



## COMPLAINTS POLICY 2019 - 2020

Reviewed:  
Next Review Date:

December 2019 DTO  
December 2022

## COMPLAINTS POLICY

Communication, written or spoken, is valued as part of the partnership between home and school. Co-operation between parents, staff and governors leads to a shared sense of purpose and a good atmosphere in the school. This section explains the procedure that you, a parent or carer, should follow if you have a concern or a complaint. Three months is generally considered to be an acceptable time frame in which to lodge a complaint. A complaint will not normally be considered more than 12 months after a decision or action is taken.

Circumstances where this procedure should not be used. Complaints which fall outside the school's complaints procedure and are subject to alternative procedures, including but not limited to–

- *safeguarding referrals – under the remit of the LA's children's social care services and child protection procedures apply*
- *student admissions - right of appeal to an Independent Appeals Panel*
- *permanent exclusion – right to make representations to Governors' Discipline Committee and to request review by Independent Review Panel*
- *complaints by member of staff – grievances or disciplinary procedures or whistleblowing procedure apply.*

### **STAGE 1 (Informal): initial contact with school staff**

This stage aims to resolve the concern through discussion with the Class Teacher or Learning Manager for the appropriate year. The majority of complaints are likely to be resolved on an informal basis. Please start by discussing your concern with an appropriate member of staff and explain what outcome you are seeking. This is the best way of resolving issues. The staff member will seek to establish the nature of the concern and seek to resolve the problem. If there are circumstances which make it difficult for you to discuss your complaint with a particular member of staff or senior leader, your complaint may be referred to the Head Teacher at Stage 2, this then becomes a formal complaint.

Governors would not normally be involved at the early stages of the procedure but, if your complaint is about the Headteacher, your complaint may be referred straight to the Chair of the Governing Body.

### **STAGE 2 (Formal): consideration by Headteacher**

This stage deals with formal complaints.

If you are still unhappy after Stage 1, you can write to, telephone or ask to see, the Headteacher. The Headteacher, or their nominated representative(s), will acknowledge your complaint promptly and investigate your complaint; the Headteacher or designate will decide the outcome.

The purpose of investigation should be to establish the nature of your concern/complaint, what has been discussed already with a member of staff and any actions arising from the initial meeting, why you are still unhappy and what outcome you are seeking.

Records of all meetings and telephone conversations and other related documentation will be retained.

5. The Head Teacher will send you a written response to your complaint within an agreed timescale, giving his/her decision and the reasons for it. The letter should advise you how to escalate your complaint to the next stage of the procedure if you are still unhappy.

It is hoped that most problems will have been resolved and that the complaint can be closed at this point.

### **STAGE 3 (Formal): complaint considered by Chair of Governors**

1. If you are unhappy following Stage 2 and wish to take your complaint further, or the complaint is about the Head Teacher, you can write to the Chair of Governors via the Clerk to Governors at the school address.

2. The Clerk/ Chair of Governors will acknowledge your complaint and arrange for it to be investigated (within 5 -10 working days). He/she should try to resolve the issue through dialogue with the school. The Chair of Governors can delegate the investigation to the Vice Chair, or another Governor or commission an independent investigator if considered appropriate in the circumstances.

3. The Chair/investigator will contact you within an agreed timescale (normally 15 school days) to let you know the outcome of their investigation and what actions they recommend. If it is not possible to meet the agreed timescale, they will contact you to explain the reason(s) and agree a new date.

Complaints against the Chair of Governors or any individual governor should be made by writing to the Clerk to the Governing Body.

### **STAGE 4 (Formal): Governors' Complaints Panel**

If the Headteacher and Chair of Governors have been unable to resolve your complaint, this is the final stage of the school's process.

1. You can write to the Clerk to the Governing Body, giving details of your complaint and why you are still unhappy and asking it to be put before the Panel.

2. The governors will usually choose to deal with it by holding a hearing but in some cases, it may be possible for the Chair to resolve the issue with the complainant by other means without the need for the Complaints Panel to meet.

