



# Complaints Procedure

This policy has been drafted with reference to the Co-operative Trust values and principles

## PROCEDURE FOR COMPLAINTS AGAINST THE SCHOOL

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Updated June 2019

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## PROCEDURE FOR COMPLAINTS AGAINST THE SCHOOL

### MATTERS DEALT WITH

The procedures set out below for considering and dealing with complaints have been made in accordance with the requirements of Section 29, Part I of the Education Act 2002, [Part 7 of the Education \(Independent School Standards\) Regulations 2014](#), the School Complaints Toolkit (August 2014) published by the DFE and [Best Practice Advice for School Complaints Procedures 2016 \(January 2016\)](#).

The procedures do not cover complaints about the actions of individual teachers or the Headteacher. Separate action will be taken as appropriate if, during the course of consideration of a complaint, it is decided that disciplinary proceedings should be initiated.

### PRINCIPLES

- Initial concerns or enquiries should be dealt with at an informal level whenever possible. In most cases issues should be resolved with an individual member of staff.
- Formal complaints should always follow the Complaints Procedure ([see official complaints form, Appendix 1](#)) when the initial attempts to resolve the issue are unsuccessful or the person raising the concern remains dissatisfied and wishes to take the matter further.
- Formal complaints should be dealt with fairly, impartially and in a non-adversarial fashion.
- Formal complaints should be dealt with within the stated time limits ([as stated in the Complaints Process section of policy](#)) but acknowledging the need for a full and thorough investigation that addresses all the issues raised in the complaint.
- It is useful if complainants can indicate what actions they feel might resolve the issue at any stage.
- The process should seek to provide an effective response and appropriate redress where necessary.

### RESOLVING CONCERNS AND COMPLAINTS

In some cases it may be sufficient for the school to acknowledge that a concern or complaint is valid in whole or part. However in other cases it may be appropriate for the school to offer one or more of the following

- an apology
- an explanation
- an acknowledgement that the situation could have been handled better
- an assurance that the situation will not recur
- an explanation of the steps taken to ensure that the situation will not recur and an undertaking to review the school's systems, procedures or policies in light of the situation

## THE COMPLAINTS PROCESS

At Stages 2 and 3, if it is appropriate for the complainant to make his or her representations in person, they are entitled to be accompanied by a friend if so desired. Where appropriate, steps will be taken to ensure that information is available to complainants in languages other than English and arrangements made for an interpreter to be present during any oral representations.

### Stage 1: Concern heard by a member of staff

Any concerns expressed by parents and others should be dealt with in informal discussion with teachers and/or the Headteacher of Department in the first instance. Parents or others can express a concern via the student planner, by telephone or in writing and staff will normally acknowledge the concern within **2 school days**.

In some circumstances it will be appropriate for the concern to be considered by a member of staff not directly involved with the issue in question.

Resolution of the concern will normally take no more than **10 school days**.

If no satisfactory resolution can be reached, the person concerned may then submit a formal complaint to the Headteacher. He or she must do so in writing to the school's Complaints Coordinator, making clear that it is a formal complaint, and specifying its nature as exactly as possible. The complainant should use the school's Complaints Form (see Appendix 2).

### Stage 2: Formal complaint heard by the Headteacher

The Complaints Coordinator will acknowledge receipt of the formal complaint within **1 school day** (normally by telephone).

If in his/her view the complaint falls outside the scope of these procedures the Complaints Coordinator will advise the complainant of any other recourse, he or she may have.

The Headteacher will consider urgent complaints as quickly as possible and normally within **10 school days** of receipt of the complaint. If it is clear that investigation of the relevant complaint will take longer than this, the Complaints Coordinator will notify the complainant of the fact and of progress during consideration of the complaint.

The Headteacher may delegate the investigation of the complaint to an appropriate senior member of staff.

Following consideration of the complaint by the Headteacher, the Complaints Coordinator will inform the complainant of

- a. the decision the Headteacher has reached and the reason(s) for it
- b. any action taken or proposed, including details of any request made to those complained against to take particular actions to resolve the complaint.

If the complainant is dissatisfied with the Headteacher's response they should notify, in writing, the Complaints Coordinator who must refer the matter to the Governors' Complaints Committee.

### Stage 3: Formal complaint heard by the Complaints Committee

The Complaints Coordinator will acknowledge receipt of the formal complaint to the Complaints Committee within **1 school day** (normally by telephone). The Complaints Coordinator will write to the complainant with details of how the Complaints Committee will consider the complaint.

If the complaint appears to be urgent, the Complaints Coordinator will convene a meeting of the Complaints Committee to consider the complaint within **12 school days** of receipt of the formal complaint. If the complaint is not urgent, the Complaints Coordinator will convene a meeting to consider the complaint within **20 school days**. The Complaints Coordinator will give the complainant a minimum of **5 school days** notice of the date, time and place of the meeting. (Any reasonable request made by the complainant for an alternative date should result in a mutually convenient alternative date being set at the earliest possible time.) *The Complaints Committee will consist of at least three people who were not directly involved in matters detailed in the complaint. The Committee will also contain one panel member who is independent of the management and running of the school.*

If the complainant does not wish to attend the meeting, he or she may present the complaint in writing to the Complaints Committee. The complainant must submit any such material to the Complaints Coordinator no later than **2 school days** before the meeting.

The Headteacher, accompanied by a colleague or representative if he/she so wishes, may be present at the meeting of the Complaints Committee convened to consider a complaint.

