to incorporate information regarding unconnected governors sitting on GCC when necessary.	HM

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PART 1: Purpose of the Complaints Procedure

This procedure aims to reassure parents and others with an interest in the school that:

- Any complaint against the school will be dealt with in a fair, open and responsive way, with the aim of achieving a speedy and satisfactory resolution: and
- The school recognises that a willingness to listen to questions and criticism and to respond positively, can lead to improvements in school practices and provision for pupils.

General Principles of Complaints

Stage 1 – (informal): Complaint heard by staff member

On occasions, a parent may raise a concern directly with school staff without any formality. At this stage, it may be unclear whether the parent is making a complaint, seeking information or has misunderstood a situation. Schools need to be clear about the difference between a concern and a complaint. It would be helpful if staff were able to resolve issues on the spot, including offering an apology where necessary. Taking informal concerns seriously at the earliest stage will reduce the numbers that develop into formal complaints.

The underlying principle is that concerns ought to be handled, if at all possible, without the need for formal procedures. The requirement to have a complaints procedure need not in any way undermine efforts to resolve the concern informally.

At this stage where the complaint concerns the Head Teacher, the complaints can be referred to the Chair of Governors.

Where the first approach is made to a governor, they should refer the complaint to the appropriate person and advise the complainant of the procedures. It is important that individual governors or the governing body do not become involved at this stage in case they are needed to sit on a panel at a later stage of the procedure.

Stage 2 – (formal) Complaint heard by Head Teacher

If the concern is not resolved immediately and the parent confirms a complaint, the opportunity to discuss the matter with an appropriate member of staff will be given e.g. Head Teacher, Deputy Headteacher or Key Stage Leader. In the case of the complaint being against the Head Teacher, this stage will always be heard directly by the Chair of Governors. At this stage the head may delegate the task of collating the information to another staff member but not the decision on the action to be taken.

Stage 3 – (formal): Complaint Heard by Chair of Governors

If the complainant is not satisfied with the response of the Head Teacher or the complaint is about the Head Teacher, the complainant should write to the Chair of Governors to request that their complaint is considered further.

Stage 4 (formal): Complaint heard by Governing Body's Complaints Committee

The formal procedures will need to be invoked when initial attempts to resolve the issue are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further.

Schools might wish to nominate a member of staff to have responsibility for the co-ordination and management of the school complaints procedure. In smaller schools the Head Teacher may undertake this role.

FRAMEWORK OF PRINCIPLES

An effective Complaints Procedure will:-

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

Investigating Complaints

It is suggested that at each stage, the person investigating the complaint makes sure that 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
- interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish
- conduct the interview with an open mind and be prepared to persist in the questioning
- keep notes of the interview

Resolving Complaints

At each stage in the procedure schools 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

It would be useful if complainants were encouraged to state what actions/outcome they feel might resolve the problem at any stage. 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.

Dealing with Serial or Persistent Complainants

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. The decision to stop responding to a complainant should never be taken lightly and the school needs to be sure that:

- The school has taken every reasonable step to address the complainant's 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.

If the complainant tries to reopen the same issue, the chair of governor is able to inform them in writing or via email that the procedure has been exhausted and that the matter is now closed. (See - Further Recourse page 6)

Time Limits

Complaints need to be considered, and resolved, as quickly and efficiently as possible. An effective complaints procedure will have realistic time limits for each action within each stage. However, where further investigations are necessary, new time limits can be set and the complainant sent details of the new deadline and an explanation for the delay. It is recommended that time limits are set using school working days i.e. excluding school holidays.

PART 2: THE FORMAL COMPLAINTS PROCEDURE

The Stages of Complaints

- An efficient school complaints procedure will have well-defined stages. A complaints flowchart can be found in Appendix 5
- At each stage it is helpful to clarify exactly who will be involved, what will happen, and how long it will take. There may, on occasion, be the need for some flexibility, for example, the possibility of further meetings between the complainant and the member of staff directly involved and further investigations may be required by the Head Teacher after a meeting with the complainant.
- Four school-based stages are usually sufficient for most schools:
 - Stage 1 (informal) – heard by staff or Head Teacher
 - Stage 2 (formal) – Complaint heard by Head Teacher
 - Stage 3 (formal) - Complaint heard by Chair of Governors
 - Stage 4 (formal) - Complaint heard by GB complaints committee

