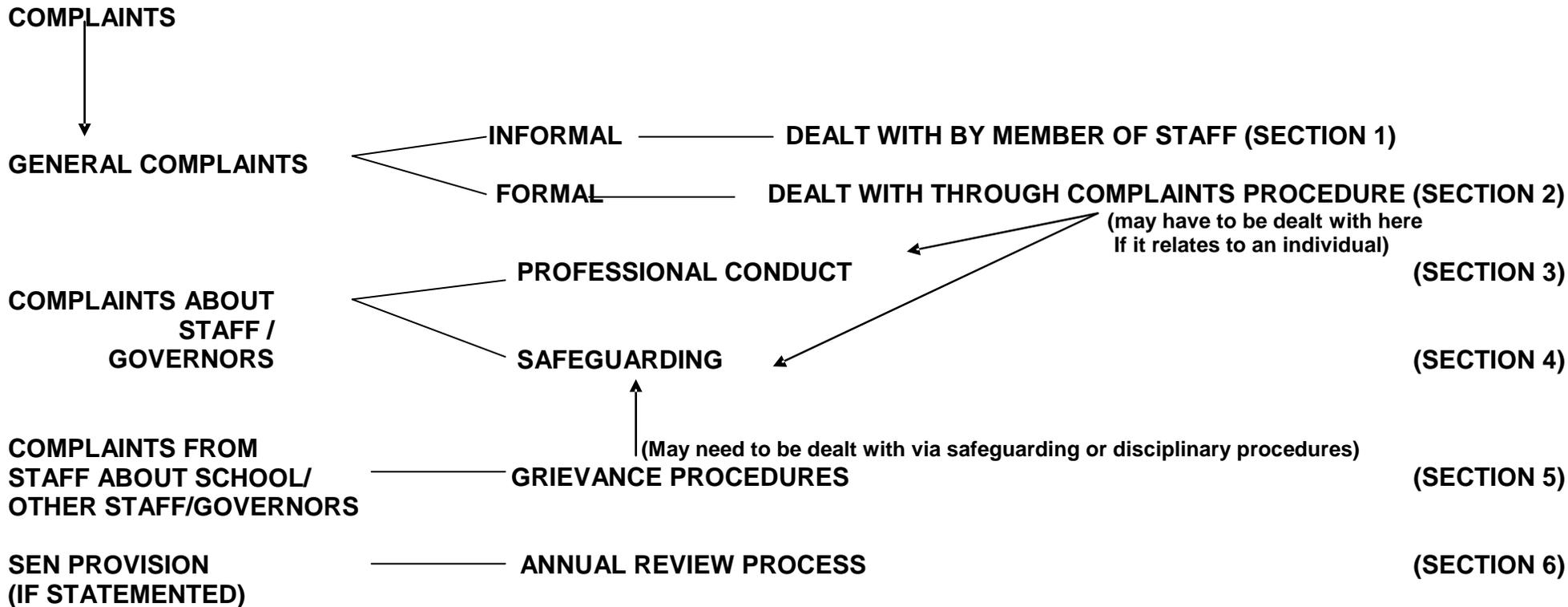


# Hospital and Home Education Learning Centre Complaints Procedure

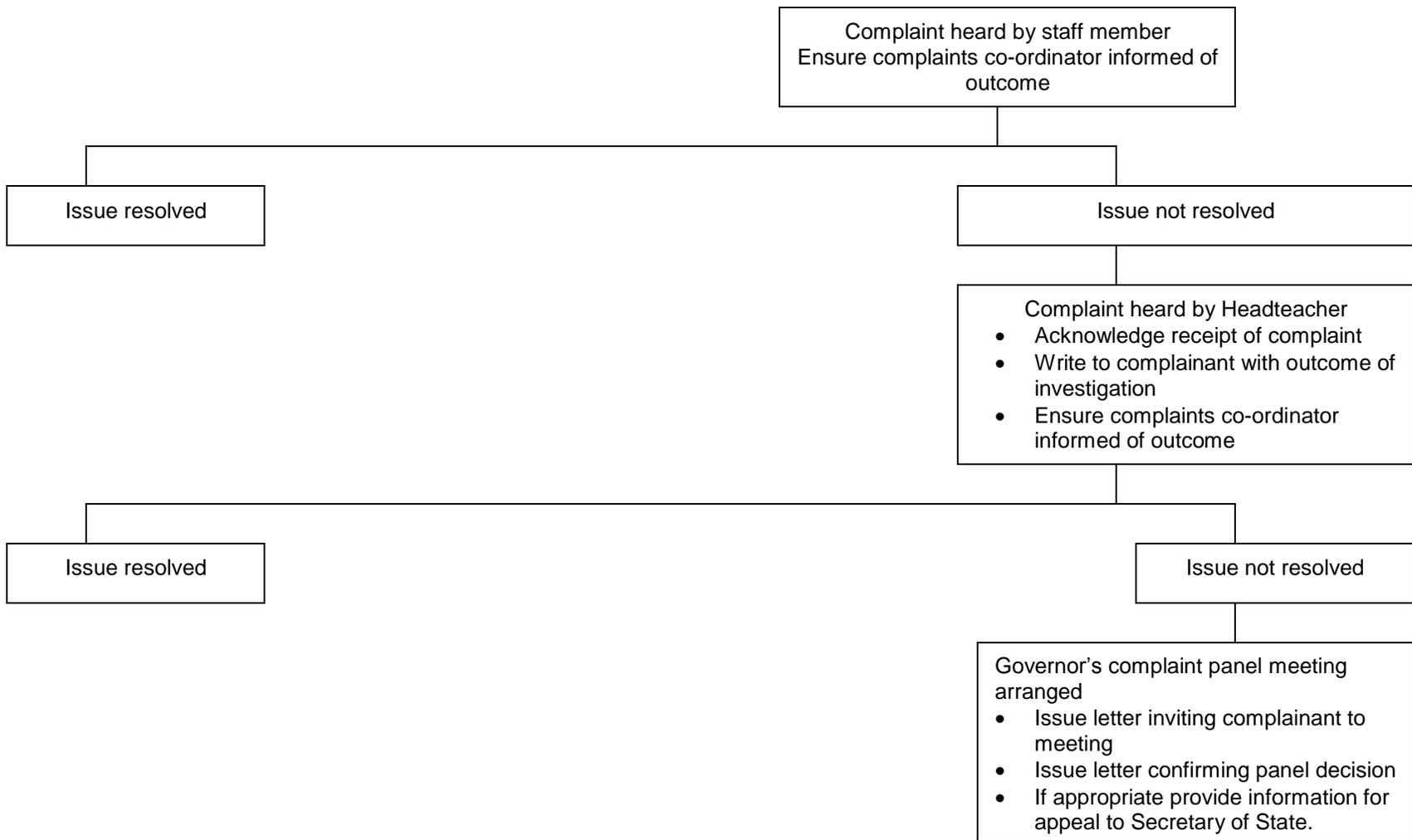
Reviewed by Chair of Governors, Judith Ward on 23/03/2017

**RECOMMENDED PROCEDURES FOR MANAGING COMPLAINTS IN SCHOOL**



**COMPLAINTS ABOUT ADMISSIONS, EXCLUSIONS, RACIAL HARRASSMENT ALSO FALL OUT SIDE OF THE GENERAL COMPLAINTS PROCEDURE AND SHOULD BE DEALT WITH VIA THE APPROPRIATE PROCEDURES**

**SCHOOL COMPLAINTS PROCEDURE**  
**FLOWCHART**  
**SUMMARY OF DEALING WITH COMPLAINTS**



## **SECTION 1.**

### **GENERAL COMPLAINTS. (INFORMAL STAGE)**

#### **PRINCIPLES.**

- To try and deal with issues informally wherever possible.
- Direct issues to staff who can deal with them without having to initially involve the Headteacher
- Be prepared to admit where the school has not performed as agreed
- Adapt a view of welcoming parents/carers who raise issues seeing them as advocates for their children.
- Be prepared to learn and implement change if warranted and acknowledge this to parents.
- Make parents aware of the school complaints procedures, (prospectus, website, displayed in school) Section 29 Education Act 2002
- Always keep in mind the wish to maintain good relationships with the wider community of the school.
- Maintain a process that is impartial, non-adversarial and confidential.
- Always try to resolve complaints as quickly as possible.
- Keep any staff involved informed and review the outcomes with them.

#### **Guidelines for Resolving Complaints:**

- Listen to the complaint in a non-judgemental objective manner.
- At the informal stage or as detailed in your formal procedures allow yourself time to respond and check all the facts as presented to you.
- Indicate a time by which you will reply and ensure you do.
- Respond to the facts.
- Respond honestly and be prepared to acknowledge any shortcomings by the school and detail actions you will take to resolve the issue
- Bear in mind that agreeing the school could have dealt with a situation better is not an admittance of negligence.
- If the complaint can best be dealt with by other staff who may have been involved allow them to do so, (following an appropriate briefing/conversation).
- The school should ensure they inform the complainant about what steps have been taken to resolve their complaint. However, in the event of a sanction being issued to a member of staff following a complaint the school is not required to provide details about the process or the sanction delivered.
- It is recognised that schools can be the subject of vexatious complaints and where, following completion of the process, this is the case, it is appropriate to seek an apology from the complainant.

