

# Seaham Trinity Primary School

## Complaints Policy and Procedure

Guidance and Procedure for  
Dealing with and Resolving School Complaints



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Reviewed and Amended:

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Signed: HT

COG

## Background

Since 1 September 2003 Governing Bodies of all maintained schools and maintained nursery schools in England have been required, under Section 29 of the Education Act 2002, to have a procedure in place to deal with complaints relating to the school and to any community facilities or services that the school provides. Written in line with *Best Practice Advice for School Complaints Procedures 2016 DfE*.

There are certain complaints which fall outside the remit of the Governing Body's complaints procedure. They include:

- Matters that are the responsibility of the Local Authority
- Conduct of staff at the school
- Content of a statutory statement of special educational needs
- Pupil admissions
- Pupil exclusions
- The national curriculum and related issues including religious education
- Child protection

*Appendix 1* explains where to direct complaints about these issues.

NB - The Governing Body ensures that any third party providers offering community facilities or services through the school premises, or using school facilities, have their own complaints procedure in place.

## Purpose of a Complaints Procedure

A '**concern**' may be defined as '*an expression of worry or doubt over an issue considered to be important for which reassurances are sought*'.

A **complaint** may be generally defined as '*an expression of dissatisfaction however made, about actions taken or a lack of action*'.

The school will ensure:

- Where possible, that complaints will be dealt with informally and at the lowest possible level in school in order to reach a resolution promptly;
- Any complaint against the school will be dealt with in a fair, open and responsive way, with the aim of achieving a speedy and satisfactory resolution; and
- A willingness to listen to questions and criticism and to respond positively, can lead to improvements in school in practices as well as provision.

The Complaint's Procedure will:

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- encourage resolution of problems by informal means wherever possible
- be easily accessible and publicised
- be simple to understand and use
- be impartial
- be non-adversarial
- allow swift handling with established time-limits for action and keeping people informed of the progress
- ensure a full and fair investigation by an independent person where necessary
- respect people's desire for confidentiality wherever possible
- address all the points at issue and provide an effective response and appropriate redress, where necessary

## **Investigating Complaints**

At each stage, the person investigating the complaint makes sure that they:

- establish what has happened so far, and who has been involved
- clarify the nature of the complaint and what remains unresolved
- meet with the complainant or contact them (if unsure or further information is necessary)
- clarify what the complainant feels would put things right
- interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish
- conduct the interview with an open mind and be prepared to persist in the questioning
- keep notes of the interview

## **Resolving Complaints**

At each stage in the procedure we will consider ways in which the complaint can be resolved. It might 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 admission that the school could have handled the situation better is not the same as an admission of negligence
- complainants will be encouraged to state what actions/outcome they feel might resolve the problem at any stage
- 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

An effective procedure will identify areas of agreement between the parties. It is also of equal importance to clarify any misunderstandings that might have occurred as this can create a positive atmosphere in which to discuss any outstanding issues. The primary aim of the complaints policy is to find agreed resolutions.

## **Recording Complaints**

A complaint may be made in person, by telephone, in writing (email). An example of a complaint form can be found in *Appendix 2*. At the end of a meeting or telephone call, we will ensure that the complainant and the school have the same understanding of what was discussed and agreed. A brief note of meetings and telephone calls will be kept and a copy of any written response added to the record.

## Monitoring the Policy

The Governing Body review their Complaints Policy at least once a year and monitor the number and range of complaints received, how these were dealt with and any action taken. The monitoring and review of complaints can be a useful tool in evaluating the school's performance.

## Complaints about the Head teacher

Where it is clear that a complaint is against the Head teacher the matter has to be referred immediately to the Chair of Governors who, acting as *line manager*, will be responsible for dealing with the matter, and advice from the Local Authority will be sought. (The **School and Governor Support Service** will assist in the investigation of such complaints through *Support to Chairs Service Level Agreement*).

### Complaints Policy

#### Stage 1 Informal Stage – Complaint heard by staff member

It is in everyone's best interest that complaints are resolved at the earliest possible stage and as quickly as possible. The experience of the first contact between the complainant and the school is crucial in determining whether the complaint will escalate. If parents are concerned about any aspect of the school's provision, they should in the first instance, discuss the matter with their class teacher. Most matters of concern can be dealt in this way

If the member of staff involved feels too compromised to deal with a complaint, the complaint could be referred to another staff member. The ability to consider the complaint objectively and impartially is crucial. Where the complaint concerns the Head teacher the complainant is referred to the Chair of Governors.

