



Complaints Policy

March 2019

Overview

1. From 1 September 2003 Governing Bodies (GBs) of all maintained schools and maintained nursery schools in England are required, under Section 29 of the Education Act 2002, to have in place a procedure to deal with complaints relating to the school and to any community facilities or services that the school provides. The law also requires the procedure to be publicised.
2. The majority of schools already have a complaints procedure in place, generally based on Local Education Authority (LEA) or Diocesan Board models. This document is intended to help schools draw up a complaints procedure if they have not already done so, or to review their existing procedure if they wish. A framework of principles can be found at paragraph 8. LEAs are already required to set up a procedure for dealing with certain types of complaints, for example, complaints about the curriculum or collective worship in a school. The GB's complaints procedure does not replace the arrangements made for those types of complaint. In addition, there are certain complaints which fall outside the remit of the GB's complaints procedure, for example, staff grievances or disciplinary procedures. It is recommended that the governing body ensures that any third party providers offering community facilities or services through the school premises, or using school facilities [even if it's hiring it out for a wedding reception!], have their own complaints procedure in place.

1. Introduction

- 1.1 All maintained schools and academies are required to establish a complaints procedure and to publicise that procedure. It is anticipated that this will include clear signposting to the procedure in any appropriate school publications, which should indicate that a copy of the full procedure is available on the school website and on request from the school office. References to 'school' throughout this model procedure encompass both maintained schools and academies.
- 1.2 The intention of this procedure is to provide schools with a clear and transparent process that will enable all complaints to be dealt with as quickly and efficiently as possible. The length of time that this takes will vary with the gravity and complexity of the complaint and the urgency with which it needs to be settled. However, all complaints should be settled within a period which is reasonable in the circumstances.
- 1.3 This procedure takes into account current Department for Education guidance.
- 1.4 All references to working days refer to days on which the school is open to pupils and for staff training days.
- 1.5 This procedure has been drawn up following consultation with: the Cheshire East Association of Primary Heads; Cheshire East Association of Secondary Heads; Cheshire East Association of Special School Heads; Cheshire East Association of Governing Bodies; Cheshire East school workforce Trade Unions; the Diocese Of Chester; the Diocese of Shrewsbury.

2. Scope of the Procedure

- 2.1 This procedure covers all complaints against the school by external persons/parties which do not have an alternative statutory avenue of appeal or complaint. Where complaints make allegations of misconduct against members of staff this procedure may be superseded by use of the staff disciplinary procedure or other appropriate staffing procedure, at any time or following recommendations at the conclusion of the complaints process.
- 2.2 Employees of the school (and ex-employees who wish to raise an issue relating to their former employment) cannot use this procedure but, where necessary, should raise concerns via the appropriate staffing procedure, full details of which are available from the school.

3. General Principles

- 3.1 All complaints should be dealt with in a transparent way and as quickly as is reasonably practicable. Complainants should be kept informed during the investigation of their complaint and of the outcome, except where this is confidential, e.g. in the case of a staff disciplinary process. Every effort should be made to resolve complaints in a non-confrontational and informal way.
- 3.2 The timescales within this procedure should be adhered to as far as is reasonably practicable. Where this is not possible the complainant should be informed, within the specified timescale, as to why this is the case, and given a revised timescale for dealing with the complaint.
- 3.3 Governing Bodies should ensure that they have appropriate arrangements for recording complaints and the way in which they are resolved. Further, that they will regularly (at least annually), monitor the nature and level of complaints, so as to best ensure the effectiveness of the procedure, and consider any underlying issues the school may need to address, including whether specific actions identified as outcomes of complaints have been addressed.
- 3.4 Advice on the operation of the procedure is available from the Governance and Liaison Service, who may also seek the advice and/or involvement of other Local Authority (LA) officers as appropriate, via the current agreement which the service has with schools. Such requests should be made via the Governance and Liaison Service.

4. Resolving Complaints

- 4.1 At each stage in the procedure schools will want to consider the ways in which a complaint can be resolved. It may be sufficient to acknowledge that the complaint is valid in whole or in part. In addition, it may be appropriate to offer one or more of the following:
 - an apology;
 - an explanation;
 - an admission that the situation could have been handled differently or better;
 - an assurance that the event complained of will not recur;
 - an explanation of the steps that have been taken to ensure that it will not happen again;
 - an undertaking to review school policies in light of the complaint.
- 4.2 At each stage complainants should be asked to state what actions they feel might resolve the issue. An admission that the school could have handled the situation better is not the same as an admission of negligence.

5. Frivolous or Vexatious Complaints

- 5.1 The Office of the Independent Adjudicator has defined frivolous or vexatious complaints as follows:

- Complaints which are obsessive, persistent, harassing, prolific, repetitious;
- Insistence upon pursuing unmeritorious complaints and/or unrealistic outcomes beyond all reason;
- Insistence upon pursuing meritorious complaints in an unreasonable manner;
- Complaints which are designed to cause disruption or annoyance;
- Demands for redress which lack any serious purpose or value.

