



## **St Ann's School Complaints Procedure**

### **1. Overview**

St Ann's is a Unicef Gold Rights Respecting School and as demonstrated through our daily practice, is absolutely committed to promoting all aspects of the United Nations Charter on the Rights of the Child.

From 1 September 2003 Governing bodies of all maintained schools and maintained nursery schools in England were required, under Section 29 of the Education Act 2002, to have in place a procedure to deal with complaints relating to any member of staff at the school and to any community facilities or services that the school provides. Guidance for schools was issued by the DfES in 2003 (LEA/0180/2003). Staff grievances and disciplinary procedures fall outside the remit of this document as they are dealt with by the local authority. From 01.08.12 complaints that would have been statutorily dealt with by the Local Authority (LA) for curriculum, sex education and religious education/collective worship will now be considered by the Secretary of State. Please also refer to Appendix 2. Complaints not in scope of this guidance (Refer to GOV.UK: Best practice guidance for school complaints procedures 2020. Updated 15.01.21)

### **2. Investigating Complaints**

There needs to be a clear distinction between a concern and a complaint. The school always takes concerns very seriously at the earliest stage in an effort to reduce the issue developing into a formal complaint. Concerns ought to be handled without the need for formal procedures. It is helpful if staff can resolve issues on the spot, including apologising where necessary. The Headteacher has responsibility for the operation and management of the school complaints procedure.

#### **The Headteacher will**

- 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;
- keeps notes of the interview.

### 3. Resolving Complaints

At each stage of the procedure, the school will keep in mind ways in which a 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 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.

It may happen that the complainant may remain dissatisfied with the outcome of the complaints procedure. It may then be necessary for the Chair of the Governing Body to inform the complainant, in writing, that the procedure has been exhausted and that the matter is now closed. Where a person has made a false, deliberately invented or malicious allegation against a member of staff, the Headteacher will consider whether any disciplinary action is appropriate against the person who made it.

### 4. Time Limits

Complaints will be considered, and resolved, as quickly and efficiently as possible. Where further investigations are necessary, new time limits will be set and the complainant sent details of the new deadline and an explanation for the delay.

### 5. The Three Stages of Complaints

Three school-based stages are set out below:

- **Stage One:** complaint heard by staff member (though not the subject of the complaint)
- **Stage Two:** complaint heard by the Headteacher;
- **Stage Three:** complaint heard by the Governing Body's Complaints Appeal Panel.

### 6. Recording Complaints

A complaint may be made in person, by telephone, or in writing. At the end of a meeting or telephone call, it is helpful if the member of staff makes sure that the complainant and the school have the same understanding of what was discussed and agreed. A brief note of meetings and telephone calls can be kept and a copy of any written response added to the record. The Headteacher is responsible for the records and will hold them centrally.

### 7. Governing Body Review

The Governing body can monitor the level and nature of complaints and review the outcomes on a regular basis. Complaints information shared with the whole Governing Body will not name individuals.

## **8. Publicising the Procedure**

The Complaints Procedures is available to read in the school office or, alternatively, downloaded from the school website.

### **The Complaints Procedure**

#### **1. Stage One: Complaint Heard by Staff Member**

It is in everyone's interest that complaints are resolved at the earliest possible stage.

A complainant may say that he/she has difficulty discussing a complaint with a particular member of staff. In this case, the Headteacher will refer the complainant to another staff member. Where the complaint concerns the Headteacher, the complaints co-ordinator can refer the complainant to the Chair of Governors.

Where the first approach is made to a governor, the next step is to refer the complainant to the appropriate person and advise them about the procedure. Governors should not act unilaterally on an individual complaint outside the formal procedure, or be involved at the early stages, in case they are needed to sit on a panel at a later stage of the procedure.

#### **2. Stage Two: Complaint Heard by Headteacher**

At this point, the complainant may be dissatisfied with the way the complaint was handled at stage one. The Headteacher may delegate the task of collecting the information to another staff member but not the decision on the action to be taken.

#### **3. Stage Three: Complaint Heard by Governing Body's Complaints Appeal Panel**

The complainant needs to write to the Chair of Governors giving details of the complaint. The Chair, or a nominated governor, will convene a Governing Body Complaints Panel.

The governors' appeal hearing is the last school-based stage of the complaints process. Individual complaints would not be heard by the whole Governing Body at any stage.

The Governing Body may nominate a number of members with delegated powers to hear complaints at stage three and to:

- draw up its procedures;
- hear individual appeals;
- make recommendations on policy as a result of complaints.

The panel can be drawn from the nominated members and may consist of three or five people. The panel may choose their own chair. In extreme cases, if the complaint is not able to be resolved by the complaints panel, the complainant may decide to approach the Local Authority to help resolve the issue.

## **The Remit of the Complaints Appeal Panel** (Please also refer to Appendix 1. Checklist for a Panel Hearing)

The panel can:

- dismiss the complaint in whole or in part;
  - uphold the complaint in whole or in part;
  - decide on the appropriate action to be taken to resolve the complaint;
  - recommend changes to the school's systems or procedures.
- Any governor sitting on a complaints panel needs to remember:
- It is important that the appeal hearing is independent and impartial and that it is seen to be so. No governor may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it.
  - The aim of the hearing, which needs to be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant.
  - An effective panel will acknowledge that many complainants feel nervous and inhibited in a formal setting. Parents often feel emotional when discussing an issue that affects their child. The panel chair will ensure that the proceedings are as welcoming as possible.
  - Extra care needs to be taken when the complainant is a child. Careful consideration of the atmosphere and proceedings will need to make sure that the child does not feel intimidated. The panel needs to be aware of the views of the child and give them equal consideration to those of adults. Where the child's parent or carer is the complainant, it would be helpful to give the parent or carer the opportunity to say which parts of the hearing, if any, the child needs to attend.

