

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:

1. Appeals against admissions to schools.
2. Appeals about statutory assessments and against Education Health Care Plans.
3. School re-organisation proposals.
4. Matters likely to require a Child Protection Investigation
5. Appeals against the Exclusion of Children from School
6. Whistleblowing
7. Staff Grievance & Disciplinary procedures
8. 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.

Mediation (Optional stage after Stage 1 or 2)

*The school **may** offer the option of mediation following Stage 1 or 2 of the complaint consideration. This is not instead of Stage 2 or 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 1

Formal complaints must be made to the headteacher (unless they are about the headteacher), via the school office. This may be done in person, in writing (preferably on the Complaint Form), or by telephone. 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.

Note: The headteacher may delegate the investigation to another member of the school's senior leadership team but not the decision to be taken.

During the investigation, the headteacher (or investigator) will:

- if necessary, interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish
- keep a written record of any meetings/interviews in relation to their investigation.

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.

Stage 2

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 1 decision letter. A request to escalate to Stage 2 must be made to the Clerk, via the school office, within <insert number> school days of receipt of the Stage 1 response. Requests received outside of this time frame will only be considered if exceptional circumstances apply.

The nominated officer 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 2 would be to convene a Panel as the complainant should be allowed to complete the complaints procedure in full.

The complaints committee will consist of at least three governors with delegated powers and no prior involvement or knowledge of the complaint. The committee will be appointed by the chair of governors with the chair of the committee being appointed when they meet. If there are fewer than three governors from <School Name> available, the Clerk will source any additional, independent governors through another local school or through their LA's Governor Services team, in order to make up the committee. Alternatively, an entirely independent committee may be convened to hear the complaint at Stage 2.

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. Guidance on preparing for and holding the hearing will be provided by the Schools dedicated School Support Officer.

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.

Next Steps

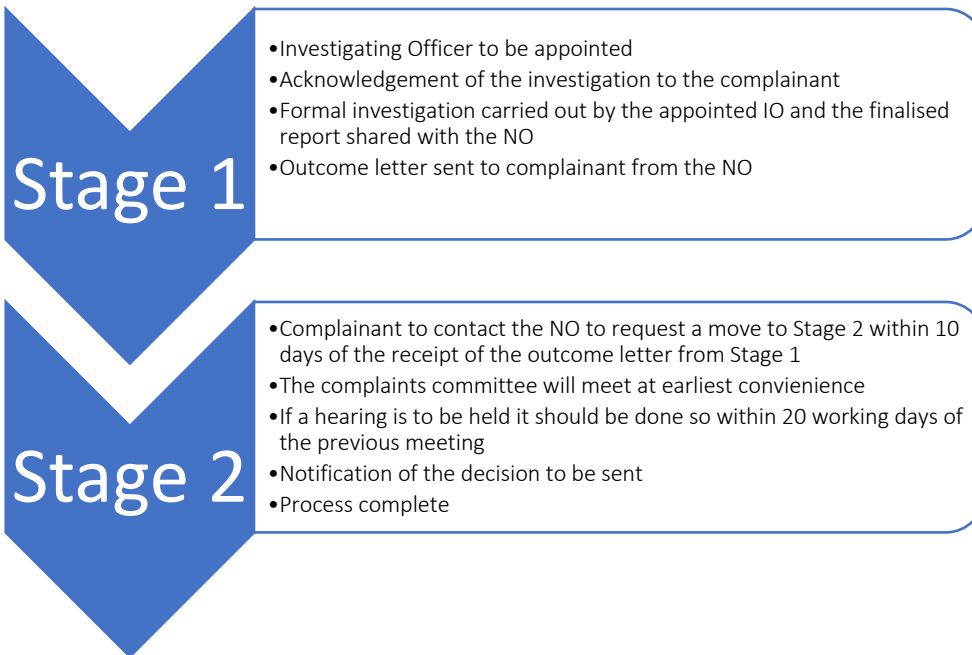
If the complainant believes the school did not handle their complaint in accordance with the published complaints procedure or they acted unlawfully or unreasonably in the exercise of their duties under education law, they can contact the Department for Education after they have completed Stage 2.

The Department for Education will not normally reinvestigate the substance of complaints or overturn any decisions made by <School Name>. They will consider whether <School Name> has adhered to education legislation and any statutory policies connected with the complaint.

The complainant can refer their complaint to the Department for Education online at: www.education.gov.uk/contactus, by telephone on: 0370 000 2288 or by writing to:

Department for Education
Piccadilly Gate
Store Street
Manchester
M1 2WD.