An effective procedure will specify how a complaint will be dealt with and resolve the situation satisfactorily. However should a complainant still not be satisfied they can take the complaint to the Secretary of State for Education. (see Appendix 1)

PART 3: MANAGING AND RECORDING COMPLAINTS

Recording Complaints

It would be useful for schools to record the progress of the complaint and the final outcome. A complaint may be made in person, by telephone, in writing (e-mail). An example of a complaint form can be found in Appendix 5. At the end of a meeting or telephone call, it would be helpful if the member of staff ensured that the complainant and the school have the same understanding of what was discussed and agreed. A brief note of meetings and telephone calls can be kept and a copy of any written response added to the record.

Governing Body Review of Complaints

The governing body should monitor the level and nature of complaints a school receives and review the outcome on a regular basis to ensure the procedure is operating effectively and make any amendments where necessary. Complaints information shared with the governing body should not name individuals.

As well as addressing the 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.

• **Publicising the Procedure**

There is a legal requirement for the complaints procedures to be publicised. At Viewley Hill this policy and procedure are publicized on the school website and hard copies can be made available upon request.

Further Recourse

Making a complaint to the DfE should only happen once other routes have been followed. The exception to this may be where there is a child protection concern, or where a child is missing education.

Complaints about Academies and free schools

If the complaint progresses to the final panel hearing stage, the academy must

1. allow the parent(s) to attend and be accompanied if they wish
2. ensure at least one member of the panel is independent of the management and running of the academy

The panel cannot be made up solely of governing body members because they are not independent of the management and running of the academy. It is a matter for the academy to identify suitably independent individuals who can fulfil the role and responsibility of being the independent member.

Complaining to the Secretary of State for Education

- The decision of the Governors' Complaints Committee is final but Under section 496 or 497 of the Education Act 1996, complainants have a right of appeal to the Secretary of State for Education on the grounds that:
- A governing body or Local Authority is acting or proposing to act unreasonably; or
- The governing body or the Local Authority has failed to discharge its duties under the Act.
- The Secretary of State would not take action until the school procedures have been completed.
- Contact Details: complaints@dfesgsi.gov.uk
<https://www.education.gov.uk/schools/leadership/schoolperformance/school-complaints-form>

Complaining to Ofsted

- Ofsted has powers to investigate certain types of complaint from parents to help them to decide whether to inspect a school.

Before complaining to the Secretary of State, EFA or Ofsted, it is expected that all stages of this procedure have been exhausted.

The role of the Education Funding Agency (EFA)

The EFA can support academies to achieve a compliant procedure but it is the responsibility of academy trust to make sure that their complaints procedure is fully compliant. The EFA responsibility is to ensure academies comply with their funding agreements.

The EFA will check whether the complaint has been dealt with properly and whether it falls into any of the following three areas:

- Where there is undue delay or the academy did not comply with its own complaints procedure when considering a complaint.
- Where the academy is in breach of its funding agreement with the Secretary of State
- Where an academy has failed to comply with any other legal obligation.

The EFA will not overturn an academy's decision, however, if they find an academy did not deal with a complaint properly they will request the complaint is looked at again and procedures meet the requirements set out in the Regulations.

EXAMPLE – COMPLAINTS PROCEDURE

Stage 1 Informal Stage – Complaint heard by staff member (or Head Teacher)

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

It would assist the procedure if the school respected the views of a complainant who indicates that he/she would have difficulty discussing a complaint with a particular member of staff. In these cases it is useful if another member of staff can hear the complainant. Where the complaint concerns the Head Teacher the complainant is referred to the chair of governors.

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

Where the first approach is made to a governor, the next step would be to refer the complainant to the appropriate person and advise them of the procedure. 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 to sit on a panel at a later stage of the procedure.

The Head Teacher's influence will already have shaped the way complaints are handled in the school and resolved the complaint at this stage. If though the informal process has been exhausted and no satisfactory solution has been found the parent will be asked if they wish the complaint to be considered formally at stage two of this procedure.

