

# **CLAVERHAM COMMUNITY COLLEGE**



## **School Complaints Procedure**

**January 2017**

Approved:

Date:

Reviewed:

## **Introduction**

Since 1 September 2003 Governing Bodies (GBs) of all maintained schools and maintained nursery schools in England have been required, under Section 29 of the Education Act 2002, to have in place a procedure to deal with all complaints relating to their school, and to any community facilities or services that the school provides. This does not limit complainants to parents or carers of pupils registered at a school, a complainant could be a member of the wider community or representing an ex-pupil. The law also requires the procedure to be publicised.

Complaints are not always easy to define. It is therefore important to keep in mind a distinction between concerns, problems and complaints. They can often arise from the consequences or perceived consequences of resource allocations, operational difficulties, working practices or individual actions.

## **Underlying Principles**

Complainants will be treated seriously and courteously and given the time they require to be heard. It is important to the school that the complainants have confidence in these procedures and know that their cases will be impartially investigated.

Complainants should be advised at the earliest possible stage of:

- The scope, if any, for pursuing their complaint and the extent of the procedure for dealing with it;
- The way in which the complaint is likely to be handled.

Where there are established statutory or other procedures for the dealing with a complaint, these will be followed. These guidelines do not cover those matters already provided for such as:

- Admissions to schools;
- Exclusions;
- Special Educational Provision ( SEN Tribunal);
- School re-organisation;
- Serious complaints against staff;
- Child Protection issues;
- Public examinations.

It may be that action under the complaints procedure may lead to action being initiated under other (e.g. statutory) procedures. In these cases the investigations under the complaints procedure will be suspended until action under the procedure (including appeals) has been concluded. The complainant should be advised that alternative action is being taken, but will have to remain confidential until that procedure has been completed. They should also be told the likely delay in the final resolution of their complaint which will result.

<b>Exceptions</b>	<b>Who to contact</b>
<b>Matters likely to require a Child Protection or Safeguarding Investigation</b>	Designated Safeguarding Lead at the College. East Sussex Local Authority.
<b>Admissions to schools</b>  <b>Statutory assessments of Special Educational Needs (SEN)</b>  <b>School re-organisation proposals</b>	<p>Concerns should be raised directly with the Local Authority, East Sussex County Council.</p> <p>For school admissions, complaints should be addressed to the Local Authority.</p> <p>Complaints about admission appeals for maintained schools are dealt with by the Local Government Ombudsman.</p>
<b>Exclusion of children from school</b>	Further information about raising concerns about exclusion can be found at: <a href="http://www.gov.uk/schooldiscipline-exclusions/exclusions">www.gov.uk/schooldiscipline-exclusions/exclusions</a> .
<b>Whistleblowing</b>	<p>Schools have an internal whistleblowing procedure for their employees and voluntary staff. Other concerns can be raised direct with Ofsted by telephone on: 0300 123 3155, via email at: <a href="mailto:whistleblowing@ofsted.gov.uk">whistleblowing@ofsted.gov.uk</a></p> <p>or by writing to: WBHL, Ofsted Piccadilly Gate Store Street Manchester M1 2WD.</p> <p>The Department for Education is also a prescribed body for whistleblowing in education.</p>
<b>Staff grievances and disciplinary procedures</b>	These matters will invoke the school's internal grievance procedures. Complainants will not be informed of the outcome of any investigation.
<b>Complaints about services provided by other providers who may use school premises or facilities.</b>	Providers should have their own complaints procedure to deal with complaints about service. They should be contacted directly.

### **Definition of a Complaint**

For schools, a complaint within the terms of the procedures described here may be an expression of dissatisfaction, verbally or in writing, by parents/carers of children who attend the school, or other users of the services of the College. All complaints from parents/carers or other of children who attend the school or other users of the College will be investigated as such. After initial investigation of the complaint, a decision might be made to use the discipline, capability (or other appropriate)

procedure against a member of staff. Anonymous complaints would not normally be considered under this procedure. This procedure outlines the informal and formal stages by which a complaint may be made against the school. At all stages the aim of the policy is to reach a mutual understanding of the problems so that improvements can be made where necessary.

