

## **CHILDREN'S SERVICES**

### **MODEL COMPLAINTS POLICY FOR SCHOOLS**

#### **1 Introduction**

- 1.1 By law, since 1 September 2003, all governing bodies must adopt a Complaints Policy to enable complaints received from parents and others who do not work at the school to be dealt with effectively. The law requires the complaints procedure to be publicised.
- 1.2 Governing bodies may adopt a policy different from this model, if they wish. Those governing bodies which do not adopt the Southwark model are asked to send a copy of their policy to the LA's Governor Development Manager.
- 1.3 Complaints from members of staff will not be dealt with under this policy. Staff must use the Grievance policy instead, a copy of which will be provided by the Headteacher, on request.
- 1.4 All complaints will be dealt with in confidence and matters put to the governors' complaints committee will remain confidential to those governors.
- 1.5 The governors will not consider a matter that has not already been investigated at stage 3.

#### **2 Concerns or complaints put direct to a governor**

- 2.1 Governors are reminded that they have collective responsibility and it is important that a governor receiving a complaint does not act or try to resolve it alone. Failure to comply with this policy and refer matters to the appropriate person can adversely affect the school's relationship with parents/carers and may have serious consequences. It will also bar the governor from sitting on a committee at a later stage.
- 2.2 Complaints must not be discussed by governors outside of the procedures under this policy (including discussion at governing body meetings). Such action may compromise the impartiality of any committee member.

#### **3. Vexatious complainants**

The vast majority of complaints are resolved by informal contact. Problems arise where the complainants are unreasonable and are not seeking to have a situation remedied but instead are determined to gain retribution for some real or imagined wrong. In these circumstances a school, which is acting very reasonably, can be drawn into a situation with letters demanding more and more answers to more and more questions. Schools need protection from these vexatious complainants.

#### **4 General principles of this complaints policy**

- 4.1 The aim of the policy is to bring about a resolution and/or reconciliation, as informally and quickly as may be reasonably possible.
- 4.2 It is intended to be investigatory, not adversarial, and to allow for an impartial and fair investigation to be undertaken.
- 4.3 Complaints about a former member of staff will not normally be considered if it is more than three months since they stopped working at the school, unless there are exceptional circumstances.
- 4.4 Information about children is confidential. Parents wishing to see a child's file must make an

appointment with the headteacher in the proper way, at a mutually convenient time, at the school.

- 4.5 Confidential personal documents relating to members of staff will not be disclosed.
- 4.6 If the complaint alleges or suggests conduct that might indicate that the individual concerned would pose a risk or harm if they continue to work in regular or close contact with children, advice will be sought from the Local Authority Designated Officer (LADO) before any management or complaints investigation is initiated.

## **5 The role of the clerk is to**

- 5.1 Send a copy of the governors' complaints procedure to a complainant on request and advise the complainant on the procedure.
- 5.2 Advise the headteacher and chair of governors that a complaint has been received, the action s/he has taken and on the procedure.
- 5.3 Provide advice and guidance to the governors throughout.
- 5.4 On request from the chair, arrange the stage 4 meeting and issue documents to all parties within the guidelines.
- 5.5 Advise on the conduct of the meeting.
- 5.6 Notify the parties of the committee's decision.

## **6 Procedures to be followed for concerns or complaints falling under this policy.**

Stage 1 The person who has a concern should arrange to talk directly with the staff member concerned informally about their concern. It is anticipated that the majority of concerns will be resolved at this point. If a complaint is about the headteacher, the same procedure applies but, the complainant should go straight to stage 3 of this policy. A complaint against the headteacher will be investigated by the chair. If the chair is not eligible, then another eligible governor will be appointed to undertake the investigation and the chair would usually make that appointment.

If a complaint is about the chair of the governing body, the complainant should go straight to stage 3 of this policy.

If a complaint is about another governor, the complainant should go straight to stage 3 of this policy.