If wishing to proceed with the complaint, the parent will be invited to put the complaint in writing to the Head Teacher or chair of governors using the form attached at Appendix 5. The form should be sent to the Head Teacher or chair of governors (if the complaint relates to the Head Teacher) within ten school days. Advice on how to complete the form may be requested from Governor Development Service 201986.

Stage 2 (formal) – Complaint heard by Head Teacher

At this stage the complainant may be dissatisfied with the way the complaint was handled at stage 1 as well as pursuing their initial complaint. The head may delegate the task of collating the information to another staff member but not the decision on the action to be taken. Where the Head Teacher has addressed the complaint at stage one, the chair of governors will become involved at this stage. Where another staff member has addressed the complaint at stage one, the Head Teacher will hear this stage.

The Head Teacher will acknowledge the written complaint within **five school days** of receipt and provide an opportunity to meet the parent to discuss the complaint. At this point the chair of governors and Head Teacher may **still seek to resolve the complaint informally**.

The Head Teacher (or designated person) will investigate the complaint and a written response will normally be made within **ten school days** of receipt of the complaint. If this is not possible, a letter will be sent explaining the reason for the delay and providing a revised target date.

The written response will include full reasons for the conclusions reached by the Head Teacher and what action, if any, the school proposes to take to resolve the matter.

Stage 3 (formal) – Complaint heard by Chair of Governors

If the complainant is not satisfied with the response of the Head Teacher or the complaint is about the Head Teacher, the complainant should write to the Chair of Governors to request that their complaint is considered further.

State 4 (formal) Complaint Heard by Governing Body's Complaints Committee

If the complainant still remains dissatisfied, they will be advised that a meeting of the governors' complaints committee will be convened. The governors' complaints committee is the last school-based stage of the complaints processes, and is not convened to merely rubber-stamp previous decisions.

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

As the chair of governors may be involved at an earlier stage in the procedure (particularly where the complaint is about the Head Teacher) it may be wise not to include the Chair as a member of the committee to avoid any possible reference to the chair being "impartial".

The Head Teacher would be expected to attend the hearing to give evidence and may also choose to invite staff to attend who had been directly involved in matters raised by the complainant (Subject to the approval of the Chair of the Complaints Committee).

The Complaints Committee should consist of three members of the governing body identified by the chair/clerk and is subject to individual availability. The committee nominates the chair. No governor may sit on the committee if they have had any prior involvement in the complaint or circumstances surrounding. In some cases it may be appropriate to have independent governors from other governing bodies hear the complaint to ensure openness and transparency. **Academy Governing Bodies must ensure that at least one member of the panel is independent of the management and running of the school.**

Complaints about a governor, the Chair of Governors or the Governing Body

Complaints about a governor should be referred to the Chair of Governors who will investigate and respond to the complainant. In dealing with this matter the Chair should seek advice from the Local Authority's Governor Services Team or Diocesan/Church Authority Officer. The Complaints Appeals Committee would deal with any appeal against the Chair's response.

Complaints about the Chair of Governors must be referred to the Clerk to Governors who would arrange for the complaint to be investigated and considered by the Complaints Appeals Committee of the Governing Body. Clerks to Governors should seek advice from the Local Authority's Governor Services Manager or their Diocesan/Church Authority Officer. Governor Services or the Diocesan/ Church Authority may be able to assist with any investigation.

ROLES AND RESPONSIBILITIES

The Remit of the Complaints Committee

The committee can:

- Dismiss the complaint in whole or in part
- Uphold the complaint in whole or in part
- Decide on the appropriate action to be taken to resolve the complaint
- Recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not recur.

There are several points, which any governor sitting on a complaints committee needs to remember.