**Where agreement cannot be reached, the aim of the procedure is to ensure that all parties are treated fairly.**

**Conciliation between school and the parents/carers can be considered at any time, within the informal or formal stages.**

### **Claverham Community College Complaints Procedure.**

Claverham Community College recognises that all parents want their children to do well and be happy. We recognise that you as a parent or guardian play an important part in making this happen. Therefore, we aim to provide as many opportunities to keep you informed and involved in your child's progress as we possibly can.

Regular reports, parents' evenings, Deputy Principal drop in sessions, newsletters and correspondence all help the process. Questions and concerns are usually dealt with quickly and helpfully. However, we recognise there are times when things go wrong, when concerns continue and differences of opinion develop. These can usually be resolved by speaking to the right person.

Most concerns can be settled without too much trouble, but whatever the issue, even where you are seriously concerned about your child's future at the school, it's always important to try to find an answer. Disruption to a child's education would be the most damaging result of all.

### **Investigating complaints**

The person investigating the complaint (the complaints co-ordinator), will make 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 or arrange for an independent note taker to record minutes of the meeting.

## **Resolving complaints**

At each stage in the procedure staff from the College will keep in mind 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.

## **Initial Concerns**

### **Informal Stage**

#### **If you have a concern about your child's care or overall progress:**

- Any problem or concern should be raised promptly with the Head of House.
- If you are not satisfied with their response or your concern is more serious you may prefer to make an appointment to discuss it with a Deputy Principal.

#### **If you have a concern about progress in a specific subject area:**

- Any problem or concern should be raised promptly with the Head of Department.
- If you are not satisfied with their response or your concern is more serious you may prefer to make an appointment to discuss it with a Deputy Principal

#### **If the complaint is about the Principal - proceed to Formal Stage 2**

There will normally be an initial response by letter, email or phone message within 5 working days to acknowledge receipt of your concern. If the matter requires further investigation the school will endeavor to answer your concern within 15 working days.

All staff will make every effort to resolve your problem promptly at this informal stage. Most concerns and potential complaints can best be resolved through informal discussion with the relevant member of staff.

### **Formal Stage**

#### **Formal Stage One - Complaint heard by the Principal**

If you are dissatisfied with the responses from the informal stage you can make a complaint to the Principal. This could be made in writing or by making an appointment to discuss the problem. The Principal may ask to meet you for a discussion of the problem. You may take a friend or someone else with you if you wish. The Principal will conduct a full investigation of the complaint and may interview any members of staff or pupils involved. You will then receive a written response to your complaint which you may wish to discuss with the Principal.

The Principal may delegate the task of collating the information to another staff member but not the decision on the action to be taken.

The timescales should be as for the informal stage.

## **Formal Stage Two - Complaint heard by Chair of Governors**

If the complainant is not satisfied with the response of the Principal or the complaint is about the Principal, the complainant should write to the Chair of Governors to request that their complaint is considered further.

The complainant asks for a review of their complaint by writing to the Chair of Governors, care of the College, making it clear why they are complaining, who they have already spoken to and what they want to happen as a result of their complaint.

Complaints made to the Chair should be acknowledged within 5 school days with a substantive response within 15 school days. The Chair may need to hold interviews with the Principal and possibly other members of staff and notes should be kept of those meetings.

The letter conveying the Chair's findings should include details of the next stage of the procedure.

The Chair may need to explain the power of the Governing Body in the matter in question and the extent it may be possible to achieve the outcome desired by the complainant.

## **Formal Stage Three - Complaint heard by Governing Body's Complaints Appeals Panel**

If the complainant decides to take the matter further, the Chair of the Governing Body should write to the complainant to acknowledge the complaint within five school days of receipt of the complaint. A copy of the acknowledgement and the complaints form should be sent to the Principal and the Clerk to the Governing Body.

Investigating the complaint – If the complaint has been investigated at Stage 1 and/or 2, the result of the investigation must be made available to the Clerk/Chair by the Principal. However, where the complaint is against the Principal and the complaint is referred to Stage 2, the Chair of the Governing Body must decide how the complaint should be investigated. Where the facts of the complaint are clearly established, it is unlikely for the Chair of the Governing Body to order an investigation. The matter may instead be escalated directly to the Complaints Appeal Panel.