## **Roles and Responsibilities**

### **The Role of the Clerk**

The clerk is the contact point for the complainant and is required to:

- set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible;
- collate any written material and send it to the parties in advance of the hearing;
- meet and welcome the parties as they arrive at the hearing;
- record the proceedings;
- notify all parties of the panel's decision.

### **The Role of the Chair of the Governing Body (or the Nominated Governor)**

The nominated governor role:

- check that the correct procedure has been followed;
- if a hearing is appropriate, notify the clerk to arrange the panel.

### **The Role of the Chair of the Panel**

The Chair of the Panel has a key role, making sure that:

- the remit of the panel is explained to the parties and each party has the opportunity of putting their case without undue interruption;
- the issues are addressed;

- key findings of fact are made;
- parents/carers and others are put at ease;
- the hearing is conducted in an informal manner with each party treating the other with respect and courtesy;
- the panel is open minded and acting independently;
- no member of the panel has a vested interest in the outcome of the proceedings or any involvement in an earlier stage.

It is important that each side is given the opportunity to state their case and ask questions and that written material is seen by all parties.

### **Notification of the Panel's Decision**

The chair of the panel needs to make sure that the complainant is notified of the panel's decision, in writing, with the panel's response. This is usually within a set deadline which is publicised in the procedure. The letter needs to explain if there are any further rights of appeal and, if so, to whom they need to be addressed.

### **Making a complaint about the governance of the school**

A complaint about the school's Headteacher should follow the staged procedure described above but should miss out stage 2. In this case, the formal complaints procedure will begin at stage 3. To submit a formal complaint at this stage the school's Chair of Governors should be contacted.

A complaint against the Chair of Governors should be addressed to the Vice Chair who should inform the Headteacher and the local authority.

A complaint against the Chair of Governors and the Vice Chair together should be referred to the Clerk of the governing Body.

A complaint against a governor should be referred to the Chair of governors or the Vice Chair as appropriate

**Date of this review: October 2022**

**Date of next review: October 2024**

### **Appendix 1. Checklist for a Panel Hearing**

The panel needs to take the following points into account:

- The hearing is as informal as possible.
- Witnesses are only required to attend for the part of the hearing in which they give their evidence.
- After introductions, the complainant is invited to explain their complaint, and be followed by their witnesses.
- The Headteacher may question both the complainant and the witnesses after each has spoken.

- The Headteacher is then invited to explain the school's actions and be followed by the school's witnesses.
- The complainant may question both the Headteacher and the witnesses after each has spoken.
- The panel may ask questions at any point.
- The complainant is then invited to sum up their complaint.
- The Headteacher is then invited to sum up the school's actions and response to the complaint.
- Both parties leave together while the panel decides on the issues.
- The chair explains that both parties will hear from the panel within a set time scale.

## **Appendix 2 . Complaints not in scope of this guidance (Refer to GOV.UK : Best practice guidance for school complaints procedures 2020. Updated 15.01.21)**

A complaints procedure should cover all complaints about any provision of community facilities or services that a school provides other than complaints for which there are separate (statutory) procedures, including those listed below.

### **Admissions to schools**

For school admissions, it will depend on who the admission authority is (either the school or the local authority).

Complaints about admission appeals for local authority maintained schools are dealt with by the appropriate ombudsman.

### **School re-organisation proposals**

Contact the local authority or diocese, as appropriate, in the first instance and then escalate to the DfE if dissatisfied.

### **Statutory assessments of special educational needs**

Concerns about statutory assessments of special educational needs should be raised direct with local authorities.

### **Matters likely to require a child protection investigation**

Complaints about child protection matters should be handled:

- under the school's child protection and safeguarding policy
- in accordance with relevant statutory guidance

Refer to your local authority designated officer (LADO) or the multi-agency safeguarding hub (MASH).

## **Exclusion of children from school**

Further information about raising concerns about exclusions is available in the [School discipline and exclusion](#) guidance.

Complaints about the application of the behaviour policy can be made through the school's complaints procedure.

## **Whistleblowing**

Schools must have an internal [whistleblowing procedure](#) for their employees, including temporary staff and contractors.

The Secretary of State for Education is the prescribed person for matters relating to education for whistleblowers who do not want to raise matters direct with their employer. Concerns can be raised with the DfE using the [contact form](#).

Volunteers who have concerns about schools should complain through the school's complaints procedure. Depending on the substance of the complaint they may also be able to complain to:

- the local authority
- DfE using the [contact form](#)

## **Staff grievances**

Complaints from staff must be dealt with under the school's internal grievance procedures.

## **Staff conduct complaints**

Complaints about staff are dealt with under the school's internal disciplinary procedures, if appropriate.

Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the school should notify complainants that the matter is being addressed.



### St Ann's School Complaint Form

**Please provide the following information and pass to the Headteacher who will acknowledge receipt and explain what action will be taken.**

1. Your name:
2. Student's name:
3. Your relationship to the young person:
4. Address:
5. Postcode:
6. Email:
7. Day time telephone number:
8. Evening telephone number:
9. Please give details of your complaint.
10. What action, if any, have you already taken to try and resolve your complaint. (Who did you speak to and what was the response)?
11. What actions do you feel might resolve the problem at this stage?
12. Are you attaching any paperwork? If so, please give details.

Signature:

Date:

Official use

Date acknowledgement sent:

By whom:

Complaint referred to:

Date: