

## **Blackburn with Darwen L.A.**

### **St. Thomas's Centre**

#### **School Complaints**

#### **Procedure**

### **1. Introduction**

This model procedure attempts to set out a clear and transparent process to ensure that school complaints are dealt with as quickly and efficiently as possible. All maintained schools and academies are required to establish a complaints procedure and to publicise that procedure. It is for the school to decide how the procedure is publicised, but it is anticipated that this could be included in school publications and placed on the school's website.

The length of time that the school takes to complete the investigation will depend on the gravity and complexity of the complaint, however all complaints should be considered within a period which is reasonable in the circumstances.

All references within the procedure to working days are days which the school is open to pupils, and for staff training days.

### **2. Scope of the Procedure**

This procedure covers all complaints against the school by external persons/parties which do not have an alternative statutory route to appeal or complain. Where allegations of misconduct are made against members of staff this procedure may be superseded by use of the staff disciplinary procedure, or other appropriate staffing procedure. Employees and former employees cannot use this procedure to raise issues about their employment if the issue would be more appropriately dealt with by a staffing/grievance procedure.

### **3. Principles governing Application of this Procedure**

3.1 The school will attempt to deal with all complaints or concerns in an informal way and by doing this will avoid the escalation to a formal complaint. Complainants should be kept informed during the investigation of their complaint and of the outcome except where this is confidential. The timescales within this procedure should be adhered to as far as is reasonable practicable, however there may be occasions where this cannot be met. Where this is not possible the complainant should be informed, within the specified timescale, as to why this is the case, and given a revised timescale for dealing with the complaint.

3.2 Governing Bodies should ensure that the school has appropriate arrangements in place for recording complaints and the way in which they are resolved. It is the governing

body's responsibility to monitor the nature and level of complaints, so as to best ensure the effectiveness of the procedure, and consider any underlying issues the school may need to address, including whether specific actions identified as outcomes of complaints have been addressed.

#### **4. Application of the Procedure**

At each stage in the procedure schools will want to consider the ways in which a complaint can be resolved. It may 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.

At each stage complainants should be asked to state what actions they feel might resolve the issue. An admission that the school could have handled the situation better is not the same as an admission of negligence.

#### **5. Frivolous or Vexatious Complaints**

5.1 These are complaints which are obsessive, persistent, prolific and repetitious, or are designed to cause disruption or annoyance. Equally there may be situations where the complainant's frequency of contact with the school hinders the consideration of the complaint and/or impedes the ability of the Headteacher and school to meet the needs of all pupils equitably.

5.2 Where the Headteacher, and/or Chair of Governors, judges a complaint to be frivolous or vexatious, having considered all the relevant circumstances, s/he should take appropriate action which may include rejecting the complaint and/or restricting contact between the complainant and the school. The Headteacher or Chair of Governors, as appropriate, should write to the complainant and explain this decision and the reasons for it, and what action will follow.

5.3 Where a complainant seeks to reopen a matter the same as previously considered under the procedure the Chair of Governors has the right to inform him/her that the procedure has been exhausted and the matter is closed.

#### **6. Stages of the Procedure**

Many concerns and minor complaints can be resolved quickly and informally. There are many occasions where issues are resolved immediately through the class teacher or another member of staff, depending upon the nature of the complaint. Unless there are exceptional circumstances every effort should be made by the school to have a full discussion with the complainant before moving into the stages of this procedure.

##### **6.1 First Stage**

If the complaint is not resolved through such discussion, the complainant should contact the Headteacher. The complaint should be made in writing by the complainant, or by another person on their behalf, with their consent (by letter or email).

The Headteacher, or other member of staff nominated by him/her, should offer to meet with the complainant to discuss his/her concerns within ten working days of receiving the complaint, or as soon as is reasonably practicable. Where necessary the Headteacher, or other nominated member of staff, should carry out a full investigation into the issues raised. The Headteacher will give a written response to the complainant as soon as possible but, in any case, within ten working days of this meeting.

Where the complaint is against the Headteacher, the Chair of Governors, another governor or the Governing Body as a whole, the complaint will move straight to the second stage of the procedure.

### **6.2 Second Stage**

If the complaint cannot satisfactorily be resolved at the first stage of the procedure, the complainant should put their complaint in writing to the Chair of Governors (or Vice Chair/nominated governor where the complaint is against the Chair of Governors), which may be by letter or email, via the school. The Chair/Vice Chair/nominated governor should offer to meet with the complainant to discuss his/her concerns within ten working days of receiving the complaint, or as soon as is reasonably practicable after this.

The Chair/Vice Chair/nominated governor will review the investigation and Headteacher's decision and may confirm this decision or reach a different decision. The governor may choose to reinvestigate the complaint in whole or in part. The Chair/Vice Chair/nominated governor will communicate his/her response in writing to the complainant as soon as possible but, in any case, within ten working days of the meeting.

Where the complainant is dissatisfied with this response the complaint should move to the appeal stage of the procedure.

### **6.3 Appeal Stage**

If the complainant wishes to appeal against the decision made at stage 2 s/he must indicate his/her intention to do so within ten working days of receipt of the outcome of the formal stage.

The complainant should do this by sending a written appeal to the Chair of Governors, either by letter or email, or, where the complaint is against the Chair, to the nominated governor. This should state the original complaint and the reasons for on-going dissatisfaction. The Chair of Governors, or nominated governor, may decline to accept a complaint into the Appeal Stage where s/he, acting reasonably, believes that the complaint has been upheld in full at the Formal Stage and in all the circumstances there is no merit in the matter proceeding further.

