



Cornerstone Church of England (VA) Primary School



*Building our Community
with Love, Forgiveness and Hope*

Complaints Procedure

Reviewed by	Resources & Personnel Committee	Authorised by	Resources & Personnel Committee
Last Review	Autumn 2016	Date	8/11/2016
Next Review	Autumn 2019	Review Cycle	Tri-Annually

The Legal Framework

Section 409 of the 1996 Education Act allows a Local Authority to make arrangements for the consideration or disposal of any complaint about the unreasonable action of the LA or of a Governing Body in relation to a statutory duty or power. This would include Admissions, the provision of an appropriate curriculum, SEN, and Exclusions Appeals.

Complaints of a more general nature fall outside the remit of this section. The section 29 of the 2002 Education Act requires governing bodies to establish procedures for dealing with all complaints relating to the school or the provision of facilities or services, other than “complaints, which fall to be dealt with in accordance with procedures required to be established by other statutory provision”, and to publicise these procedures.

Whilst the majority of complaints received by schools are properly dealt with by other procedures, it is still necessary for schools to have a ‘general’ procedure for the minority of complaints that are not covered by other statutory procedures.

Section 496 of the 1996 Act allows a person to complain to the Secretary of State that a Governing Body (or LA) has acted, or is proposing to act, unreasonably with respect to any power conferred or duty imposed by that Act. Such a complaint is unlikely to be successful where a school can show that it has acted reasonably in seeking to resolve a complaint and has used a “fair” procedure.

General Principles

- This procedure is intended to allow you to raise a concern or complaint relating to the school, or the services that it provides

- An anonymous concern or complaint will not be investigated under this procedure, unless there are exceptional circumstances
- To enable a proper investigation, concerns or complaints should be brought to the attention of the school as soon as possible. In general, any matter raised more than 3 months after the event, being complained of, will not be considered, unless there are exceptional circumstances

Raising a concern or complaint

Informal Stage

It is normally appropriate to communicate directly with the member of staff concerned – this is usually the class teacher or school administrator. This may be by letter, by telephone, email or in person by appointment, requested via the school office. Talking to the class teacher or school administrator and seeking simple clarification or the provision of information, can resolve many concerns; it is anticipated that most complaints will be resolved by this informal stage.

Sometimes an informal meeting may be convened with the headteacher and/or chair of governors to discuss the issue. If the matter is not resolved at this stage, the parent can progress the complaint to the formal stage.

In the case of serious concerns, it may be appropriate to address them directly to the headteacher (or to the chair of the governing body, if the complaint is about the headteacher).

If you are uncertain about who to contact, please seek advice from the school office or the clerk to the governing body.

Formal Stage

If your concern or complaint is not resolved at the informal stage, you may choose to put the complaint in writing and pass it to the headteacher, who will be responsible for ensuring that it is investigated appropriately. This means that they may investigate the complaint themselves, designate the complaint to another member of staff (or another staff member/s to gather evidence), or investigator at another school, if they feel that this approach is appropriate in the circumstances. If the complaint is about the headteacher, your complaint should be passed to the clerk to the governing body, for the attention of the chair of the governing body.

A complaint form can be provided to assist you, if you feel this would be helpful. You should include details that might assist the investigation, such as names of potential witnesses, dates and times of events, and copies of any relevant documents.

It is very important that you include a clear statement of the actions that you would like the school to take to resolve your concern. Without this, it is much more difficult to proceed.

Please pass the completed form, in a sealed envelope to the school office. The envelope should be addressed to the headteacher, or to the clerk to the governing body, if the complaint is about the headteacher.

The headteacher (and/or chair) may invite you to a meeting to clarify your concerns and to explore the possibility of an informal resolution. If you accept that invitation, a friend may accompany you, if you wish, to assist you in explaining the nature of your concerns.

It is possible that your complaint will be resolved through a meeting with the headteacher (and/or chair). If not, arrangements will be made for the matter to be fully investigated, using the appropriate procedure. In any case you should learn in writing, usually within 5 days of the school receiving your formal complaint, of how the school intends to proceed. This notification should include an indication of the anticipated timescale.