Where the first approach is made to a Governor, the complainant should be referred to the appropriate person and advised of the policy. Governors should not act unilaterally on an individual complaint given that they may be required to sit on a panel at a later stage of the procedure.

The Head teacher's influence may already have shaped the way complaints are handled in the school and resolved the complaint at this stage. If the informal process has been exhausted and no satisfactory solution has been found the complainant should be advised that their complaint could progress to Stage 2 of the policy.

If the complainant is not satisfied with the response they should request that their concerns be referred to the Head teacher (if they have not already dealt with the issue). The complainant should be invited to put the complaint in writing to the Head teacher (or Chair of Governors if the complaint is against the Head teacher) using the form attached at Appendix 2. The form should be sent to the Head teacher or Chair of Governors, as appropriate, as soon as possible. The Chair of Governors can be contacted via the school. The Head teacher will seek any necessary clarification of the concerns including interviewing the complainant where this would be helpful. The Head teacher will advise the complainant of the outcome of their consideration. Other than in exceptional circumstances the Head teacher should provide a response to the complainant within 15 school days of them requesting the involvement of the Head teacher.

## **Stage 2 – Complaint heard by Head teacher** (within 15 days)

Where the Head teacher has addressed the complaint at Stage 1 the matter will progress to Stage 3 and be heard by a Committee of the Governing Body. Where another staff member has addressed the complaint at Stage 1, the Head teacher will hear this stage.

The Head teacher will acknowledge the written complaint upon receipt and provide an opportunity to meet the complainant to discuss the complaint. At this point the Head teacher may still seek to resolve the complaint informally.

The Head teacher will investigate the complaint and a written response will normally be made within 15 school days of receipt of the complaint. If this is not possible, an extension can be agreed.

The written response will include reasons for the conclusions reached by the Head teacher, what action, if any, the school proposes to take to resolve the matter and advise the complainant of the right to request a meeting with Governors if they remain dissatisfied with the outcome.

The complainant will have **10 school days** from receipt of the outcome in which to ask for an appeal.

## **Stage 3 – Appeal Heard by a Committee of the Governing Body**

The Committee consists of no less than three Governors who will appoint their own Chair. The Head teacher would be expected to attend the appeal hearing to give evidence and explain the conclusions.

Only if an informal complaint fails to resolve the matter should a formal complaint be made to the Governing Body. Where a complainant has made an approach to the school through the formal stage and is not satisfied with the outcome, they should write to the Clerk to the Governing Body within **10 school days** giving details of their concerns, the nature of the complaint, and how the school has handled it so far. It would be helpful if the complaint is recorded on the school format (Appendix 2) The Clerk will seek to arrange a meeting of the appropriate Committee of the school's Governing Body within **20 school days**. The person making the complaint will be invited to the meeting (at least 3 days notice will be given). See *Appendix 3* for order of meeting.

The Governing Body of the school will only hear appeals that have already progressed through Stages 1 and 2 of this procedure.

As the Chair of Governors may be involved at an earlier stage in the procedure (particularly where the complaint is about the Head teacher) it may be wise not to include the Chair as a member of the Committee to avoid any possible challenge that the Chair was not sufficiently impartial. After hearing all of the evidence, the Complaints Appeals Committee will consider their decision and will inform the complainants in writing within 5 school days. The Committee can:

- Dismiss the complaint in whole or part
- Uphold the complaint in whole or part
- Decide upon appropriate action to take
- Recommend changes to be made to the school's systems or procedures to ensure that the problem does not occur again.

This is the last stage of the complaints policy.

## Further Recourse

### Secretary of State for Education

The decision of the Governors' Complaints Committee is final but under Section 496 or 497 of the Education Act 1996, complainants have a right of appeal to the Secretary of State for Education on the grounds that:

- A Governing Body is acting or proposing to act unreasonably; or
- The Governing Body has failed to discharge its duties under the Act.

The Secretary of State would not take action until the school procedures have been completed.

Contact Details: Public Communications Unit, Department for Education, Sanctuary Buildings, Great Smith Street, London, SW1P 3BT Tel 0870 000 2288 [complaints@dfes.gov.uk](mailto:complaints@dfes.gov.uk)

### Local Government Ombudsman

- If a complainant feels that there has been maladministration in the manner in which a complaint has been dealt with, they can take this to the Local Government Ombudsman. The Ombudsman can investigate complaints about how something has been done but they cannot question what has been done simply because someone does not agree with it. The Ombudsman cannot investigate the internal management of schools and colleges.
- The Ombudsman would not take action until the school procedures have been completed.