- It is important that the panel is independent and impartial and that it is seen to be so. **No governor may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it.** In deciding the make-up of the committee, governors need to try and ensure that it is a cross-section of the categories of governor and sensitive to the issues of race, gender and religious affiliation. If necessary the committee may be made up of independent governors from other schools.
- The aim of the complaints committee, which needs to be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant. However it has to be recognised the complainant might not be satisfied with the outcome if the committee does not find in their favour. It may only be possible to establish the facts and make recommendations, which will satisfy the complainant that his or her complaint has been taken seriously.
- An effective committee will acknowledge that many complainants feel nervous and inhibited in a formal setting. Parents often feel emotional when discussing an issue that affects their child. The committee chair will ensure that the proceedings are as welcoming as possible. The layout of the room will set the tone and care is needed to ensure the setting is informal and not adversarial. (see appendix 10)
- Extra care needs to be taken when the complainant is a child. Careful consideration of the atmosphere and proceedings will ensure that the child does not feel intimidated. The panel needs to be aware of the views of the child and give them equal consideration to those of adults. Where the child's parent is the complainant, it would be helpful to give the parent the opportunity to say which parts of the committee hearing if any the child needs to attend.
- **The governors sitting on the committee need to be aware of the complaints procedure.**

Role of the Clerk

It is strongly recommended that any complaints committee hearing is formally clerked. The clerk would then be the contact point for the complainant and be required to:

- Ensure a written acknowledgement of the complaint and the request for it to be heard by the governors complaints committee be sent to the parent within **five school days**.
- Set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible. This will be within **twenty school days** of receiving the complaint. It will also inform the parent of the right to submit

any further documents other than the complaints form (see Appendix 5) and that these must be made available to the Clerk of the Governors within **five school days** of receipt of the acknowledgement letter.

- The Clerk will inform all those concerned of their right to call witnesses to the meeting, subject to the approval of the Chair of the committee, and their right to be accompanied by a companion of their choice (particularly parents).
- The clerk will also ensure that the Head Teacher or Chair of the complaints committee provides a written report in response to the complaint and advise them of their right to call witnesses and be accompanied by a supporter. Subject to the approval of the Chair.
- Collate any written material provided by the school or the parents and send it to the parties at least **five school days** prior to the meeting. This will also include the names of all parties and witnesses (if any) who will be attending the meeting.
- Meet and welcome the parties as they arrive at the hearing
- Record the proceedings
- Notify all parties of the panel's decision.

Role of the Nominated Chair of the Committee

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

- the correct procedure has been followed
- the remit of the committee is explained to the parties and each party has the opportunity of putting their case without undue interruption and ask questions
- the issues are addressed and only the issues identified in the complaint.
- Key findings of facts are made
- Parents and others who may not be used to speaking at such a meeting are put at ease
- The panel is conducted in an informal manner with each party treating the other with respect and courtesy.
- The panel is open minded and acting independently
- No member of the panel has a vested interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure
- All parties see written material. If a new issue arises it would be useful to give all parties the opportunity to consider and comment on it.

Notification of the Committees Decision

The Chair of the Committee needs to ensure that the complainant is notified of the panel's decision, in writing, with the panel's response.

Checklist for Complaints Committee

- The hearing is as informal as possible
- Witnesses are only required to attend for the part of the hearing in which they give their evidence.
- After introductions, the complainant is invited to explain their complaint, and be followed by their witnesses.
- The Head Teacher may question both the complainant and the witnesses after each has spoken.
- The Head Teacher is then invited to explain the school's actions and be followed by the School's witnesses.
- The Complainant may question both the Head Teacher and the witnesses after each has spoken.
- The panel may ask questions at any point
- The complainant is then invited to sum up their complaint
- The Head Teacher is then invited to sum up the school's actions and response to the complaint.
- Both parties leave together while the panel decides on the issue.
- The Chair explains that both parties will hear from the panel within a set time scale.

Governors Complaints Committee (GCC) Procedure for Hearing the Complaint

Introduction

The aim of the meeting is to resolve the complaint and achieve reconciliation between the school and the parent.

The Chair of the GCC will ensure that the meeting is properly minuted.

Although the meeting will follow the structured order below, given potential sensitivities and anxieties, the Chair will endeavor to ensure that the proceedings are as informal as possible and that all parties are put at their ease.

The introduction of new information or witnesses, previously not notified to all parties, would be reason to adjourn the meeting so that everyone has time to consider and respond to the new information.