5.2 An 'unreasonable manner' may include situations where the complainant's frequency of contact with the school hinders the consideration of the complaint and/or impedes the ability of the Headteacher and school to meet the needs of all pupils equitably.

5.3 Where the Headteacher, and/or Chair of Governors, judges a complaint to be frivolous or vexatious, having considered all the relevant circumstances, s/he should take appropriate action which may include rejecting the complaint and/or restricting contact between the complainant and the school.

5.4 The Headteacher or Chair of Governors as appropriate should write to the complainant and explain this decision and the reasons for it, and what action will follow.

5.5 Where a complainant seeks to reopen a matter the same as, or similar to, a matter previously considered under the procedure the Chair of Governors has the right to inform him/her that the procedure has been exhausted and the matter is closed.

6. Stages of the Procedure

6.1 Many concerns and minor complaints can be resolved quickly and informally. There are many occasions where issues are resolved immediately through the class teacher or another member of staff, depending upon the nature of the complaint. Unless there are exceptional circumstances every effort should be made by the school to have a full discussion with the complainant before moving into the stages of this procedure.

First Stage

6.2 If the complaint is not resolved through such discussion, the complainant should contact the Headteacher. The complaint should be made in writing by the complainant, or by another person on their behalf, with their consent (by letter or email).

6.3 The Headteacher, or other member of staff nominated by him/her, should offer to meet with the complainant to discuss his/her concerns within ten working days of receiving the complaint, or as soon as is reasonably practicable. Where necessary the Headteacher, or other nominated member of staff, should carry out a full investigation into the issues raised. The Headteacher will give a written response to the complainant as soon as possible but, in any case, within ten working days of this meeting. Where the complainant refuses the offer of a meeting this response should be made within ten working days of the receipt of the written complaint. Where the complainant is dissatisfied with this response, the complaint should move to the first formal stage of the procedure.

6.4 Where the complaint is against the Headteacher, the chair of governors, another governor or the Governing Body as a whole, the complaint will move straight to the second stage of the procedure.

Second Stage

6.5 If the complaint cannot satisfactorily be resolved at the first stage of the procedure, or where paragraph 6.4 applies, the complainant should put their complaint in writing to the Chair of Governors (or Vice Chair/ nominated governor where the complaint is against the Headteacher/Chair of Governors), which may be by letter or email, via the school. The Chair/Vice Chair/nominated governor should offer to meet with the complainant to discuss

his/her concerns within ten working days of receiving the complaint, or as soon as is reasonably practicable after this.

- 6.6 The Chair/Vice Chair/nominated governor will review the investigation and Headteacher's decision and may confirm this decision or reach a different decision. The governor may choose to reinvestigate the complaint in whole or in part. The governor may take advice initially from the Governance and Liaison Service, which may consult other LA officers, and also from Diocesan Officers where appropriate.
- 6.7 Where paragraph 6.5 applies the Chair/Vice Chair/nominated governor will conduct an investigation into the complaint. S/he should take appropriate advice in doing so.
- 6.8 The Chair/Vice Chair/nominated governor will communicate his/her response in writing to the complainant as soon as possible but, in any case, within ten working days of the meeting referred to in paragraph 6.7. Where the complainant refuses the offer of such a meeting the governor will inform the complainant of the outcome of the investigation within ten working days of receipt of the written complaint or as soon as is reasonably practicable afterwards.
- 6.9 Where the complainant is dissatisfied with this response the complaint should move to the appeal stage of the procedure.

Appeal Stage

- 6.10 If the complainant wishes to appeal against the decision made at the formal stage s/he must indicate his/her intention to do so within ten working days of receipt of the outcome of the formal stage.
- 6.11 The complainant should do this by sending a written appeal to the Chair of Governors, either by letter or email, or, where the complaint is against the Chair, to the nominated governor. This should state the original complaint and the reasons for on-going dissatisfaction. The Chair of Governors, or nominated governor, may decline to accept a complaint into the Appeal Stage where s/he, acting reasonably, believes that the complaint has been upheld in full at the Formal Stage and in all the circumstances there is no merit in the matter proceeding further.
- 6.12 A governors' panel should be convened, consisting of three governors who have had no previous involvement in consideration of the complaint. Where the complainant is a parent, governors may wish to consider the possible advantages of this panel including a parent governor. A complaints appeal meeting will be held in accordance with the procedure attached as Appendix A.
- 6.13 The meeting of the governors' panel should take place as soon as possible, but in any case a date should be set and communicated to the complainant within twenty working days of receipt of the appeal. The governors' decision should be communicated in writing to the complainant as soon as possible but, in any case, within five working days of the meeting. The complainant will have no further right to appeal this decision within the school.