The Governing body will establish a Complaints Appeal Panel (CAP) drawing on three governors with no prior, direct involvement with the complaint. In deciding the make-up of the CAP, where possible the governing body will try and ensure that it is a cross-section of the categories of governor and sensitive to the issues of race, gender and religious affiliation. Where all (or a majority of governors) are aware of the substance of a complaint before the final stage has been completed, the Governing Body may choose to arrange for the panel hearing the complaint to be made up entirely (or include a number) of independent panel members. In this

case, independent panel members may be drawn from another school's Governing Body or from the Local Authority.

The Principal should not serve on the CAP. If the Chair of the governing body has had any prior involvement in the complaint then the Chair must not sit on the CAP.

6.5. The CAP should consider the complaint on the basis of the written evidence and set up a hearing to hear both parties. The CAP should reconsider the issues raised in the original complaint and not confine themselves to consideration of procedural issues.

The Chair of the CAP should take a decision at the beginning of Stage 3 on whether to seek the services of a Clerk to:

- Deal with the administration of the procedure;
- Provide independent advice on procedure and evidence;
- Ensure that the relevant facts are established;
- Minute the meeting; and
- Draft the decision letter.

The Clerk/Chair of the CAP should write to the complainant to explain how the review will be conducted. The letter should be copied to the Principal.

The Clerk/Chair of the CAP should confirm the date of the meeting with the other governor(s).

The complainant and Principal should be invited to attend the meeting. The date and time of the meeting should be convenient to the complainant and Principal, within reason. The notification should inform the complainant of his/her right to be accompanied to the meeting by a friend/representative. It should also explain how the meeting will be conducted and of the complainant's right to submit further written evidence to the committee.

The Principal should also be invited to prepare a written report for the CAP in response to the complaint.

All relevant correspondence regarding the complaint should be circulated to the CAP; the complainant and the Principal in advance of the meeting.

If the Principal and/or the complainant wish to call witnesses, the agreement of the Chair of the CAP should be obtained in advance of the meeting.

It is the responsibility of the Chair of the CAP to ensure that the meeting is properly conducted. However, the proceedings should be as informal as possible.

The aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant. However, at the end of the

meeting the CAP will need to issue a finding in writing either upholding or not upholding the complaint or upholding some parts and not others.

If either party wishes to introduce previously undisclosed evidence or witnesses, it is in the interest of natural justice to adjourn the meeting so that the other side has time to respond to the new evidence. Late evidence of witnesses should not be accepted unless there is a good reason for the lateness.

The meeting should allow for:

- The complainant to explain his or her complaint and the Principal to explain the reasons for his or her decision;
- The Principal to question the complainant about the complaint and the complainant to question the Principal;
- The CAP to have an opportunity to question both the complainant and the Principal;
- Any party to have the right to bring witnesses (subject to the approval of the Chair of CAP) and all parties having the right to question all the witnesses; and
- A final statement by the Principal and complainant.

The Chair of the CAP should explain to the complainant and the Principal that the CAP will consider its decision, and a written response will be sent to both parties as soon as possible. The complainant, Principal and any witnesses will then leave.

The CAP will consider the complaint and all the evidence presented and reach an unanimous, or at least a majority, decision on the complaint. Where appropriate the CAP can decide on the action to be taken to resolve the complaint and/or suggest recommended changes to the school's system or procedures to ensure that problems of a similar nature do not happen again.

The CAP will not pay financial compensation as a response to a complaint, though may it may make recommendations to the school in terms of educational provision.

The Clerk/Chair of CAP will send a written statement outlining the decision with reasons to both the complainant and the Principal.

Stage 3 should be completed in 15 school days. However, it is recognised that this timetable may prove challenging where complaints are complex. In such cases, the CAP chair should write to the complainant and Principal giving a revised target date.

