



Complaints Procedure

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| Applicable to: | ✓ | Astley Community High School |
| | ✓ | Seaton Sluice Middle School |
| | ✓ | Whytrig Middle School |
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1 Scope

The Seaton Valley Federation aims to take all concerns seriously at an early stage. Anyone with a concern is encouraged to try to resolve this informally in the first instance. This may involve approaching the member of staff or governor directly involved in the concern. The formal procedure below may be used if the person remains dissatisfied and wishes to take the matter further.

This procedure is for formal complaints against the school, a member of staff or a governor. It can be used by parents/carers of pupils, a member of the wider community or an ex-pupil.

There are separate arrangements, laid down by law to cover the following:

- complaints against the curriculum, collective worship and religious education;
- appeals against admissions;
- appeals against exclusions;
- appeals about assessments and statements of special educational needs (to 2018) and against Education Health Care Plans.

Please contact the headteacher of the relevant school within the Seaton Valley Federation of Schools (SVF) for further information about those arrangements.

2 Roles and responsibilities

Governing body: The governing body of a maintained school must by law have a procedure to deal with all complaints relating to their school and to any community facilities or services that the school provides.

Complainant: This term refers to the person making a formal complaint.

Complaints Co-ordinator: A different person is responsible for the operation and management of each stage of the Complaints Procedure to ensure that is freshly considered by someone not previously involved in the matter. They need to deal with the complaint in a fair and consistent manner and attempt to resolve it wherever possible. Their role is to:

- 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.

3 Formal School-Based Procedure

A Complaint Form is available from each school's website or from the school's reception to help the complainant set out their complaint and how they would like it to be resolved.

The complainant will receive a written response from the relevant person at each stage of the Complaints Procedure setting out the decision and the reason for the decision. Complainants will be given five working days to respond in writing if they remain dissatisfied and wish to pursue the matter under the next stage of the procedure.

3.1 Stage 1 (informal): complaint heard by staff member who is not the subject of the complaint

Stage 1 complaints will usually be handled by a member of the Senior Leadership Team at the school (but not the headteacher). The complaint will be acknowledged within three working days of receipt. This stage of the procedure is normally expected to take up to a further five working days to complete but may take longer depending on how complex the issue is and the availability of relevant parties.

It is in everyone's interest that complaints are resolved at the earliest possible stage. The experience of the first contact between the complainant and the school can be crucial in determining whether the complaint will escalate. To that end, if staff are made aware of the procedures, they will know what to do when they receive a complaint.

It would assist the procedure if the school respected the views of a complainant who indicates that he/she would have difficulty discussing a complaint with a particular member of staff. In these cases, the Complaints Co-ordinator can 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.

Similarly, if the member of staff directly involved feels too compromised to deal with a complaint, the Complaints Co-ordinator may consider referring the complainant to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the complaint objectively and impartially is crucial.

Where the first approach is made to a governor, the next step would be 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.

It is hoped the majority of complaints can be resolved at this stage and to this end it may be useful to contact the Client Relations Service within the Children's Services Directorate of Northumberland County Council, who are available to advise parents on the complaints process and may on occasion help to facilitate contact with the school. Telephone: 01670 623978. E-mail: client.relations@northumberland.gov.uk.

3.2 Stage 2 (formal): complaint heard by headteacher

The headteacher's influence will already have shaped the way complaints are handled in the school. At this point, the complainant may be dissatisfied with the way the complaint was handled at Stage 1 as well as pursuing their initial complaint. The headteacher may delegate the task of collating the information to another staff member but not the decision on the action to be taken.

This stage of the procedure is normally expected to take up to five working days but may take longer depending on how complex the issue is and the availability of relevant parties.

3.3 Stage 3 (formal): complaint heard by Chair of Governors

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

This stage of the procedure is normally expected to take up to ten working days but may take longer depending on how complex the issue is and the availability of relevant parties.

3.4 Stage 4 (formal): complaint heard by Governing Body Appeals Committee

If the complainant is not satisfied with the response of the Chair of Governors or the complaint is about the Chair of Governors, the complainant should write to the Clerk to the Governing Body giving details of the complaint and asking that it is put before an appeal panel. The Chair, or if the Chair has been involved at any previous stage in the process, a nominated governor, will convene the panel.

The governors' appeal panel is the last school-based stage of the complaints process and is not convened merely to rubber-stamp previous decisions.

Individual complaints would not be heard by the whole governing body at any stage, as this could compromise the impartiality of any panel set up for a disciplinary hearing against a member of staff following a serious complaint.

The governing body may nominate a number of members with delegated powers to hear complaints at that stage, and set out its terms of reference. These can include:

- drawing up its procedures;
- hearing individual appeals;
- making recommendations on policy as a result of complaints.

The usual procedure to be adopted by the appeals panel for hearing appeals is set out in Appendix 1 however the panel is discretion to vary this as they see fit.

The appeals panel will take a decision as to any action to be taken in response to the complaint. For example they may choose to:

- 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 to ensure that problems of a similar nature do not recur.

In reaching a decision the appeals panel may take the advice of such bodies or persons as they see fit, in particular the local authority.

4 Further right of appeal

There may be a right of appeal to the local authority regarding complaints against collective worship and religious education, only once the school's own procedures have been exhausted.

The final stage of appeal is to the Secretary of State for Education. Complainants should be advised to write to The School Complaints Unit (SCU) at: Department for Education 2nd Floor, Piccadilly Gate Manchester M1 2WD. If a complaint has exhausted the local procedures, SCU will examine if the complaints policy and any other relevant policies were followed in accordance with the provisions set out. SCU also examines policies to determine if they adhere to education legislation. However, the department will not re-investigate the substance of the complaint. This remains the responsibility of schools. If legislative or policy breaches are found, SCU will report them to the school and the complainant and, where necessary, require remedial action to be taken. Failure to carry out remedial actions could ultimately result in a formal Direction being issued by the Secretary of State.

Appendix 1 – Procedure to be adopted by the Appeals Committee

This is the usual procedure that will be followed however the members of the Committee have discretion to agree to amend the procedure to deal with particular circumstances.

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, usually five working days, in writing. In some cases the Chair may decide to inform the parties of the outcome verbally and confirm this in writing.