



EAST RIDING

OF YORKSHIRE COUNCIL

School Complaints Policy and Procedure

April 2013

1 Introduction

- 1.1 It is a requirement of the Education Act 2002 that all schools have procedures in place for dealing with complaints. Governors can either adopt this policy or implement a policy of their own. If this policy is adopted, it is important that Governors and the Headteacher are familiar with the guidance and procedures as described in this policy. This guidance has been updated from the previous guidance which was issued in September 2002 and reflects any appropriate recent amendments outlined in Section 45 of the Education Act 2011.
- 1.2 **If a verbal complaint about the school is made to a governor the complainant should be advised:**
- a) **To contact the Headteacher in the first instance, and;**
 - b) **If the complainant is unwilling to contact the Headteacher, to put the complaint in writing to the Chair of Governors.**
- 1.3 All governors need to understand and appreciate the need for confidentiality when dealing with complaints. If a complaint is made to an individual governor, whether in writing or verbally, it should **not** be discussed with other governors. Instead, the complaint should be passed to the Headteacher of the school as set out in 1.2 above.
- 1.4 If members of the Governing Body discuss the complaint with each other or with other members of the school community, this could prejudice the procedure through a lack of confidentiality. This could mean that the investigation of the complaint is compromised to the extent that it cannot continue. Governors should be aware that some complaints might lead to disciplinary action being taken against either teaching or non-teaching staff. Due and proper process of disciplinary procedure is **absolutely dependent upon confidentiality** being observed. For this reason, governors who are members of the Complaints Committee cannot be members of either the Disciplinary Committee or the Appeals Committee.

2 Complaints procedure – school responsibilities

- 2.1 The school should consider **all** complaints. It is important that all Governing Bodies ensure that they have nominated governors to serve on the Complaints Committee and that the membership of this committee does not overlap with the Disciplinary Committee or with the Appeals Committee (see 1.4 above).
- 2.2 The first principle of the complaints procedure is that, in most cases, it should be resolved by the Headteacher. The Headteacher should move promptly to make contact with the complainant and invite him/her to visit the school to discuss the complaint. It may be helpful to send a copy of the school's Complaints Procedure (or a simple outline of it) to the complainant in order that they understand the process to be followed.
- 2.3 The Headteacher will gather factual evidence from the relevant people in order to be able to fully respond to the complaint during the course of the meeting. If possible, this meeting should be conducted in such a way as to resolve the complaint to the complainant's satisfaction and to the satisfaction of the school.

- 2.4 If the Headteacher is unable to resolve the matter, or if the complainant is unwilling to approach the Headteacher directly about the complaint, then the complainant should be advised to put the complaint in writing and send it to the Chair of Governors but should also be advised that the Headteacher will need to be informed of the complaint, in order for the matter to be investigated.
- 2.5 The Chair of Governors should then ask the Headteacher to undertake an investigation if he/she has not already been involved. In either case, the Headteacher should submit a written report to the Chair who should then try to resolve the matter directly with the complainant.
- 2.6 If the complaint is about the Headteacher, the Chair of Governors should investigate the matter and respond to the complainant.
- 2.7 If the matter cannot be resolved by the Chair, he/she should then refer the matter to the Governing Body Complaints Committee.

3 Complaints made to the Director of Children, Family and Adult Services

- 3.1 If the Director of Children, Family and Adult Services receives a written complaint about a school, she will contact the Headteacher to ensure that he/she is aware of the complaint and to ascertain whether any attempt has been made to resolve the issue in school. In some circumstances, he may contact the Chair of Governors to ascertain what steps the Governing Body has taken.
- 3.2 The Director will ensure that the Headteacher and Chair of Governors receives copies of any documentation sent by the complainant to The Director Of Children, Family and Adult Services. If the complainant requests that copies are not sent to the school, then she will advise them that the investigation cannot continue.
- 3.3 If a complaint is made either verbally or in writing to an officer of the Local Authority, the Governing Body is made aware of the complaint and is requested to deal with it through the adopted procedure.

