

Complaints Policy

This policy and procedure represents a recognition that things can go wrong and that the school is committed to resolving concerns as quickly and effectively as possible. We value parents' views on what goes on in the school and are happy to receive comments and suggestions at any time as a means to improvement and to rectify any possible misunderstandings.

Aims

To:

- resolve concerns through informal discussions at the earliest stage
- be speedy, with well-defined timescales and named contacts
- focus on resolution and service review rather than blame
- be accessible to people with disabilities, special needs or language barriers
- promote confidentiality and discretion
- include fair and transparent investigative processes for staff as well as complainants
- indicate other sources of advice, for example CAB (Citizens Advice Bureau), parent/partnership services, ACE (Advisory Centre for Education), the LA complaints adviser
- be forthright in dealing with vexatious, abusive, malicious and anonymous complainants.

This guidance does not cover complaints about the following issues, for which there are specific statutory regulations and LA appeal mechanisms:

- *the LA's decisions on special educational needs (SEN) assessments and school placements*
- *school admissions and transfers*
- *exclusions*
- *employment.*

The Process

Parents are advised to pursue the following stages in order.

The Preliminary Stage

1. Parents should speak informally with the class teacher as soon **as they have a concern**. Initial contact may be via the office if uncertain which member of staff would be appropriate. The best time to make contact is at the end of the school day. Urgent contact can be made via the school office between 08:30 and 16:30.
2. If the concerns are about the Executive Head Teacher, then these should be discussed informally with them at the earliest opportunity. However, depending on the circumstances, parents may need to approach the Chair of Governors (Stage 2)

3. If the concerns are about the Head of Teaching and Learning, then these should be discussed with them at the earliest opportunity. If the concerns are not resolved then these should be discussed informally with the Executive Head Teacher.
4. Most concerns are dealt with informally to everyone's satisfaction. Failing this, complainants will need to take the complaint to the next stage or stages of the process.

Stage 1 – Executive Headteacher

If satisfaction is not achieved by raising the concerns with the appropriate member of staff then the following steps should be taken.

1. Parents should write to the Executive Headteacher, giving details of the concern and enclosing any appropriate paperwork.
2. If preferred, a complaints form (*Appendix II*) may be filled in by the complainant or member of staff instead of writing a letter.
3. The Executive Headteacher, or a designated senior member of staff, should respond to the parent in writing as soon as possible. Standard practice is to acknowledge the complaint and/or offer a full response within five working days.
4. If the complaint requires an in-depth investigation, the Executive Headteacher will need to acknowledge this and let the complainant know that a full response will take longer than usual. Standard practice is to investigate the complaint and prepare a response within 20 days.
5. The Executive Headteacher may find it useful, following any meeting with parents, to summarise the main points in a follow-up letter. This may prevent any misunderstandings and ensure that all parties have a clear record of progress or agreements.
6. If a parent remains dissatisfied, the Executive Headteacher will need to decide when to give a final response and refer the parent to Stage 2 of the complaints process.

Stage 2 - Chair of Governors¹

1. If the parent is dissatisfied with the final response at Stage 1 they should write to the Chair of the Governing Body (who is responsible for logging complaints).
2. The letter should outline the complaint, explaining the reasons for pursuing it beyond the Executive Headteacher's response and enclosing any relevant paperwork.
 - *Parents needing support in making a written complaint may approach the school office for help or telephone the Chair of Governors via the school office, who will write the details down for them.*

¹ ***Parents are advised not to write to all governors individually as this may make it difficult to set up a panel of three governors who have had no prior involvement in the case.***



3. The timescales for acknowledging the complaint and making a response at this stage will be similar to those outlined for the Executive Headteacher at Stage 1.
4. This stage offers an opportunity for achieving conciliation between all parties. Informal discussions between the Chair of Governors and the Executive Headteacher are key to resolving the complaint and agreeing a way forward. This should prevent any further escalation of the disagreement.
5. The Chair of Governors will need to decide who is responsible for dealing with the issues involved, and therefore what powers are available to governors with respect to the particular complaint.
Are the issues related to responsibilities that:
 - *are delegated to the Executive Headteacher by the governing body; or*
 - *fall within the governing body's remit only; or*
 - *are within the Executive Headteacher's terms and conditions of employment and relate to the internal organisation, management and control of the school?*

Appendix III –Governing Body Decision Planner_ contains a decision planner.

