



**Elms**Bank

# Complaints Procedure

Last Updated: October 2019  
Review Date: October 2020

Who is the procedure for?

Anyone (parents, carers or members of the public) must feel able to raise a concern or make a comment about what goes on in school with members of staff, the Headteacher, or other nominated senior member of staff, without formality.

The procedure does not cover complaints that relate to those matters outlined below, for which there are separate arrangements. Where a complaint is made and subsequently found to fall within one of these categories, it will be investigated in accordance with the appropriate procedures, and the complainant will be notified accordingly.

*Child protection issues; SEN and appeals to SEN tribunals; the curriculum, collective worship or R.E.; temporary disapplication of the National Curriculum; school admissions and admission appeals; staff disciplinary and grievance matters*

Governing Bodies of schools are required by law under Education Act 2002 (Section 29) to establish procedures for dealing with complaints. This procedure will be used by the School's Governing Body when dealing with general complaints; it is for parents, carers and members of the public to use to raise informal and formal complaints with the school and the Governing Body. Complainants will be treated seriously and courteously and given the time they need to be heard. It is important that complainants have confidence in the procedure and know that their concerns and complaints will be investigated fully and impartially.

## **General Principles**

The procedure for handling complaints is intended to: -

- be easily accessible and well publicised
- be simple to understand and use
- allow complaints to be dealt with speedily and consistently with fairness to all concerned
- ensure a full and fair investigation
- respect individuals' desire for confidentiality
- address the key issues raised, provide an effective response and appropriate action
- be used by staff and governors appropriately and confidently.

If a complainant needs some kind of support in order to raise a concern or complaint, then every effort should be made to ensure this is available to enable them to fully participate in the process. (This could include provision of a translation of the procedure, provision of an interpreter etc.).

## **Stage 1 – Informal Complaint**

Most concerns can be resolved informally by speaking to the appropriate member of staff in school. Anyone who wishes to raise a concern should ask for an appointment to meet with a member of staff at an agreed time. At the meeting, the nature of the concern should be clarified and brief details recorded and the member of staff may be accompanied by a colleague or representative.

The parties involved should discuss and be encouraged to offer their view of what would be a realistic resolution to the problem. If the matter cannot be resolved at this stage, and the person wishes to take the matter further, they should be given clear information about how to proceed with a formal complaint at Stage 2 and be given a copy of the leaflet on how to proceed.

At this stage, members of the Governing Body should not be approached

## **Stage 2 – Formal Complaint**

All concerns that haven't been resolved at Stage 1 need to be logged as a complaint and put in writing and submitted to the Headteacher, (*unless the complaint is about them, then it needs to be submitted to the Chair of Governors*). **See Appendix A for the model complaints form.**

The Headteacher or Chair of Governors will then acknowledge receipt of the complaint in writing within five working days of receipt, and provide a target date for providing a response (normally 20 working days). They will then investigate the complaint and provide the response for the complainant.

Written records of all the meetings, telephone conversations and other documentation relevant to the investigation must be kept.

The person dealing with the complaint must inform the complainant of the outcome of their investigation in writing.

If the matter cannot be resolved at this stage, and the person wishes to take the matter further, they should be given clear information about how to proceed with a formal complaint at Stage 3.

### **Stage 3 – Formal Complaint to Governing Body Complaints Committee**

An issue that has not been resolved through Stages 1 and 2 will escalate to a full investigation by the Governing Body's Complaints Committee who will be charged with seeing the complaint through. The Education Act 2002 (Section 29) requires Governing Bodies to establish these procedures and hear complaints. This committee will be the last school-based stage of the complaints process.

The Complainant should write to the 'The Chair of Governors' marking it 'private and confidential – complaint' asking for the complaint to be dealt with at Stage 3 and this will be directed to the Complaints Committee.

#### **The Procedure for hearing a Stage 3 Complaint**

The Chair of Governors should advise the complainant of the name of the governor who will chair the complaint through an acknowledging letter, which should be sent out within 5 school days of receipt by them, setting out the timescale for dealing with it

The Chair should arrange to convene a meeting of the Complaints Committee normally within 20 school days of receipt of the letter, liaising with and ensuring that all parties are available for the meeting. If there is to be a longer delay (perhaps for the end of term or half term etc) the complainant needs to be informed and given an estimated date when the committee will be meeting.

It should be made clear who can attend the meeting and advise both the complainant and the person/people subject to the complaint that they may bring someone to support or represent them. The date, time and venue of the hearing, should be agreed to ensure that they are convenient and accessible to all parties.

The Chair should arrange for copies of all the relevant documentation to be sent to all people invited, ensuring that everyone has copies to read through at least 5 school days before the date of the meeting.

#### **Proceedings at the Meeting**

1. The Chair will introduce him/herself and ask people present to introduce themselves. It needs to be made clear at the start who can be present for what part of the meeting. The Chair will then explain the purpose and format of the meeting and advise those present that at any time they can ask for a short break
2. The **complainant** will be asked to give a verbal statement in support of his/her written letter of complaint and why s/he feels that he/she issue has not been resolved. He/she will be permitted to call witnesses and to produce relevant documentation.
3. The **person subject to the complaint** will be given the opportunity to ask questions:
  - (a) of the complainant on the evidence given by him/her and
  - (b) of any of the witnesses the **complainant** has called on their evidence.

4. The Chair and other committee members will take the opportunity to ask questions and seek clarification.
5. The **person subject to the complaint** will be given the right of reply, to state his/her case, to call witnesses and to produce relevant documentation.
6. The **complainant** will be given the opportunity to ask questions:
  - (a) of the **person subject to the complaint** on the evidence given by him/her and
  - (b) of any of the witnesses the **person subject to the complaint** has called on their evidence.
7. The Chair and other committee members will take the opportunity to ask any further questions they may have. When the committee members understand all the issues, the Chair will ask all parties to leave, except the members and the clerk.

### **After the meeting:**

The Committee members then discuss the issues in private and will need to consider the information come to a decision and suggest a way to resolve the issue taking into account the best interests of the child or children.

When the Committee have reached a decision the Chair will inform everyone concerned in writing as soon as possible, but in any event, within 10 school days of the meeting.

The decision of the Complaints Committee is final and they will report their findings to the Governing Body ensuring that any issues coming out of the investigation are actioned.

Once a Complaints Committee has heard a complaint, and it is clear that correct procedures have been followed, that specific complaint cannot be reopened or re-heard. If a request is received in this respect the complainant must be advised that they should contact the Department for Education:

<https://www.gov.uk/government/organisations/department-for-education>

or

**Telephone:** 0370 000 2288 **Typetalk:** 18001 0370 000 2288

You can also write to the Department:

Department for Education, Piccadilly Gate, Store Street, Manchester, M1 2WD

## APPENDIX A

### **Elms Bank Complaints Form**

Please complete and return this form to the Chair of the Complaints Committee who will acknowledge receipt and explain what action will be taken.

Your name:

Address:

Telephone (Daytime):

(Evening):

E-mail:

Your child's name:

Year group:

Please give details of your complaint.

What action, if any, have you already taken to try and resolve your complaint?

Who did you speak to and what was their response?

What actions do you feel might resolve the problem?

Signature.

Date.