### **Final Stage of Appeal**

If the complainant is unhappy with the way in which a school has dealt with the complaint, they may be able to approach the Secretary of State, Department for Education (DfE) to intervene.

The Secretary of State has a duty to consider all complaints raised but will only intervene where the governing body has acted unlawfully or unreasonably and where it is expedient or practical to do so.

The School Complaint's Unit (SCU) considers complaints relating to Local Authority maintained schools on behalf of the Secretary of State. More information regarding what and how they will consider complaints is set out in the DfE's Best Practice Advice for School Complaints Procedures - a copy of the 2016 toolkit can be downloaded from the Gov.UK website:

<https://www.gov.uk/government/publications/school-complaints-procedures>

More information can be obtained from the SCU by calling the national Helpline on 0370-000-2288 or going online at [www.education.gov.uk/help/contactus](http://www.education.gov.uk/help/contactus) or by writing to:

Department for Education  
School Complaints Unit  
2nd floor, Piccadilly Gate  
Store Street  
Manchester M1 2WD

The Gov.UK website also has information on how to complain about a school - go to <http://www.education.gov.uk/schools/leadership/schoolperformance/b00212240/makingcomplaint-school>

### **Unreasonable Complainants**

Claverham Community College is committed to dealing with all complaints fairly and impartially, and to providing a high quality service to those who complain. We will not normally limit the contact complainants have with the school. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

Claverham Community College defines unreasonable complainants as *'those who, because of the frequency or nature of their contacts with the school, hinder our consideration of their or other people's complaints'*.

A complaint may be regarded as unreasonable when the person making the complaint:

- refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance;
- refuses to co-operate with the complaints investigation process while still wishing their complaint to be resolved;
- refuses to accept that certain issues are not within the scope of a complaints procedure;
- insists on the complaint being dealt with in ways which are incompatible with the

adopted complaints procedure or with good practice;

- introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on, or raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales;
- makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced;
- changes the basis of the complaint as the investigation proceeds;
- repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed);
- refuses to accept the findings of the investigation into that complaint where the school's complaint procedure has been fully and properly implemented and completed including referral to the Department for Education;
- seeks an unrealistic outcome;
- makes excessive demands on school time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with.

A complaint may also be considered unreasonable if the person making the complaint does so either face-to-face, by telephone or in writing or electronically:

- maliciously;
- aggressively;
- using threats, intimidation or violence;
- using abusive, offensive or discriminatory language;
- knowing it to be false;
- using falsified information;
- publishing unacceptable information in a variety of media such as in social media websites and newspapers.

Complainants should limit the numbers of communications with the College while a complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text) as it could delay the outcome being reached.

Whenever possible, the Principal or Chair of Governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

If the behaviour continues the Principal will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact Claverham Community College causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan.

This will usually be reviewed after 6 months.

In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. This may

include banning an individual from [the Claverham Community College site](#).

### **Barring from the School Premises**

Although fulfilling a public function, schools are private places. The public has no automatic right of entry. Schools will therefore act to ensure they remain a safe place for pupils, staff and other members of their community.

If a parent's behaviour is a cause for concern, a school can ask him/her to leave school premises. In serious cases, the Principal or the local authority can notify them in writing that their implied licence to be on school premises has been temporarily revoked subject to any representations that the parent may wish to make. Schools should always give the parent the opportunity to formally express their views on the decision to bar in writing.

The decision to bar should then be reviewed, taking into account any representations made by the parent, and either confirmed or lifted. If the decision is confirmed the parent should be notified in writing, explaining how long the bar will be in place.

Anyone wishing to complain about being barred can do so, by letter or email, to the Principal or Chair of Governors. However, complaints about barring cannot be escalated to the Department for Education. Once the school's own complaints procedure has been completed, the only remaining avenue of appeal is through the Courts; independent legal advice must therefore be sought.

