



## Spittal Community First School Complaints Policy



THIS POLICY is a statement of the aims, principles and strategies for Complaints at Spittal Community First School.

IT WAS DEVELOPED during the autumn of 2011, through a process on consultation between teachers and Governors.

IT WAS APPROVED by the Governing Body in 2016 and 2019.

THIS POLICY WILL BE REVIEWED on advice from the LA.

### Complaints Procedure For use by parents and members of the public

This procedure is for use for complaints against the school, a member of staff or the governing body. It is expected that complaints will be lodged as soon as possible after any incident occurs and this would usually be expected to be within 3 months. There are separate arrangements, laid down by law to cover the following:

- Appeals against admissions to schools.
- Appeals about statutory assessments and against Education Health Care Plans.
- School re-organisation proposals.
- Matters likely to require a Child Protection Investigation
- Appeals against the Exclusion of Children from School
- Whistleblowing
- Staff Grievance & Disciplinary procedures
- Services provided by other providers who may use the school premises or facilities.

For further guidance on any of the above please contact the Head teacher.

#### Stage One: Complaint Heard by Staff Member/Head teacher/ Chair of Governors.

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 members of staff are made aware of the procedures, they know what to do when they receive a complaint.

In the first instance the complaint should be discussed between the person making the complaint and the member of staff involved. If a complainant indicates that they would have difficulty discussing a complaint with that particular member of staff they should be referred to another staff member. Where the complaint concerns the head teacher, or a governor, the complainant should be referred to the chair of governors if the complainant feels unable to discuss with the individual involved. Complaints against the Chair of Governors should be addressed to the Clerk to Governors.

Similarly, if a member of staff/head teacher/chair of governors feels too compromised to deal with a complaint it should be referred to another member of staff or another governor. The ability to consider the complaint objectively and impartially is crucial and it is also important to give an indication of timescale if it is found that the complaint requires further investigation.

If a complainant first approaches a governor, they should be referred, via the Head Teacher, to the appropriate person i.e. the member of staff concerned or the chair of governors. **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 committee at a later stage of the procedure.**

It is hoped the majority of complaints can be resolved at this informal stage and to this end it may be useful to involve the Client Relations service, within the Children's Services Directorate of the Local Authority, who are available to advise parents

on the complaints process and may on occasion help to facilitate contact with the school. The School Support Service can advise the school on procedure.

#### **Stage Two: Formal Consideration of Complaint.**

If the complainant is dissatisfied with the outcome of Stage 1 or the way the complaint has been handled at stage one and wishes to pursue their initial complaint further, the head teacher/chair of governors may delegate the task of formally investigating the complaint to another staff member or another governor.

The head teacher/chair of governors may also, in exceptional circumstances, commission an investigating officer report to be undertaken by an external consultant. The person making the complaint should be informed that an investigation is underway and that they will receive a response within 25 working days, or a letter explaining the reason for any subsequent delay.

Once the relevant facts have been established and conclusions drawn, the head teacher/chair of governors/nominated officer should relay the decision, and the reason for the decision, in writing to the complainant.

#### **Mediation (Optional stage)**

*The School **may** offer the option of mediation following the investigative stage of the complaint consideration, if the complainant is not satisfied with the outcome at Stage 2, this is not instead of Stage 3 rather as an additional way of reaching agreement and securing a way forward. Complainants do not have to accept mediation nor do the school have to offer this step if it is felt to be inappropriate.*

#### **Stage Three: Complaint Heard by Governing Bodies Complaints Committee**

If the complainant is still dissatisfied with the outcome they should contact the head teacher/chair of governors/nominated officer giving details of the complaint within ten school days of receipt of the stage 2 decision letter. The chair or nominated officer/governor will convene a governing body complaints committee, if they consider it appropriate, after considering the report of the investigating officer and the request of the complainant – the usual practice at Stage 3 would be to convene a Panel as the complainant should be allowed to complete the complaints procedure in full.

When convened, the committee will consist of a minimum of three governors with delegated powers. The committee will be appointed by the chair of governors with the chair of the committee being appointed when they meet. The complaints committee will take a decision as to any action to be taken in response to the complaint. For example they may choose to:

- convene a hearing at which the complainant will be invited to put forward their case. This should be held within 20 working days of the decision to hold the hearing;
- dismiss the complaint in whole or in part;
- uphold the complaint in whole or in part;
- recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not recur.

In reaching a decision the committee may take the advice of such bodies as they see fit, in particular the Local Authority and where appropriate the Diocesan Authority. If it is decided that it is appropriate to hold a hearing, the clerk of the complaints committee will inform both parties in writing of the decision of the committee within five school days.

If, after following the school's own complaints procedure, the complainant is dissatisfied with the outcome at Stage 3, or if there are reasons why they cannot use that procedure – for example, they feel their complaint has not been or will not be given a fair consideration due to a conflict of interest – they can forward their complaint to the Department for Education, using the online [school complaints form](#).

It should be noted that these complaints committees are not a form of legal proceeding and therefore it is inappropriate for either the school or the complainant to bring legal representation. The exception to this would be if a member of staff, as a witness, wished to bring individual union or legal representation. If a complainant should decide to commence legal action

against the school in relation to their complaint then the school would consider suspending the complaints procedure until such legal proceedings had concluded.

**Making a complaint to the Department should only happen once all 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.

More information about making a complaint can be found on the DfE website:

<http://www.education.gov.uk/schools/leadership/schoolperformance/b00212240/making-complaint-school/how-to-complain>

*If a complaint has been made by a number of parents and it is about a whole school issue they may, at any stage of the procedure, ask the Chief Inspector of schools to investigate their complaint. The Chief Inspector may or may not require the school's complaints procedure to be exhausted before he decides whether or not to investigate.*

*However, should the school become the focus of a complaint campaign; receiving a large volume of connected complaints all based on the same subject or from complainants unconnected with the school then the school reserves the right to deal with these complaints by means of either a template response or a general response posted on the school website.*

*A separate policy is in place in respect of serial and persistent complainants.*