Timescale for completing the formal stages of the procedure



Further Considerations

Making a complaint to the Department for Education 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. If the complainant believes the school did not handle their complaint in accordance with the published complaints procedure or they acted unlawfully or unreasonably in the exercise of their duties under education law, they can contact the Department for Education after they have completed Stage 3. The Department for Education will not normally reinvestigate the substance of complaints or overturn any decisions made by Linton Primary School. They will consider whether the school has adhered to education legislation and any statutory policies connected with the complaint. The complainant can refer their complaint to the Department for Education online at: www.education.gov.uk/contactus, by telephone on: 0370 000 2288 or by writing to: Department for Education Piccadilly Gate Store Street Manchester M1 2WD.

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.

Exemplar complaint form

Please complete and return to _____ (complaints co-ordinator) who will acknowledge receipt and explain what action will be taken. If you have difficulties completing the form please contact the school so specific arrangements to consider your complaint can be made.

Your name:

Pupil's name (if applicable):

Your relationship to the pupil (if applicable):

Address:

Postcode:

Day time telephone number:

Evening telephone number:

E mail:

Please give details of your complaint.

**What action, if any, have you already taken to try and resolve your complaint.
(Who did you speak to and what was the response)?**

What actions do you feel might resolve the problem at this stage?

Are you attaching any paperwork? If so, please give details

Signature:

Date:

Official Use Only

Date acknowledgement sent:

By whom:

Complaint referred to:

Date:

ROLES WITHIN COMPLAINTS PROCEDURE

Complainant

The complainant is the person who raises their issue with the school in line with the school's complaints procedure. Individuals are expected to engage with the process in an open and honest manner in order to try to reach an equitable outcome. Complainants need to consider what they would feel to be appropriate outcomes from the process. Complainants must not try to pursue their complaint outside the process as this can cause difficulties in accessing sufficient individuals without connections to the complaint if too many people are contacted at the initial stages.

Initial Contact

Anyone who is contacted by the complainant would be the initial contact - the only role this person would have within the process would be to ensure that the complainant had a copy of the complaints procedure and how to move this forward. No discussion of the actual complaint should take place other than to identify who the complaint should properly be addressed to.

Nominated Officer

Depending on the level at which the Stage 1 discussion is held, this role may be taken by a senior leader; the Head Teacher; a Governor designated by the Chair or the Chair of Governors themselves. The role of Nominated Officer would be to commission an investigation report from an Investigating Officer. The Nominated Officer would prepare a brief for the Investigating Officer to follow based on the substance of the complaint. On receipt of the Investigating Officers report the Nominated Officer would draw up and send a Stage 2 Outcome Letter to the Complainant. The Nominated Officer would also consider the appropriate response to complainants not satisfied at Stage 2. The Nominated Officer would also present the school case to the Panel at Stage 3 should this be required.

Investigating Officer

Depending on the level at which the Stage 1 discussion is held, this role may be taken by a senior leader; the Head Teacher; a Governor designated by the Chair or the Chair of Governors themselves. Exceptionally, if there is no-one with sufficient independence, an Investigating Officer may be commissioned from outside of the school but it is likely that there would be a cost to this. The Investigating Officer would interview witnesses; scrutinise documentation, formulate conclusions and draw up recommendations within a report prepared for the Nominated Officer.

Panel Chair or Member

Should the complaint move to Stage 2 a Panel might be drawn up to consider the school case - both complainant and Nominated Officer would attend to present their case; each would be able to call

witnesses as appropriate. The Chair of the Panel would be voted from within the panel and would be responsible for communicating the judgement to the Panel in a Stage 2 outcome letter.

Witnesses

Individuals identified as having specific knowledge in respect of the complaint would be identified as potential witnesses - these witnesses would be interviewed by the Investigating Officers and statements drawn up for signature. These statements would form part of the evidence in support of the Investigating Officer's conclusions and recommendations within their report to the Nominated Officer.

Support for Procedure

Schools that buy into the Clerking or Governance Advice SLA may access support from the School Support Team - Schools outside these SLA's would need to purchase such support on a "pay as you go" basis.

Sanctions - Complainants should understand that the purpose of having a complaints procedure is to secure better outcomes for the future; it is not a means for punitive actions against individuals. In exceptional circumstances where capability or disciplinary action might be identified as necessary, complainants would have no right of access to that information or any subsequent outcomes.