## CHECKLIST FOR A GOVERNORS COMPLAINTS APPEALS PANEL

<p>The hearing is as informal as possible.</p>
<p>Witnesses are only allowed to attend with the prior agreement of the Chair of the panel and are only required to attend for the part of the hearing in which they give their evidence.</p>
<p>After introductions, the complainant is invited to explain their complaint, and be followed by their witnesses.</p>
<p>The Principal may question both the complainant and the witnesses after each has spoken.</p>
<p>The Principal is then invited to explain the school's actions and be followed by the school's witnesses.</p>
<p>The complainant may question both the Principal and the witnesses after each has spoken</p>
<p>The panel may ask questions at any point</p>
<p>The complainant is then invited to sum up their complaint</p>
<p>The Principal is then invited to sum up the school's actions and response to the complaint.</p>
<p>Both parties leave together while the panel decides on the issues.</p>
<p>The chair explains that both parties will hear from the panel within a set time scale.</p>

## COMPLAINTS FLOWCHART

<b>CONCERN OR COMPLAINT RECEIVED</b>
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INFORMAL PROCEDURE	SCHOOL ACTION
Informal discussion with the Head of House, Head of Subject or Deputy Principal usually resulting in resolution of the issue. <b>If the complaint is about the Principal - proceed to Stage 2</b>	The person is informed of the action to be taken to resolve the issue. If they are not satisfied they should be provided with a copy of the school's complaints procedure and information on how to proceed to stage 1

FORMAL PROCEDURE - STAGE 1	SCHOOL ACTION
The complaint is submitted, in writing, to the Principal.	The Principal acknowledges receipt within 5 school days and provides a full written response within 15 school days. Information is provided to the complainant on how to progress the complaint to stage 2.

FORMAL PROCEDURE - STAGE 2	SCHOOL ACTION
A written complaint is submitted to the chair of governors.	The chair acknowledges receipt within 5 school days and provides a full written response within 15 school days. Information is provided to the complainant on how to progress the complaint to stage 3.

FORMAL PROCEDURE - STAGE 3	SCHOOL ACTION
Complainant writes to the clerk to the governors requesting that the complaint be heard by the Complaints Appeals Panel.	Clerk arranges for complaints panel to meet within 15 school days from receipt of letter and informs the complainant of findings within 5 school days of hearing. Information is provided to the complainant on how to progress the complaint to the Secretary of State for Education.

FURTHER RECOURSE	
Complainant writes to the Secretary of State for Education.	The Secretary of State may intervene if a governing body or the Children's Services Department has acted unreasonably.

# *Claverham Community College*

## *School Complaint Procedure*

**Please complete and return to the Principal's PA who will acknowledge receipt and explain what action will be taken.**

<b>Your Name:</b>	
<b>Pupil's Name:</b>	
<b>Your relationship to the Pupil:</b>	
<b>Address:</b>	
<b>Postcode:</b>	
<b>Daytime Telephone Number:</b>	
<b>Evening Telephone Number:</b>	
<b>Please give the details of your complaint:</b>	
<b>What action, if any, have you already taken to try and resolve your complaint? (Who did you speak to, and what was the response)?</b>	

## **Summary for Dealing with Complaints**

### **Informal Stage – Complaint heard by staff member:**

- Complaint investigated
- Ensure complaints co-ordinator informed of outcome
- Inform complainant of outcomes

### **If not resolved, then escalate to Formal Stage 1 – Complaint heard by the Principal:**

- Acknowledge receipt of complaint
- Further investigation carried out if necessary
- Review of findings
- Write to complainant with outcome of investigation
- Ensure complaints co-ordinator informed of outcome
- Offer escalation to Formal Stage 2 if dissatisfied

### **If not resolved, then escalate to Formal Stage 2 - Complaint heard by Chair of Governors:**

- Acknowledge receipt of complaint
- Further investigation carried out if necessary
- Review of findings
- Write to complainant with outcome of investigation
- Ensure complaints co-ordinator informed of outcome
- Offer escalation to Stage 3 if dissatisfied

### **If not resolved, then escalate to Stage 3 – Governors' Complaints Appeals Panel meeting arranged:**

- Issue letter inviting complainant to meeting
- Further investigation carried out if necessary
- Meeting convened
- Issue letter confirming panel decision
- Ensure complaints co-ordinator informed of outcome
- Advise of escalation routes to the Secretary of State for Education