3. The procedure adopted by the Panel for hearing appeals is part of the school's complaints procedure.

4. The aim of the Panel is to resolve the complaint and achieve reconciliation between the school and the complainant. However, it may only be possible to establish facts and make recommendations to demonstrate that the school has taken your complaint seriously.

## **Procedure for hearing appeals**

The Panel will consist of 3 people who have had no prior involvement.

- by the chair of governors if s/he has not had any previous involvement; and/or
- nominated governor
- by the governing body's complaints committee as appropriate

If the matter is dealt with at this stage by the chair of governors, and you are unhappy with the outcome, you should be advised of your right to take the matter further to the governing body's complaints committee.

## **Serial and Persistent Complaints**

The majority of people pursue their complaints about the school in a way that is reasonable. This means that they treat others with courtesy and respect and, recognising the time constraints under which members of staff work and allow the school a reasonable time to respond to a complaint.

However, occasionally, despite all stages of the procedure having been followed, the complainant remains unhappy. It may be that the school was not able to resolve all aspects of their complaint and, instead of moving on, the complainant repeatedly tries to re-open the same issue. It is a poor use of school's time and resources to make substantially the same points.

If the correspondence or complaint is viewed as 'serial' or 'persistent', the school may choose not to respond provided that the complainant has completed the procedure. The Chair of Governors/and or delegate may inform them in writing that the procedures have been exhausted and the matter is now closed. There will be no obligation on the part of the school to respond unless the complainant raises an entirely new, separate complaint, which must be responded to in accordance with the complaints procedure and treated on its own merits. The school will adopt a proportionate approach.

## **Physical or verbal aggression**

On rare occasions, the unreasonable behaviour of a complainant can pose a threat to the school community. This can occur either while a complaint is being investigated or once the investigation has finished. If this occurs, a warning letter to the complainant threatening to ban him or her from the premises should help to deter any abusive or aggressive behavior. In the most extreme case, it may be necessary to impose an actual ban on the person and the school may wish to seek legal advice on how to do this. A separate Dignity at Work Framework refers.

# Review of the Calderdale School Complaints Procedures

## Executive Summary

### 1. Introduction

Calderdale School Improvement Service has undertaken a review the LA's Complaints in Schools policy and the guidance for parents. A half day workshop with a range of stakeholders looked at the current guidance, policy and procedures, taking into account legislation, national materials and good practice from other LAs. The outcome is an updated set of documents that all schools may use. The workshop had representation from special, secondary and primary school headteachers; secondary and primary governors; School Link Officers; Legal Services.

### 2. Changes to current policy and procedures

The group agreed the following amendments to the procedures:

#### a) Complaints against the headteacher

It is important to distinguish a complaint against the school from a complaint against the headteacher. Once this is established and the Chair of Governors (CoG) is sure that it is a complaint against the headteacher, the CoG should contact the School Link Officer or Legal Services for advice.

The requirement for the CoG to investigate a serious complaint against the headteacher is removed and it is strongly recommended that the CoG commissions an independent investigation, either from the LA under a Service Level Agreement or from a freelance investigator. The investigation report is then presented to the CoG for further action.

#### b) Use of witnesses at Governing Body Complaints Committee hearings

This should be a rare occurrence but is acceptable practice. The recommendation is that witnesses would normally provide a statement to the complaints committee and that this is included with the papers prior to the hearing. If either the complainant or the headteacher wishes the witness to provide evidence in person at the hearing, this is acceptable but questioning should be from the panel members and through the chair of the committee. It is recommended that if a pupil is to be called as a witness, then this would normally only be the child of the complainant around whom the complaint centres. Very careful consideration should be given to calling the children of other parents to give evidence and then only in the presence of their parent. The panel would only agree to this in exceptional circumstances.

### 3. New elements to the documentation

There is a guidance pack specifically designed for governors which includes advice for CoGs and model procedures for Complaints Committees; the guidance pack is with the Clerk in each school.

# Todmorden High School

## Formal Complaint

**Your name:**

**Student's name:**

**Your relationship to the student:**

**Address:**

**Postcode:**

**Contact Number:**

**Email:**

**Outline the details of your complaint:**

**What action have you taken to try and resolve the complaint?**

**What outcome are you seeking?**