

## Complaints Procedure

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Complaints should be directed initially to the headteacher and hopefully resolved at the lowest possible level. If the parents/carers and headteacher find themselves unable to resolve the differences between the school and the parents/carers, the school should direct the parents/carers towards a mediation service such as Parent Partnership.

Only if all mediation fails should the complaint be taken to the Complaints Committee.

## Complaints Committee

### **Name of committee**

Complaints Committee

### **Purpose**

To deal with complaints against the school that cannot be resolved by the headteacher or are concerning the headteacher.

### **Membership**

It is important that the members of this committee are not 'tainted' in any way by close involvement with the complainant or with the matter as originally dealt with by the school. For this reason, it may be better to have a number of governors who may be called on for the Complaints Committee, rather than to attempt to use the same membership to deal with all complaints. It may also be best for the chair of governors not to be on this committee as (s)he is often the person who may be involved in early discussions with the complainant either before or after the formal complaint is made.

### **Quorum**

Three and cannot include the headteacher who is likely to be called to provide information to the committee.

### **Terms of reference**

1. To review the headteacher's decision where a complainant is dissatisfied.
2. To allow the complainant to present his/her case personally.
3. To allow the complainant to be accompanied by a friend.
4. At the committee's discretion, to allow a pupil to be heard.
5. Following a tribunal format, the complainant and the headteacher will normally only be heard in each other's presence, unless this would be deemed to be inappropriate due to the specific details of the situation.

## Complaints Committee guidance

It is the responsibility of individual schools to respond to complaints about the school. Schools are required by law to have, and publicise their complaints procedures.

We recommend the following guidance to governing bodies.

### **The constitution of a Complaints Committee**

In appointing members to the Complaints Committee, consideration must be given to the possible need for further action by the Staff Disciplinary/Dismissal Committees with regard to the issue of tainting other committees. With that in mind, the Complaints Committee should be small and constituted as follows:

- that a minimum of 3 governors be appointed, with a quorum of 3
- that the committee, when it meets, includes at least one parent governor
- that governors who are employed to work at the school or who may have a direct involvement or prior knowledge of the case, are precluded from membership
- that the committee has delegated powers. As such it needs formal notice, an agenda and brief minutes (care needs to be taken about the content of minutes re: tainting, when reporting back to the full governing body)
- if the governing body has not appointed a chair, or the chair is not available, the committee shall appoint one of their number to be chair.

### **Decisions to be taken**

Firstly:

To confirm or not that the complaints process has been followed fully and fairly.

Secondly, one of the following:

1. To confirm the headteacher's decision
2. To ask the headteacher to reconsider certain aspects of the complaint

### **Procedures to be followed by the Complaints Committee**

The chair of the complaints committee should contact the complainant and invite them to a meeting.

The meeting should allow for:

- the complainant to explain their complaint and the headteacher to explain the school's response
- witnesses to be brought by the complainant or the headteacher
- the headteacher and the complainant to ask questions of each other and any witnesses
- the committee to ask questions of the complainant, headteacher and any witnesses
- the complainant and the headteacher to summarise their position.

Having considered all the evidence and questioned all parties, the committee can:

- dismiss the complaint in whole or in part
- uphold the complaint in whole or in part
- decide on the appropriate action to resolve the complaint
- recommend changes or actions to school system and procedures to make sure that similar problems do not recur or
- request an investigation by an officer of the local authority.

Brief minutes of the meeting should be made, regarding the date, time and place of the meeting; people present; a brief account of the complaint; a brief account of the headteacher's decision; a record of the committee's decisions. The minutes should not refer to people by name but by initials and will be resolved to be 'not available to the public at the school'.

A written response detailing the decisions, recommendations and the basis on which these have been made should be sent to the complainant within 15 school days.

The Complaints Committee should feedback to the headteacher and chair. Governors may choose to revisit or review their policies as an outcome of any investigation.

The school should retain a copy of all correspondence and records of meetings.

**If the complainant remains dissatisfied with the outcome they should be notified of the right to appeal to the Secretary of State for Education.**

A complaint may be made to the Secretary of State for Education if a person believes a governing body or LA is acting unreasonably or is failing to carry out its statutory duties properly. In academies the YPLA handles complaints on behalf of the Secretary of State. The complaint should set out fully the concerns and reasons why the complaint is being submitted, enclosing all previous correspondence relevant to the complaint. The complaint should be mailed to the department.

Ofsted has powers to investigate certain complaints by parents about their child's school for the purpose of deciding whether to use its inspection powers. For further information see the Ofsted website:

[www.ofsted.gov.uk/resources/complaints-ofsted-about-schools-guidance-for-parents](http://www.ofsted.gov.uk/resources/complaints-ofsted-about-schools-guidance-for-parents)

Updated Sept 2013  
Reviewed June 2016