Any investigation will begin as soon as possible and when it has been concluded, you will be informed in writing of its conclusion.

If you are not satisfied with the manner in which the process has been followed, you may request that the governing body reviews the process followed by the school, in handling the complaint. Any such request must be made in writing to the clerk to the governing body, within 10 school days of receiving notice of the outcome, and include a statement specifying any perceived failures to follow the procedure. The procedure described below will be followed. A review request form can be provided on request.

Review Process – Complaints Panel

A panel from the governing body will conduct any review of the process followed by the school. This will usually take place within 20 school days of receipt of your request. The clerk should convene a panel of 3 governors, who have not previously been involved with the complaint. We will always seek to try and not involve staff or parent governors, where a parent is making the complaint. It is the responsibility of the Chair of the Panel to ensure that if a meeting is convened, that it is properly minuted.

The aim of any meeting or Panel, should be to resolve the complaint and achieve a reconciliation between the school and the complainant. However, it has to be recognised that sometimes it may only be possible to establish facts and make recommendations, which will satisfy the complainant that his or her complaint has at least been taken seriously.

The Panel should remember that many parents are unused to dealing with groups of people in formal situations and may feel inhibited when speaking to the Panel. The complainant may bring a friend or relative with them to the meeting and the headteacher, a colleague or trade union representative. It is therefore recommended that the Chair of the Panel ensures that the proceedings are kept as informal as possible.

All paperwork pertaining to the meeting should be sent to all parties, at least 24 hours in advance of the meeting. Children's names should not be visible/identifiable in any documents.

The meeting should allow for:

- the complainant to explain their complaint and the Headteacher to explain the school's response
- the Headteacher to question the complainant about the complaint and the complainant to question the Headteacher about the school's response
- Panel members to have an opportunity to question both the complainant and the Headteacher
- witness statements may be provided in advance
- final statements by both the complainant and the Headteacher

If either party wishes to introduce previously undisclosed evidence or witnesses, it is in the interests of natural justice to adjourn the meeting so that the other side has time to consider and respond to the new evidence. This may result in the meeting being re-arranged and concluded on another date.

After all evidence has been presented, the Chair of the Panel will explain to the complainant and the headteacher that the Panel will now consider its decision, and a written decision will be sent to both parties within 15 working days. The letter should explain whether a further appeal can be made, and if so, to whom (see below). The complainant, headteacher, other members of staff and witnesses will then leave.

The Panel will:

- reach a unanimous, or at least a majority, decision on the complaint, and
- decide upon the appropriate action to be taken to resolve the complaint, and
- where appropriate, suggest recommended changes to the school's systems or procedures to ensure that problems of a similar nature do not happen again.

The school should ensure that a copy of all correspondence and notes are kept on file in the school's records.

These records should be kept separately from the pupil's personal records but may, if considered appropriate by the headteacher, be passed on to any future schools that the pupil may attend i.e. in the case of an aggressive parents or bullying incident or relevant agencies e.g. Children's Services.

LA/Diocese Review

The Diocese of Portsmouth give advice on general complaints procedures to their schools but the Boards have no powers to receive appeals from complainants. They will ask complainants to refer to the school's policy.

If a complainant wishes to go beyond the governors' complaints panel they may write to the Strategic Director of Children's Services. He will arrange for a member of the Directorate's Senior Management Team to review the complaint. That person will be to review the process and procedures the school had undertaken when considering the complaint.

The Secretary of State

Complaints can be taken to the Secretary of State for Education and Employment under section 496 of the Education Act 1996, on the grounds that a Governing Body or LA is acting or proposing to act unreasonably, or under Section 497 of the same Act, on the grounds that either the Governing Body or the LA has failed to discharge its duties under the Act. The Secretary of State may contact the Governing Body or the LA for more information in order to consider the complaint.

The Local Government Ombudsman: Complaints about the maladministration of Local Authority services including the way it operates any general school complaints procedure could be made to the Ombudsman. However the Ombudsman does not look at internal school management matters and usually expects that thorough attention has been given to a complaint locally before investigation by the Ombudsman.