Order of Meeting

1. The Chair welcomes the parent and his/her companion and introduces everyone present.
2. The Chair explains the purpose of the meeting, the procedure, and that all written evidence has been made available to all parties.
3. The parent/companion explains the complaint, calling in witnesses if appropriate.
4. The GCC and Head Teacher may question the complainant and witnesses.
5. The Head Teacher/Chair of Governors are then invited to present a response to the complaint, including action taken to address the complaint at stage 1 and 2 of the procedure and calling witnesses, if appropriate.
6. The GCC and parent may question the Head Teacher/Chair of Governors.
7. The GCC may ask questions at any point.
8. The parent summarises their case, highlighting evidence, including anything that has emerged in the questioning.
9. The Head Teacher summarises the school's position, highlighting evidence, including anything that has emerged in the questioning.

N.B. No new points to be added at stages 8 or 9.

10. The Chair of the Committee checks that all parties feel that they have had a fair hearing and reminds everyone of the confidentiality of the case.
11. The Chair of the Committee thanks both parties for attending and gives an indication of when they can expect to hear the outcome. All parties then leave the room together.
12. The GCC considers the complaint and reaches a unanimous or majority decision. The GCC also decides what action (if any) to take to resolve the complaint and, if appropriate, recommends changes to ensure similar complaints are not made in future.
13. When a decision has been made, the Chair informs both parties both verbally and in writing of the outcome of the complaint.

Complaints Flowchart

CONCERN OR COMPLAINT RECEIVED

INFORMAL STAGE 1	SCHOOL ACTION
<p>Informal discussion with the relevant class teacher or other relevant member of staff usually resulting in resolution to the issue.</p> <p>If the complaint is about the Head Teacher – proceed to Stage 2</p>	<p>The person is informed of the action to be taken to resolve the issue. If they are not satisfied they should be provided with a copy of the school's complaints procedure and information on how to proceed to stage 2.</p>
FORMAL PROCEDURE- STAGE 2	SCHOOL ACTION
<p>The complaint is submitted, either verbally or in writing, to the Head Teacher.</p>	<p>The Head Teacher acknowledges receipt within 5 school days and provides a full written response within 15 school days. Information is provided to the complainant on how to progress the complaint to stage 3.</p>
FORMAL PROCEDURE – STAGE 3	SCHOOL ACTION
<p>A written complaint is submitted to the chair of governors.</p>	<p>The chair acknowledges receipt within 5 school days and provides a full written response with 15 school days. Information is provided to the complainant on how to progress the complaint to stage 4.</p>
FORMAL PROCEDURE – STAGE 4	SCHOOL ACTION
<p>Complainant writes to the chair or clerk of governors requesting that the complaint be heard by the complaints committee.</p>	<p>Clerk arranges for complaints committee to meet between 12 and 20 school days from receipt of letter and informs the complainant of findings with 5 school days of hearing. Information is provided to the complainant on how to progress the complaint to the Secretary of State and Local Government Ombudsman.</p>
FURTHER RECOURSE	
<p>Complainant regarding maintained schools referred to the DfE addressed to the Secretary of State for Education</p> <p>The department's executive agency, the Education Funding Agency (EFA), will handle complaints about academies and free schools</p>	<p>Secretary of State delegates power to the School Complaints Unit who will examine if the complaint policy and other relevant statutory policies were followed in accordance with the provision set out. They will not re-investigate.</p>

Appendix 6

School Heading or Logo

Complaint Form

If you are not satisfied or feel that you have been unfairly treated, we would like you to indicate the problem.

It is however very important that you seek to resolve any difficulties in the first instance by discussing your concerns/complaint with a member of staff at school.

If you have tried this and are still not satisfied with the response then please fill in all the sections of this form and return it to the Head Teacher or Chair of Governors.

Your Name:

Child's Name	Class/Group
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Your Address:

Contact Details:	(mobile)	(home)	(work)
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Details of Complaint: <i>(Please be as specific as possible, e.g. giving dates, who was involved and where etc)</i>
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Please attach a continuation sheet/additional information if you wish

When did you report the problem to the school?

To whom at the school did you report the problem?

What was the response?

Have you complained to the school about this before? Yes/No *(delete as appropriate)

If so, to whom, and when?

What would you like to see done to resolve your complaint and bring the matter to an acceptable closure for yourself and the school?