6. For delegated responsibilities and matters within the remit of the governing body, the chair may look at the whole issue afresh.
7. If the matter relates to the Executive Headteacher's conduct, the chair of governors will need to decide whether the matter should be dealt with through the complaints procedure or staff disciplinary procedure. Advice can be sought from the LA complaints adviser or education personnel services (see '[Helpful contacts](#)' page 12).
8. For matters that are the Executive Headteacher's responsibility, the chair of governors is only empowered to look at whether the Executive Headteacher's decision or action was reasonable in the light of the information available at the time.
9. In the rare circumstance that a parent is unhappy with the outcome, the chair of governors may offer a right of appeal to the governing body's complaints panel.

Stage 3 - Governing Body's Complaints Panel - reconsideration or review

If the complaint is not resolved by the Chair of the Governing Body, then a complainant may then appeal to the relevant complaints panel of the Governing Body.

1. Parents who wish to appeal to the governors should request this in writing to the Clerk to the Governing Body. Parents should describe the issues in detail and say why they are dissatisfied with the outcomes of the previous stages.
2. The Governing Body should include a complaints panel when setting up their committees for the year ([Appendix IV](#)). For complaints about the



national curriculum or religious education, this will usually be the curriculum committee.

3. Parents should not write to all governors individually as this may make it difficult to set up a panel of three governors who have had no prior involvement in the case.
4. The governors' powers should be made clear to parents at Stage 2 and re-emphasised at this point. The two forms of appeal would be a reconsideration or a review.

a. Reconsideration (considering afresh)

When the issues relate to delegated responsibilities, the panel can reconsider the matter, that is, look at the matter afresh, with any new information that the Executive Headteacher may not have been aware of at the time of the original response or action. In the light of additional information, the panel may decide to write and ask the Executive Headteacher to give the matter further consideration. Complaints about a governor should also be subject to a reconsideration of the issues.

b. Review

If the matter falls within the Executive Headteacher's decision-making remit by virtue of his or her terms and conditions of employment, then the panel will only have the power to review the decision, not to consider the matter afresh. It may look at whether the decision or action was unreasonable. An unreasonable decision might be one that is irrational: a decision that no reasonable Executive Headteacher, properly aware of his or her duties and properly taking into account the facts of the case before him or her, would make.

The panel will need to consider the facts as they were known to the Executive Headteacher at the time and then consider whether the Executive Headteacher:

- failed to take account of a relevant consideration; and/or
- took into account an irrelevant consideration; and/or
- made a 'perverse' decision in the light of the evidence available at the time.

If new evidence does come to light, the panel should refer it back to the Executive Headteacher, who may consider amending the decision in the light of that new information.

In deciding whether the Executive Headteacher's decision was perverse, the panel will need to judge whether the decision was one that, on the facts, was open to the Executive Headteacher to make; that is, within a reasonable range of responses in the light of the evidence available.

5. The clerk should arrange and facilitate the meeting ([Appendices IV](#) and [V](#)).
6. The panel should consist of three governors with no prior involvement in the matter and the chair should be designated before the meeting. The meeting should be held in an informal atmosphere but should follow a formal agenda ([Appendix V](#)).