7 Opportunities to Request a Review

Complaining to the Secretary of State

- 7.1 If a complainant believes that the Governing Body has acted unreasonably s/he can complain in writing to the Secretary of State for Education. Complaints to the Secretary of State regarding maintained schools are handled by the Department for Education. In the case of academies the Secretary of State's responsibility to consider complaints is dealt with by the Education Funding Agency.

Complaining to Ofsted

- 7.2 Ofsted has powers to investigate certain types of complaint from parents to help them to decide whether to inspect a school.

7.3 Before complaining to an external body it would usually be expected that all stages of this procedure had been exhausted.

8 The Role of Cheshire East Independent Advice Service

8.1 The Parent Partnership Service helps parents/carers whose children have difficulties learning, medical needs or mental health problems, from pre-school age to school leavers. The service is confidential and offers impartial advice and information to enable parents and carers to make decisions about their child's education. This includes supporting parents with complaints to schools or the Local Authority.

8.2 The service can help parents consider what their complaint is about and the options available to them to resolve it, including more informal measures that can be explored in the first instance. If a parent wishes, the service can explain how to put a letter/case together to take the matter forward. Someone from the service can attend meetings with the parent to offer support but doesn't speak on behalf of or make decisions for the parent. The service also offers support after meetings have taken place to consider the conclusions of the meeting and if the parent feels a satisfactory outcome was achieved. If not the parent may have further options to consider.

8.3 Contact details for the service are 0300 123 5166 or ceias@cheshireeast.gov.uk

APPENDIX A
Conduct of Complaints Appeal Meetings

1 Although this procedure may appear formal, the hearing should be conducted in as informal as way as possible, and the Chair of the panel should make every effort to make all parties feel comfortable.

2 A suitable venue must be provided for the meeting which includes separate waiting areas for the two parties and refreshments for all involved.

3 The date and time of the meeting must be agreed with all parties and witnesses and all relevant documentation must be circulated to all parties at least five working days in advance of the meeting.

4 Submission of additional documentation would not normally be allowed outside this timescale or at the appeal meeting, but the decision whether or not to allow this will lie with the governors' panel.

5 The meeting should be minuted.

6 The meeting may be attended by:

- the complainant, with a companion if desired (who cannot also be a witness);
- the Headteacher and/or Chair of Governors, as appropriate, with an adviser if required;
- the members of the Governors' Complaints Panel;
- a minute taker, appointed by the governors;
- an adviser to the Governors' Panel.

7 Members of staff who have been involved in the issue, or other witnesses, may be called upon by either side to attend part of the meeting to provide information to the governors.

8 Both sides must provide names of any witnesses to be called at least five days in advance of the meeting, and the nature of the evidence which they will be providing. The panel has the discretion not to admit a witness if they do not consider their evidence to be germane to the complaint.

9 There will be no audio or visual recording of the proceedings by any party but a copy of the minutes of the meeting, once approved, will be shared with all parties.

10 The governors will select a Chair from amongst their number.

11 The Chair of the panel will introduce all the parties present and explain the procedure to be followed, and that every effort will be made to keep the process as informal as possible.

12 The complainant (or his/her companion) will outline his/her complaint and explain why s/he is dissatisfied with the school's response to date. The complainant may call any witnesses in support of his/her complaint who will attend the meeting only for the time that they are providing information, and may be questioned by all parties.

13 The Headteacher and the governors will have the opportunity to ask questions of the complainant.

14 The Headteacher and/or the Chair of Governors will explain their involvement in the complaint and the reasons for their decisions at the informal and first formal stage. The Headteacher and/or Chair of Governors may call any witnesses in support of his/her statement

who will attend the meeting only for the time that they are providing information, and may be questioned by all parties.

15 The complainant and the governors will have the opportunity to ask questions of the Headteacher and/or Chair of Governors.

16 Both parties will be given the opportunity to sum up their statements, ending with the complainant. No new material may be introduced at this stage.

17 The governors may decide to adjourn the hearing pending further investigation at any stage, if this seems necessary.

18 Both parties will leave the meeting and the governors will consider the information that has been put to them. The clerk will remain for this part of the meeting in order to clarify anything if necessary, but the governors' deliberations will not be minuted.

19 The governors' panel must reach a unanimous or majority decision as to whether or not to uphold the complaint wholly or in part, and what action (if any) the school needs to take to resolve the complaint. This may include referring the matter to another formal process, whether in relation to a complaint against a governor or a member of the school staff. Normally the governors will reach a decision at this point but they may feel the need to take further advice. Where this is the case they should endeavour to reach a decision as soon as possible.

20 The governors will communicate their response to both parties in writing as soon as possible but, in any case, within five working days of reaching their decision. The governors' response should detail whether the complaint is upheld wholly or in part and briefly summarise the basis on which governors arrived at this conclusion. The response should also include any lessons learnt and specify any action to be taken by the school as a result of the complaint and within what timescales

Reviewed March 2019

Next Review September 2020