Stage 2 If the concern is not resolved, the complainant should ask for a more formal meeting with the staff member to discuss it in more detail. This will normally be arranged within three working days. If the complainant is not satisfied with the outcome, s/he must put the complaint in writing to the Headteacher, using part 1 of the form in Appendix 1, within three calendar months of the incident. However the headteacher may decide that a complaint should be dealt with under the separate Staff Capability or Disciplinary policies adopted by the governors. In this case, it is the head's responsibility to start those procedures. Personnel matters are confidential.

Stage 3 The Head will investigate and write to the complainant with his/her decision. If the complainant is not satisfied with the outcome of the headteacher's investigation or with the way in which the headteacher investigated it, they may ask the governors' complaints committee to consider those matters, in the nature of an appeal. The reasons for dissatisfaction must be put in writing and will provide the focus of the governors' meeting.

Within (school working days):

5 days acknowledge receipt of the written complaint in writing or orally

a further 10 days write to either  
(a) give the result of the investigation, or  
(b) explain why this cannot be achieved within the 10 working days and give a revised target date

within the 15 days If the complainant is dissatisfied with the headteacher's decision and/or the way in which s/he investigated the complaint and wishes the governors to consider the reason for their dissatisfaction, the complainant must send their complaint to the chair or clerk of the governing body

On receipt of a request to proceed to Stage 4 the chair or clerk of the governing body should acknowledge receipt, preferably in writing. The chair should ask the clerk of the governors' Complaints committee to arrange a "Stage 4" committee meeting – see below.

Stage 4 The governors' complaints committee provides a school based appeal and will consider the reasons for the complainant's dissatisfaction. The governors will focus on the reasons for the complainants' dissatisfaction that have been given in writing. The decision of the complaints committee is final.

## 7 Resolving a concern or complaint

7.1 Options for resolving the concern or complaint include:

- a) an acknowledgement that the complaint is valid in whole or in part
- b) an explanation
- c) an admission that something could have been handled differently or better
- d) an explanation of the steps taken as a result, to ensure that the situation does not recur
- e) confirmation that the policy will be reviewed in the light of the concern or complaint
- f) an apology.

Options for the Complaints committee at stage 4 include the above, and/or to:

- i) dismiss the complaint in whole or in part
- ii) uphold the complaint in whole or in part
- iii) refer a complaint back to the headteacher in whole or in part to deal with under the capability, disciplinary or other policies
- iv) recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not recur.

## 8 Stage 4 – Governors’ complaints committee hearing

### The clerk will:

- Within 5 days of receipt write to the complainant to acknowledge receipt of their complaint. This letter should
- (a) confirm that a meeting of the governors’ complaints committee will be arranged within 20 working days of the date of receipt, and
  - (b) request copies of any supporting information, the names of any witness(es) they wish to call and their written, signed and dated statement(s) by noon on a specific cut off time and date (usually 7 working days before the meeting), and
  - (c) advise of their right to be accompanied to the meeting by a friend/adviser.
  - (d) enclose a copy of the complaints policy .

within 5 days of receipt similarly, ask the headteacher/chair/governor for their information, the names of any witness(es) they wish to call and their written, signed and dated statement(s) by the same specific cut off time and date (usually 7 working days). Advise of their right to be accompanied to the meeting by an adviser/representative.

It is the head’s decision whether or not to ask members of school staff to attend the meeting, subject to the discretion of the committee chair

As soon as possible and at least 5 working days before the meeting date write to confirm the meeting date, time and location to the complainant, headteacher/governor and committee members. This letter must state that the meeting will go ahead in the absence of the complainant, unless a reason for absence acceptable to the committee is presented at the beginning of the meeting.

Attend the meeting and take minutes.

## 9 Meeting (hearing) procedure

### Notes:

1. The aim of the meeting is to resolve the complaint and achieve a reconciliation between the school and the complainant.
2. While this is a formal process, the meeting should be as informal as possible and not be inhibiting or intimidating to the complainant.
3. Exceptionally, in situations of undue aggression or where relationships have deteriorated to the point that a hearing is unlikely to be able to make reasonable progress, the committee may hear the parties’ statements separately, ie with only one party present, in turn, before calling them together for questions to be put. In this situation, it is important that no additional information is introduced that is not made available to the other party.