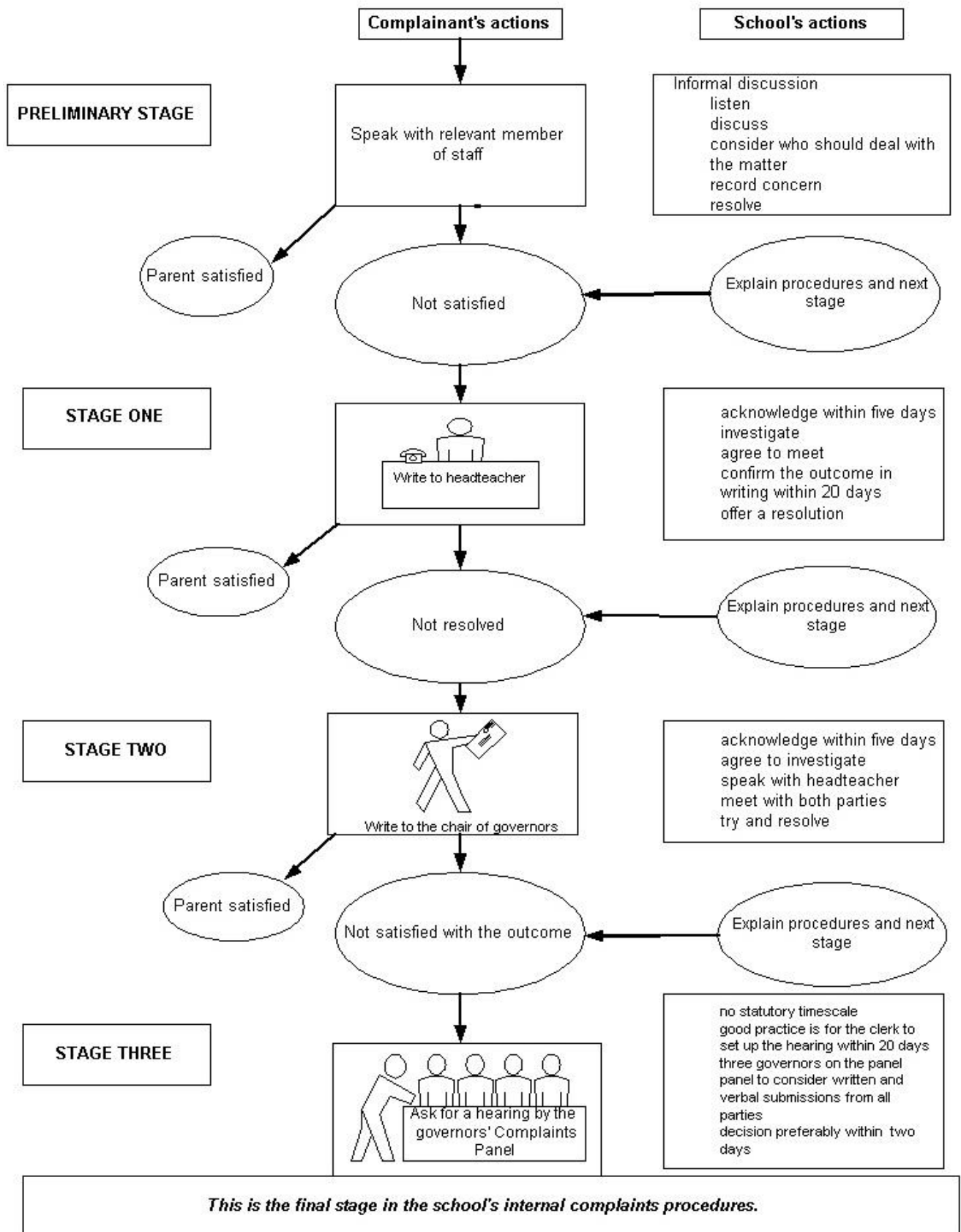


7. The clerk should inform the complainant in writing of the panel's decision, preferably within two school days following the meeting. The letter ([Appendix VI](#)) should include:
- a. a summary of the issues*
 - b. an outline of the main points of discussion*
 - c. the reasons for the decision*
 - d. proposed actions or outcomes.*
8. The panel's letter may suggest that the parents meet the Executive Headteacher again to agree a way forward.
9. For issues related to the national curriculum or the provision of religious education, parents will need to be told that they can appeal further to the LA (Stage 4).
10. For general complaints: this is the final stage of the school's complaints procedure. If a parent believes that the Executive Headteacher's and governors' actions have been unreasonable or the correct process has not been adhered to, the only recourse is to the Secretary of State. It may be helpful to advise parents to seek advice from the LA's complaints adviser at this point.

Stage 4 - Local Education Authority (LA)

11. The local education authority (LA) offers a further right of appeal for parents who have exhausted the school's procedures, if the complaint is about:
- the national curriculum and related matters
 - provision of collective worship and religious education.

Appendix I – Staged Approach to handling Complaints



Appendix II –Wellow / Awbridge School Complaints Form



When we receive a complaint, we aim to acknowledge its receipt within 5 working days and send a full or interim response within 20 days.

Name of parent/carer
Pupil's name
Address:	
Postcode:
Telephone (day):
Telephone (evening):

What is your concern and how has it affected you?

Are you attaching any paperwork? If so, please list this below:

Have you discussed this matter with a member of staff before filling in this form? If so, who did you speak to and what was the response?