General complaints may cover issues such as home school communication, homework, (setting of or volume), school organisation including uniform, lunchtimes arrangements, access to extra-curricular activities and educational visits, SEN provision and issues between pupils including claims of bullying.

Schools should monitor complaints of all types and use the data to inform school development and improvement. Recording complaints even where they have been dealt with informally is good practice. For any formal complaint a log and record of all actions, phone calls, letters etc should be kept.

## SECTION 2

The school's formal complaints procedure should fall into three parts if the school has been unable to deal with the issue informally.

**STAGE 1:** The complainant makes a formal complaint in writing to the schools designated complaints officer usually the Headteacher. Schools may wish to use a complaints form for this purpose. (See Appendix 2 for an example)

- The school should first decide if the complaint relates to safeguarding or professional conduct or if the complainant is a member of staff constitutes a grievance and follow the appropriate procedures accordingly.
- The complaints officer should respond in writing within the time frame specified in the school's procedures, (suggested 5 working days). Initially the response should be to outline the proposed actions to investigate or seek further information. The response or outcome to the complaint should then be notified to the complainant again within a specified time table, (normally a maximum of 10 days), addressing particularly all factual issues raised. If the complainant responds again in writing with other issues or not accepting the initial response the school should respond again in writing. A meeting with a senior member of staff or the Headteacher may be appropriate. If it is felt a definitive response has been provided include the additional steps complainants can take within the procedure.

**STAGE 2:** If the complainant feels their issue has not been dealt with to their satisfaction at **Stage 1** there should be recourse to making a complaint to a committee of the governing body. **(Appendix 1)**

**STAGE 3:** If the complainant is still not happy with the outcome following representation to the governing body the final stage is to complain directly to the Secretary of State not the LA. Complainants should be provided with the necessary details to do so if they wish. The Secretary of State can only respond to complaints if;

*“a person believes that a governing body or LA is acting 'unreasonably' or is failing to carry out its statutory duties properly (see sections 496 and 497 of the Education Act 1996). However, intervention can only occur if the governing body or the LA has failed to carry out a legal duty or has acted unreasonably in the performance of a duty. Intervention would have to be expedient in the sense that there would have to be something that the Secretary of State could instruct either party to do to put matters right. The Secretary of State must be satisfied that a decision is unreasonable in the sense that no reasonable authority or governing body, acting with due regard to its statutory responsibilities, would have reached that decision.” (Guide to the Law for School Governors. Jan 2010)*

In cases where a complaint is received specifically about the provision of collective worship in a school or National Curriculum Entitlement a complainant may then take the complaint to the Local Authority. Complainants should have this option pointed out to them.

Complaints officers when formally investigating complaints should base their process on the procedures and best practice to ensure that if a complaint goes forward to governors they are presented with good quality information to base decisions on.

- Establish the facts don't assume anything
- Contact the complainant and clarify the exact nature of the complaint
- Gather as much information as possible
- Try to be objective and independent
- Consider relevant witnesses and any other evidence
- Seek advice if necessary
- Write a report
- Consider any appropriate action

### **SECTION 3**

Where a school receives a complaint about the conduct of a member of staff the school must initially make a judgement whether this could be considered a disciplinary issue or more importantly a safeguarding issue.

Schools may receive complaints about the conduct of staff in relation to a number of issues. Examples can include, the manner in which staff relate to parents or others outside of school, failure to provide information or breaches of confidentiality, reports of staff behaving in a way that contravenes the school code of conduct or school procedures, financial irregularity.

Where the complaint comes under the area of professional conduct then the school should follow their agreed disciplinary procedures. This would include formal investigation that would then lead to further appropriate steps under the procedures if required.

### **SECTION 4**

When the school receives a complaint that can be construed as a safeguarding concern, i.e. conduct of a member of staff towards a pupil, action by a member of staff that could have put pupils at risk, or conduct of a staff member that could be construed as inappropriate e.g. misuse of information technology; then the school must refer immediately to the Safeguarding Policy

. Where schools may be unsure how to proceed, the 'LADO', Local Authority Designated Officer can be contacted for advice.

## **SECTION 5**

In situations where staff make a complaint about other staff or governors or a governor initiates a complaint about a member of staff the initial decision should be once again whether it relates to safeguarding, professional conduct or constitutes a grievance. Examples of grievances mainly occur where staff are raising an issue against a more senior member of staff referring to, for example, workload, or how the person is treated in their job. Other examples could be, how staff behave in the staff room or at staff meetings. There are agreed procedures for managing grievances available on the LA intranet.