9.1 In conducting the meeting, the chair should:

- a) welcome everyone and invite those present to introduce themselves
- b) check that the complainant received the papers and a copy of the meeting procedure in advance
- c) invite the complainant to give their information and draw key points to the governors’ attention. This should exclude any new information that has not been submitted already

d) **Witnesses**

should the complainant wish to call witnesses, the chair will consider each request as it is made, consulting committee members/advisers as appropriate and rule on the matter. Each witness, having contributed their information, may be questioned by the other party and the committee members in turn, and the witness will then leave the meeting

- e) invite the headteacher to question the complainant on what has been presented
- f) invite governors to put questions on the information presented
- g) invite the head to respond to the complaint, similarly considering each request to call witnesses, including members of staff, as above
- h) invite the complainant to put questions to the head on what has been presented
- i) invite governors put questions on the information presented
- p) invite the head to sum up and make a final statement. New information is not to be introduced
- j) invite the complainant to sum up and make a final statement. New information is not to be introduced
- r) inform the complainant and headteacher that the committee will now consider its decision and write with that decision within 15 working days. Ask the parties to leave.

**9.2** The governors then consider the complaint and evidence presented, reach a decision and agree the reasons for that decision. The clerk and (committee's adviser) remains to advise and help governors with drafting their decision letter.

## **10 After the meeting**

within 15 days of the meeting      The committee's agreed written decision will be sent by the clerk to both the complainant and headteacher. The clerk's letter must state that the decision is final.

**COMPLAINT FORM**

<b>Name:</b>	
<b>Address</b>	
<b>Post code:</b>	<b>Signature:</b>
<b>Daytime tel. no:</b>	
<b>Date of the incident complained of:</b>	
<b>School's name:</b>	
<b>Date of receipt of this form under stage 3, and by whom:</b>	

**Part 1** - please continue on a separate sheet if necessary. Any supporting documents should be submitted with this form.

Please summarise your complaint:

Please summarise what outcome(s) you seek:

## COMPLAINT FORM - Part 2

Please complete part 2 of the form if you want the Governors' Complaints committee to review the decision and/or the way in which the Head/Chair/Governor investigated your complaint, under stage 3. The governors will not consider the matter until it has been investigated at stage 3.

Please continue on a separate sheet if necessary. Send parts 1 and 2 of this form to either the school's chair of governors, or the clerk at the address below. Any supporting documents should be submitted with this form, including any witness statements.

Please summarise the reason(s) for your dissatisfaction:

**Please state what outcome(s) you seek:**

**The names of your witnesses must be given here:**

## MODEL COMPLAINTS POLICY FOR SCHOOLS

### MATTERS THAT ARE NOT COVERED BY THIS POLICY

**The following concerns and complaints cannot be considered under this policy. There are separate policies and procedures that deal with them.**

- 1 staff capability and/or disciplinary issues
- 2 admissions to schools
- 3 anonymous complaints, unless there are exceptional circumstances, for example serious concerns about child protection issues
- 4 spurious or vexatious complaints
- 5 special education provision
- 6 curriculum and religious worship (section 409 of the Education Act 1996)
- 7 curriculum at Pupil Referral units
- 8 pupil exclusion from school
- 9 school reorganisation proposals
- 10 those that are the subject of legal proceedings, or have been so
- 11 those being considered by the Secretary of State under statutory power
- 12 when it is more than three months since the incident complained of is raised for the first time, unless it forms part of an existing concern or complaint under investigation
- 13 when it is more than three months since a staff member complained of left the employment of the school, except under the most exceptional circumstances

We would like to thank the National Association of Headteachers, Archdiocese of Southwark Commission for Schools & Colleges and Southwark Diocese Board of Education for allowing us to draw on their model complaint policies and procedures.