4 Complaints Committee

- 4.1 On receipt of a complaint, the Chair of Governors should write to the complainant explaining that the complaint is being investigated. This letter should also explain the process and timescales of the investigation. The Governing Body should aim to complete the complaints process within two weeks of receiving the complaint, and should update the complainant on progress after two weeks if the process has not been completed. It will be for the Complaints Committee to decide whether or not it is appropriate to interview the complainant as part of the investigation.
- 4.2 If the Complaints Committee agrees that the outcomes of the report could lead to disciplinary action being taken against an employee of the school, the Complaints Committee should pass the matter to the Disciplinary Committee. In this case, it is not the responsibility of the Complaints Committee to make a judgement about whether the employee is culpable, only that there is a case to answer. The Chair of the Complaints Committee should write to the complainant to explain that the matter has been passed to the Disciplinary Committee for further consideration.
- 4.3 At this point, the Disciplinary Procedure adopted by the Governing Body should be followed.

- 4.4 Once the final outcome of the complaint has been determined, the Chair of Governors should write to the complainant explaining, in general terms, the outcome of the investigation and the action taken by the Governing Body.
- 4.5 When dealing with complaints, governors should at all times bear in mind the need for confidentiality. If a complaint leads to disciplinary procedures, these cannot be invoked in cases where it can be shown that there has been a breach of confidentiality during the period of the investigation.
- 4.6 If the complainant is not satisfied with the outcome of the investigation, he/she can make this known to the Director Children, Family and Adult Services. However, further action can only be taken if it can be demonstrated that the agreed procedure has not been followed. The last recourse is to the Secretary of State for Education.
- 4.7 When a school's governing body have not been able to respond to the complaint in a way that has delivered a full and satisfactory resolution, the complaint will be reviewed by a designated officer from the appropriate Local Authority service.
- 4.8 If a governing body feel unable to undertake the initial investigation of a complaint for any reason and would like the Local Authority to conduct the investigation on their behalf, this can be arranged but would be a charged activity in accordance with the scale of charges for 'in school support' used by the Improvement and Learning Service.
- 4.8 The Governing Body should where necessary seek advice from the Local Authority on any procedural matters.
- 4.9 The Local Authority may seek to try to resolve a disagreement between the complainant and the school prior to matters being referred to the Secretary of State for Education.

5 Further Information

- 5.1 Further advice and information can be downloaded from the Department of Education website at www.education.gov.uk

East Riding of Yorkshire Council

SCHOOL COMPLAINTS PROCEDURE

GUIDANCE FOR PARENTS

Parents have a statutory right to complain directly to the Secretary of State for Education on any matter relating to their children's school and/or education. The Department for Education have a clear view, however, that complaints are best resolved by the school and regulations stipulate that all schools should have a complaints procedure in place.

Most complaints can be quickly resolved by talking to the teacher or member of staff concerned. To do this you can contact the school to arrange a time to meet with the person concerned and discuss the problem.

If you cannot resolve the matter directly with the person concerned, you should take it up with the Headteacher. Again, you can do this by contacting the school and arranging an appointment. It would be helpful if you could put your concerns in writing and let the Headteacher see them before you meet so that he/she is able to look into the matter and inform you of the situation at the meeting.

In a very small number of cases, the matter may not be resolved even with the involvement of the Headteacher. When this happens, the complaint should be directed to the Governing Body. In most cases, this means putting your complaint in writing to the Chair of Governors and sending it to him/her through the School. The Chair of Governors will then contact you.

If you do not discuss the matter with the Headteacher, it is not normally possible to proceed further with the official complaints procedure. In this circumstance, you should also put your complaint in writing, stating the reasons why you have not discussed it with the Headteacher, and send it to the Chair of Governors.

If the complaint cannot be resolved by the involvement of the Chair of Governors, you can ask for the complaint to be considered by the Governing Body's own Complaints Committee. You will then be informed in writing of the outcome.

The LA does not investigate complaints directly. If a complaint is made either in writing or verbally to the Director of Children, Family and Adult services or to any officer of the Local Authority, the Governing Body of the school is made aware of the complaint and is requested to deal with it through the adopted procedure.

If you are not satisfied with the process of the investigation, (not the outcome), you can make this known to the Director of Children, Family and Adult Services. However, further action can only be taken if it can be demonstrated that the agreed procedure has not been followed, or if the Governing Body has not correctly exercised its functions. Ultimately, you can complain to the Secretary of State for Education if you feel the Governing Body or the Local Authority has not reasonably exercised its functions.

April 2013

PROCEDURE FOR COMPLAINTS AGAINST SCHOOLS