## **SECTION 6**

In the case of complaints received in school related to SEN provision for an individual pupil or group of pupils the initial route for dealing with the issue raised would be through the school's general complaints procedures including efforts to resolve issues informally wherever possible. This would include pupils on the school's SEN register at school action or school action plus.

Where pupils have an Education, Health and Care Plan (EHCP), the annual review process should also be used to help resolve issues raised. As part of the EHCP process parents will be made aware of the appeals process during the drawing up of the initial statement and the role of the annual review meeting in raising concerns about provision. The school will need to differentiate between a complaint about their own provision which should be dealt with via the school's own procedures and a complaint about appropriate provision which may involve the LA, e.g. levels of support, access to therapies etc.

## **ADDITIONAL INFORMATION**

- Complaints against Head teachers must be in writing and directed to the chair of governors via the clerk to governors.
- Complaints against a Chair of Governors should be in writing written to the governing body as a whole via the clerk to governors and discussed at a full governing body meeting from which the chair withdraws.
- For complaints made via a solicitors letter receipt should be acknowledged in writing and the letter then passed to the LA legal department or the schools own legal advisors for a decision as to how to proceed.
- In circumstances where pupils make a complaint outside of pastoral processes in school, i.e. suggestion boxes, verbal complaints to members

of staff, the school should have arrangements to facilitate formal hearings with governors that are 'child friendly' and include the pupil's advocate or responsible adult in the process. Pupils are perfectly entitled to follow the school's complaints procedures if appropriate.

## **APPENDIX 1**

### **SUGGESTED PROCEDURES FOR CONVENING A GOVERNORS COMPLAINTS COMMITTEE**

Schools should set reasonable timescales for receipt of formal complaints and response times. Procedures for convening governor committees can be based on models used for disciplinary or grievance procedures, i.e. minimum membership of three governors, chair elected, rules and procedures around presentation of evidence and operation of the hearing itself, timescales for notification of dates for a hearing and presentation of responses, non-involvement of any governor who has had previous involvement in the complaint. Governing bodies should also put in place procedures to help potential complainants feel comfortable and not inhibited in what can feel to be a very formal setting. Governing bodies would need to set terms of reference and delegated powers for their committee.

Terms of reference could include;

- to agree the complaints procedures
- to hear appeals
- to make recommendations to resolve complaints
- to make recommendations to prevent further similar complaints.

The remit of the committee could be;

- Dismiss the complaint in whole or part
- Uphold the complaint in whole or part
- Recommend action to resolve the complaint

The aim should be to resolve the complaint and achieve reconciliation between the complainant and the school.

The committee should be clerked. The clerk will set dates times and venue for the meeting collate information and send it to all parties, record decisions and notify the outcome to participants.

Complainants should have the option to have someone to support them during the process. If the complainant requests to have a legal representative the hearing should be postponed to allow the school to take advice or to request legal support also. The committee may also wish to have support in this event. The school may decide that legal representation is not appropriate in such a hearing and would take advice as to an alternative way forward if a complainant is insistent that they wish to be so represented. In any event the nominated support for the complainant is there for that purpose and not to take part in the process.

#### **SAMPLE TIMETABLE**

10 working days to lodge an appeal to governors from the date of the definitive initial response to the complaint via the complaints officer.

Acknowledge the receipt of the written appeal within 5 working days and forward the details of the complaint and appeal to the chair of governors

The meeting should be convened within 15 working days or on a date agreed with the complainant.

The complainant should receive the decision of the complaints committee in writing within 5 working days.

The complainant and the school should be required to forward to the clerk all relevant information and notification of any witnesses they may wish to call 5 days in advance of the hearing date.

### **SAMPLE PROCESS.**

- Chair introduces the committee and all participants and sets out the process and principles guiding the hearing.
- Complainant presents their complaint (information previously provided or relevant witnesses)
- Opportunity for the school to respond to information presented and ask questions of the witnesses.
- Opportunity for the committee to do so also.
- School presents their response to the complaint and any actions taken including relevant witnesses if necessary.
- Complainant has the opportunity to respond and ask questions of witnesses or to query information provided.
- Opportunity for the committee to do so also.
- Complainant to make summary statement if they wish.
- School to make summary statement if they wish
- Opportunity for the committee to put any further questions or re-visit any element of the information provided.
- Committee withdraws with an undertaking to provide a written decision within the specified timescale.

**APPENDIX 2**

**EXAMPLE OF A COMPLAINTS FORM**

**Please complete and return to .....(complaints co-ordinator)  
who will acknowledge receipt and explain what action will be taken.**

**Your name:**

**Pupil's name:**

**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?**

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

**Signature:**

**Date:**

**Official use**

**Date acknowledgement sent:**

**By who:**

**Complaint referred to:**

**Date:**