Contact Details: Local Government Ombudsman Advice Team 0300 061 0614 email [enquiries@legalombudsman.org.uk](mailto:enquiries@legalombudsman.org.uk)

### Vexatious Complaints

If properly followed, the complaints procedure will limit the number of complaints that become protracted. However, there will be occasions when, despite all stages of the procedures having been followed, the complainant remains dissatisfied. If the complainant tries to reopen the same issue, the Clerk to the Committee hearing the complaint at Stage 3 of the process is able to inform them in writing that the procedure has been exhausted and that the matter is now closed.

## Appendix 1

Types of Complaint	Appropriate Procedure	Contact
General School Complaints (not including areas listed below)	School Complaints Procedure	Head teacher of the School
Matters the responsibility of Local Authority <b>only</b> e.g. Home-to-School Transport	Local Authority Complaints Procedure	Strategic Commissioning, Children and Young People's Services, County Hall, Durham, DH1 5UJ
Complaints about the School Curriculum	National Curriculum and Religious Education Procedure	Head of Access & Inclusion, Children & Young People's Complaints Services, County Hall, Durham DH1 5UJ
Conduct of school staff (except the Head teacher)	School Disciplinary Procedure	Head teacher of the School
Conduct of the Head teacher	School Disciplinary Procedure	Chair of the Governing Body via the School
Special Educational Needs review of or content of statutory statement	Various – provided for by 1996 Education Act	Special Educational Needs: Placement and Provision, Children and Young People's Services, County Hall, Durham DH1 5UJ
<b>Admissions of Pupils to:</b> County or Controlled Schools	Independent Appeal Panel (non-admission)	Admissions Team, Children and Young People's Services, County Hall, Durham DH1 5UJ
Church (Aided) Schools	Appeal Panel (non-admission)	Governing Body of the school
<b>Exclusion of Pupils:</b> County or Controlled Schools	Provision of 1993 Education Act	Pupil Casework Team, Children and Young People's Services, County Hall, Durham DH1 5UJ
Church (Aided) Schools	Provision of 1993 Education Act	Governing Body of the school

Child Abuse

Local Children's Safeguarding  
Board (LCSB)

Head of Safeguarding and  
Specialist Services, Children and  
Young People's Services, County  
Hall, Durham, DH1 5UJ

**Your name:**

**Pupil's name:**

**Name of School:**

**Your relationship to the pupil:**

**Address:**

Postcode:

**Day time telephone number:**

**Evening telephone number:**

**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?**

**Signature:**

**Date:**

**Official use**

**Date acknowledgement sent:**

**By who:**

**Complaint referred to:**

**Date:**

## **Procedure for Hearing the Complaint**

### **Introduction**

The aim of the meeting is to resolve the complaint and achieve reconciliation between the school and the complainant.

### **Order of Meeting**

1. The Chair welcomes the complainant and asks those present to introduce themselves.
2. The Chair explains the purpose of the meeting, the procedure, and checks that all written evidence has been made available to all parties.
3. The complainant explains their complaint, calling witnesses if appropriate.
4. The Committee and Head teacher may ask questions of the complainant and witnesses.
5. The Head teacher is then invited to present a response to the complaint, including action taken to address the complaint at stages 1 and 2 of the procedure, calling witnesses, if appropriate.
6. The Committee and complainant may ask questions of the Head teacher.
7. The Head teacher summarises the schools position, highlighting evidence, including anything that has emerged in the questioning.
8. The complainant summarises their case, highlighting evidence, including anything that has emerged in the questioning.
9. The Chair of the Committee checks that all parties feel that they have had a fair hearing and reminds everyone of the confidentiality of the case.
10. The Chair of the Committee thanks both parties for attending and gives an indication of when they can expect to hear the outcome. All parties then leave the room together.
11. The Committee considers the complaint and reaches a unanimous or majority decision. Where necessary, the Committee decides what action to take to resolve the complaint and, if appropriate, recommends changes to ensure similar complaints are not made in future.
12. When a decision has been made and if agreed in advance, the Chair can inform both parties orally. In any event, both parties are informed of the outcome of the complaint in writing, within 4 school days of the hearing.

## Complaint Flowchart