What would you like to happen as a result of making this complaint?

Signature Date

Official use only Initial response and acknowledgement:	Action taken:
By whom:	
Date:	Date:

Data Protection Act 1998 - We will only process your personal data to respond to your complaint. In general, this data will be used for administrative and statistical purposes.

Appendix III –Governing Body Decision Planner

Adapted from: Roles of Governing Bodies and Headteachers:

Ref DfES 0168/2000 -

http://www.dfes.gov.uk/governor/infodocs/information_31.doc

KEY	
Level 1 = decisions made by the GB; Level 2 = decisions made by the GB with advice from the Executive Headteacher; Level 3 = decisions delegated to the Executive Headteacher; Level 4= decisions made by the Executive Headteacher.	
Functions that the whole GB must consider	
X	The function cannot lawfully be carried out at this level.
-	Recommended level(s), or where the law assigns specific responsibility.
Blank:	Action could be carried out at this level if the GB so decide, but is not generally recommended.
*	Functions that the whole GB must consider.

Action Sheet			Decision level			
Key function	No	Tasks	LEVEL 1	LEVEL 2	LEVEL 3	LEVEL 4
Decisions made by:			GB	GB + HT	Dele-gated to HT	HT
School	1	To approve the first formal budget plan each financial year*		-	X	X
Budgets	2	To monitor monthly expenditure			-	
	3	Miscellaneous financial decisions (e.g. write-offs)		-		
	4	To investigate financial irregularities (Executive Headteacher suspected)	-	X	X	X
	5	To investigate irregularities (other suspected)		-		
	6	To enter into contracts (above a set financial limit)		-		
	7	To enter into contracts (below a set financial limit)			-	
	8	To make payments		-		
	Staffing	9	Executive Headteacher appointments (selection panel)*	-	X	X
10		Deputy appointments (selection panel)*	X	-	X	X
11		Appoint other teachers (the GB may, if they wish, be involved in the selection panel)		-		X
12		Appoint non-teaching staff (the GB may, if they wish, be involved in the selection panel)		-		X
13		Pay discretions (the Executive Headteacher should not advise on his/her own pay)		-		X
14		Establishing disciplinary/capability procedures		-		X
15		Dismissal (of the Executive Headteacher). NB: the GB must act through the Dismissal Committee*	-	X	X	X
16		Dismissal (of other staff). NB: the GB must act through the Dismissal Committee	X	-	X	X
17		Suspending the Executive Headteacher	-	X	X	X
18		Suspending staff (except the Executive Headteacher)		-		-
19		Ending a suspension (of the Executive Headteacher)	-	X	X	X
20	Ending a suspension (except of the Executive Headteacher)		-	X	X	
21	Determining dismissal payments/early retirement		-			
22	Determining the staff complement		-			
23	In VA and foundation schools: to agree whether or not the Chief Education Officer/diocesan authority should have advisory rights	-		X		
Curriculum	24	To ensure the national curriculum (NC) is taught to all pupils and to consider any disapplication for pupil(s)		-		-