A governors' panel should be convened, consisting of three governors who have had no previous involvement in consideration of the complaint. Where the complainant is a parent, governors may wish to consider the possible advantages of this panel including a parent governor. A complaints appeal meeting will be held in accordance with the procedure attached as Appendix A.

The meeting of the governors' panel should take place as soon as possible, but in any case a date should be set and communicated to the complainant within twenty working days of receipt of the appeal. The governors' decision should be communicated in writing to the complainant as soon as possible but, in any case, *within five working days* of the meeting. The complainant will have no further right to appeal this decision within the school.

## **7. Opportunities to Request a Review**

### **7.1 Complaining to the Secretary of State**

If a complainant believes that the Governing Body has acted unreasonably s/he can complain in writing to the Secretary of State for Education. Complaints to the Secretary of State regarding maintained schools are handled by the Department for Education. In the case of academies the Secretary of State's responsibility to consider complaints is dealt with by the Education Funding Agency.

### **7.2 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 an external body it would usually be expected that all stages of this procedure had been exhausted.

Approving Body & Date:

Signed on behalf of Management Committee Chair and Head Teacher: *D. Thomson* (Vice Chair )

Date: December 2016

Reviewed: December 2017

## **APPENDIX A**

### **Conduct of Complaints Appeal Meetings**

1. Although this procedure may appear formal, the hearing should be conducted in as informal as way as possible, and the Chair of the panel should make every effort to make all parties feel comfortable.
2. A suitable venue must be provided for the meeting which includes separate waiting areas for the two parties and refreshments for all involved.
3. The date and time of the meeting must be agreed with all parties and witnesses and all relevant documentation must be circulated to all parties at least five working days in advance of the meeting.
4. Submission of additional documentation would not normally be allowed outside this timescale or at the appeal meeting, but the decision whether or not to allow this will lie with the governors' panel.
5. The meeting should be minuted.
6. Members of staff who have been involved in the issue, or other witnesses, may be called upon by either side to attend part of the meeting to provide information to the governors.
7. Both sides must provide names of any witnesses to be called at least five days in advance of the meeting, and the nature of the evidence which they will be providing. The panel has the discretion not to admit a witness if they do not consider their evidence to be relevant to the complaint.
8. There will be no audio or visual recording of the proceedings by any party but a copy of the minutes of the meeting, once approved, will be shared with all parties.
9. The governors will select a Chair from amongst their number.
10. The Chair of the panel will introduce all the parties present and explain the procedure to be followed, and that every effort will be made to keep the process as informal as possible.
11. The complainant (or his/her companion) will outline his/her complaint and explain why s/he is dissatisfied with the school's response to date. The complainant may call any witnesses in support of his/her complaint who will attend the meeting only for the time that they are providing information, and may be questioned by all parties.
12. The Headteacher and the governors will have the opportunity to ask questions of the complainant.
13. The Headteacher and/or the Chair of Governors will explain their involvement in the complaint and the reasons for their decisions at the informal and first formal stage. The Headteacher and/or Chair of Governors may call any witnesses in support of his/her statement who will attend the meeting only for the time that they are providing information, and may be questioned by all parties.
14. The complainant and the governors will have the opportunity to ask questions of the Headteacher and/or Chair of Governors.

15. Both parties will be given the opportunity to sum up their statements, ending with the complainant. No new material may be introduced at this stage.

16. The governors may decide to adjourn the hearing pending further investigation at any stage, if this seems necessary.

17. Both parties will leave the meeting and the governors will consider the information that has been put to them. The clerk will remain for this part of the meeting in order to clarify anything if necessary, but the governors' deliberations will not be minuted.

18. The governors' panel must reach a unanimous or majority decision as to whether or not to uphold the complaint wholly or in part, and what action (if any) the school needs to take to resolve the complaint. This may include referring the matter to another formal process, whether in relation to a complaint against a governor or a member of the school staff. Normally the governors will reach a decision at this point but they may feel the need to take further advice. Where this is the case they should endeavour to reach a decision as soon as possible.

19. The governors will communicate their response to both parties in writing as soon as possible but, in any case, within five working days of reaching their decision. The governors' response should detail whether the complaint is upheld wholly or in part and briefly summarise the basis on which governors arrived at this conclusion. The response should also include any lessons learnt and specify any action to be taken by the school as a result of the complaint and within what timescales.

### **First Formal Stage**

Complaint made in writing to Headteacher. Complaint relates to member of staff or situation involving the day to day management of the school

Within 10 working days of receipt of letter

Complaint acknowledged and meeting offered with Headteacher/nominated member of staff

Within 10 working days of meeting

Response to the complaint given by Headteacher/nominated member of staff

### **Second formal stage**

Where the complaint is about the Headteacher or cannot be resolved at stage 1 this should be put in writing to the chair of governors or vice chair/nominated governor where complaint is against chair

Within 10 working days of receiving complaint

Chair/Vice chair/Nominated governor will offer to meet with complainant

Response communicated to complainant within 10 working days

Chair/Vice chair/Nominated governor will review the investigation and head teachers decision  
The governor may choose to reinvestigate the complaint in whole or in part

### **Appeal stage**

Appeal received within 10 working days of receipt of outcome letter

If complainant wishes to appeal against the decision made at stage 2 then the letter should be sent to chair of governors or to nominated governor if complaint is against the chair

Meeting arranged within 20 working days of receipt of appeal

Meeting of governor's panel

Within 5 working days of the meeting

Outcome of appeal communicated to complainant