Signed Date

(Parent/Guardian)

Appendix 6a

Date form sent to parent/carer:	Date form received:
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Parent/Carer's Name

Address

Child's Name and DOB:	Relationship to Child:
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Tel. No.	Informal Complaint:	Formal Complaint:
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Nature of Complaint

Informal Action List action taken to resolve informal complaint:

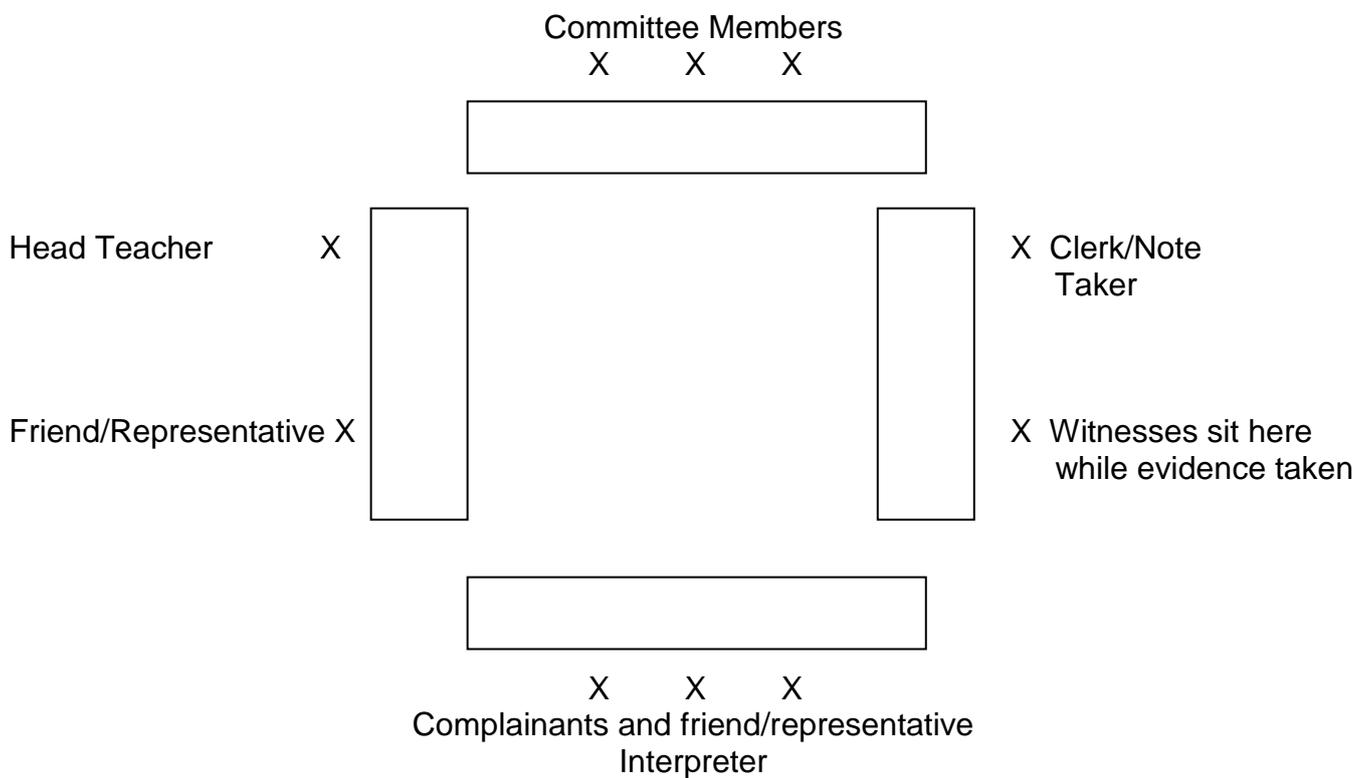
Outcome of Informal Complaint:

Formal complaint forwarded to Head Teacher/Chair of governors for action:

Any other Comments:

Formal Complaint forwarded to Governing Body for action:
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Suggested layout for complaints Hearing



X X X

Observers (staff named in the complaint who wish to attend, if appropriate)

It is important that the Head Teacher, staff and complainants are treated equally at all times, **e.g. that the Head Teacher is not in the room with the Committee members without the complainant and vice-versa.**

Flow chart – guidance on making a complaint against a school