	25	To draft curriculum policy			-	
	26	To implement curriculum policy				-
	27	To agree or reject and review curriculum policy		-	X	X
	28	Responsibility for standards of teaching				-
	29	To decide which subject options should be taught, having regard to resources, and build flexibility into the curriculum (including activities outside the school day)				-
	30	Responsibility for each individual child's education				-
	31	In the provision of sex education, to make and keep up to date a written policy*		-	X	X
	32	To prohibit political indoctrination and ensure the balanced treatment of political issues*		-		-
	33	To draw up a charging and remissions policy for non-NC based activities in consultation with the LA*		-		
Performance Management	34	To establish a performance management policy		-	X	X
	35	To implement the performance management policy		-		-
	36	To review annually the performance management policy		-	X	X
Target setting	37	To set and publish targets for pupil achievement		-	X	X
Exclusions	38	To decide a discipline policy*		-	X	X
	39	To exclude a pupil for one or more fixed terms (not exceeding 45 days in total in a year) or permanently	X	X	X	-
	40	To review the use of exclusion and to decide whether or not to confirm all permanent exclusions, and also fixed-term exclusions where the pupil is either excluded for more than five days in total in a term or would lose the opportunity to sit a public examination. NB: The GB must act through its pupil discipline committee		-	X	X
	41	To direct the reinstatement of excluded pupils	-	X	X	X
Admissions	42	To consult annually before setting an admissions policy (but in community and controlled schools only where the LA has delegated this power to the GB)*		-	X	X
	43	To consult annually before setting an admissions policy (VA and foundation schools)*		-	X	X
	44	To set an admissions policy (special schools where pupils do not have a statement) acting with the LA*		-	X	X
	45	To set an admissions policy (special schools where pupils have statements) for the LA after consultation with the GB*		-	X	X
	46	Admissions: application decisions (but in community and controlled schools only where the LA has delegated this power to the GB)		-	X	X
	47	Admissions: application decisions (VA, foundation and special schools)		-	X	X
	48	To appeal against LA directions to admit pupil(s) (VA, foundation and special schools; also community and VC schools where the LA is the admissions authority)		-	X	X
Religious Education	49	Responsibility for ensuring the provision of RE in line with the school's basic curriculum (all schools)		-	X	-
	50	Decision to revert to a previous RE syllabus (former GM schools except VA of religious character)		-		
	51	Decision to provide RE according to trust deed/specified denomination in VA schools with religious character (but in foundation and VC schools of religious character at the request of parents)	-			
	52	Decision to provide RE in line with a locally agreed syllabus (VA schools - only if parents request it. All other schools not covered in 51 above)		-		
Collective worship	53	In all maintained schools, the LA and Executive Headteacher shall ensure that all pupils take part in a daily act of collective worship. The GB also has similar duties.		-	X	-



	54	To make application to the advisory councils, SACRE, concerning requirements for collective worship (schools without a religious character) to disapply. Executive Headteacher must consult GB	X	X	X	-
	55	Arrangements for collective worship (schools without religious character). The Executive Headteacher must consult the GB	X	X	X	-
	56	Arrangements for collective worship (foundation schools of religious character, VC or VA schools)*	X	-	X	X
Premises	57	Buildings insurance - the GB to seek advice from the LA, diocese or trustees where appropriate		-		
	58	Strategy (including budgeting for repairs etc) and Asset Management Plans		-		
	59	To ensure health and safety issues are met		-		-
	60	To set a charging and remissions policy*		-	X	X
School organisation	61	To draw up instruments of government and any ensuing amendments*	-		X	X
	62	To publish proposals to change the category of a school*		-	X	X
	63	A proposal to alter or discontinue [?] the status of a voluntary, foundation or foundation special school*		-	X	X
	64	To draft a school Action Plan following an Ofsted inspection, and distribute copies to parents		-		
	65	To set the times of school sessions and the dates of school terms and holidays, except in community and VC schools where the LA* does this		-	X	X
Information for parents	66	To hold an annual parents' meeting		-	X	X
	67	To approve and distribute the annual report to parents		-	X	X
	68	To provide information for the GB to publish (ie in the school prospectus)*		-	X	X
	69	To ensure the provision of free school meals to pupils meeting the criteria			-	X
	70	The adoption and review of home/school agreements		-	X	X
GB procedures	71	To appoint (and remove) the chair and vice-chair of a permanent or a temporary GB*	-	X	X	X
	72	To appoint and dismiss the clerk to the governors	-	X	X	X
	73	To hold a GB meeting once a term, or a meeting of the temporary GB as often as occasion may require*	-		X	X
	74	To appoint and remove co-opted governors, including temporary additional co-opted governors*	-		X	X
	75	To set up a register of governors' business interests		-	X	X
	76	To approve and set up an expenses scheme		-	X	X
	77	To discharge duties towards pupils with special needs by appointing a "responsible person" in community, voluntary and foundation schools		-	X	X
	78	To consider whether or not to delegate functions to individuals or committees*	-		X	X
	79	To regulate the GB's procedures (where not set out in law)*	-		X	X
	80	To review at least once a year the establishment, terms of reference and membership of committees, including selection panels*	-		X	X
	81	To consider and decide whether or not to delegate functions to an EAZ Forum*		-	X	X



Appendix IV Complaints Panel

See www.education.hants.gov.uk/intranet/policies/complaintsguide/complaints-10.php#TopOfPage

www.education.hants.gov.uk/intranet/policies/complaintsguide/complaints-11.php#TopOfPage

www.education.hants.gov.uk/intranet/policies/complaintsguide/complaints-12.php#TopOfPage