Where the complainant chooses to attend in person, the usual order of proceedings will be as follows:

- a. The chair of the Complaints Committee will welcome the complainant, and any representative, and introduce those present.
- b. *The complainant may be accompanied at the panel if they wish.*
- c. The complainant may, if he or she chooses, restate the nature of the complaint.
- d. The complainant may be asked questions by the Complaints Committee and by the Headteacher.
- e. The Headteacher may be asked to make a statement to the Complaints Committee, regarding the matter complained of and may be asked questions by the Complaints Committee or by the complainant.
- f. The complainant may, if he or she so chooses, summarise the complaint.
- g. The Headteacher, complainant and any friend or representative they have brought will be asked to leave.

The Complaints Committee will consider the complaint at the meeting and any relevant information or factors. The Complaints Committee will only reach a decision after the Headteacher and, where

relevant, the complainant and any friend or representative of either individual, have withdrawn. The Complaints Committee can

- reject the complaint in whole or part.
- uphold the complaint in whole or part.
- decide on the appropriate action to be taken to resolve the complaint.
- recommend changes to the school's systems, procedures or policies to ensure that similar problems do not recur.
- decide to investigate the complaint further.

The Complaints Coordinator will inform the complainant and the Headteacher in writing within **5 school days** of the decision reached by the Complaints Committee and the reason(s) for the decision. If the Complaints Committee decides that

- a. the complaint falls outside the scope of this process, the Complaints Coordinator will inform the complainant of any further recourse he or she may have.
- b. the complaint has been upheld, the Complaints Coordinator will inform the complainant of any action taken or proposed, including details of any request to those complained against, to take particular actions to resolve the complaint.
- c. further investigation is required, the Complaints Coordinator will inform the complainant of the steps to be taken and of the progress made. Any subsequent meeting of the Complaints Committee will be subject to the provisions described above in so far as they are relevant.

#### **Stage 4 (formal): complaint heard by Governing Body Complaint Appeal Panel**

The complainant should write to the Clerk to the Governing Body giving details of the complaint and asking that it is put before the appeal panel. The Chair, or if the Chair has been involved at any previous stage in the process, a nominated governor, will convene a Governing Body Complaints panel.

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

Individual complaints will 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 procedure adopted by the Panel for hearing appeals will adhere to Preston Manor's Complaints Policy.

#### **VEXATIOUS COMPLAINTS**

On rare occasions, despite all stages of the procedure being followed, the complainant may remain dissatisfied. If the complainant tries to reopen the same issue the Chair of the Complaints Committee or the Chair of Governors will inform them in writing that the procedure has been exhausted and that the matter is now closed.

If the complainant writes again on the same issue, then the correspondence may be recognised as vexatious and there will be no obligation on the part of the school to respond.

It is important to note however, that should a complainant raise an entirely new, separate complaint, it must be responded to in accord with the Complaints Procedure. It is not the complainant who is vexatious; it is the correspondence.

## **MANAGING, RECORDING AND REVIEWING FORMAL COMPLAINTS**

### **Recording Complaints**

- The School will record the progress of the complaint and the final outcome. Notes of meetings and telephone calls should be documents and any written responses will be added to the record.
- The Complaints Co-ordinator will be responsible for the records and hold them centrally.
- Records kept by the 'proprietor and the Headteacher' are available for inspection.
- Records should be kept of all complaints made in accordance with PART 7 sub-paragraph e of the Education (Independent School Standards) Regulations 2014. These include a written record of:
  - A resolution following a formal procedure, or proceed to a panel hearing; and
  - Action taken by the school as a result of those complaints (regardless of whether they are upheld); and
  - Provides that correspondence, statements and records relating to the individual complaints are to be kept confidential except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access to them.

### **TIME LIMITS**

Complaints need to be considered and resolved, as quickly, and efficiently as possible. Realistic time limits for each action and each stage will be adhered to. However, where further actions are necessary, new time limits can be set. The complainant should be sent details of the new deadline and an explanation of any delays where this is relevant.

### **CUT-OFF LIMITS**

It is arguably reasonable to expect parents to make a complaint as soon as possible after an incident arises but there may be good reasons why a parent has not made a complaint earlier (e.g. they were gathering further information to support their complaint or were not fully aware of the implications of the incident until a later date). In light of this, the school will not refuse to consider any reasonable complaints.

### **GOVERNING BODY REVIEW OF FORMAL COMPLAINTS**

- The Governing Body monitor the level and nature of complaints, and review the outcomes on a regular basis, thus ensuring the effectiveness of the procedure and making any changes where necessary. Complaints information that is shared with the whole Governing Body should not name individuals in case an appeal panel needs to be constituted.
- As well as addressing an individual's complaint(s), the process of listening to and resolving complaints will contribute to the school's improvement. When individual complaints are heard, schools may identify underlying issues that need to be addressed. The monitoring and review of complaints by the school and the Governing Body is viewed as a useful tool in evaluating the school's performance.

### **FURTHER INFORMATION**

If you have any questions about these procedures for dealing with complaints, please contact the Complaints Coordinator at the school.

Appendix 1

## **SCHOOL COMPLAINTS FORM**

Please complete and return to the school's Complaints Coordinator who will acknowledge receipt and explain what action will be taken

Name
Student's name
Relationship to student
Address
Postcode
Day time telephone number
Evening telephone number

Please give details of your complaint

What action, if any, have you already taken to try and resolve your complaint? (who did you speak to and what was the response?)

What actions do you feel might resolve the problem at this stage?

Are you attaching any paperwork? If so, please give details

Signature

Date

**Official use**

Date acknowledgement sent

By

Complaint referred for investigation to

Date

Agreed response date

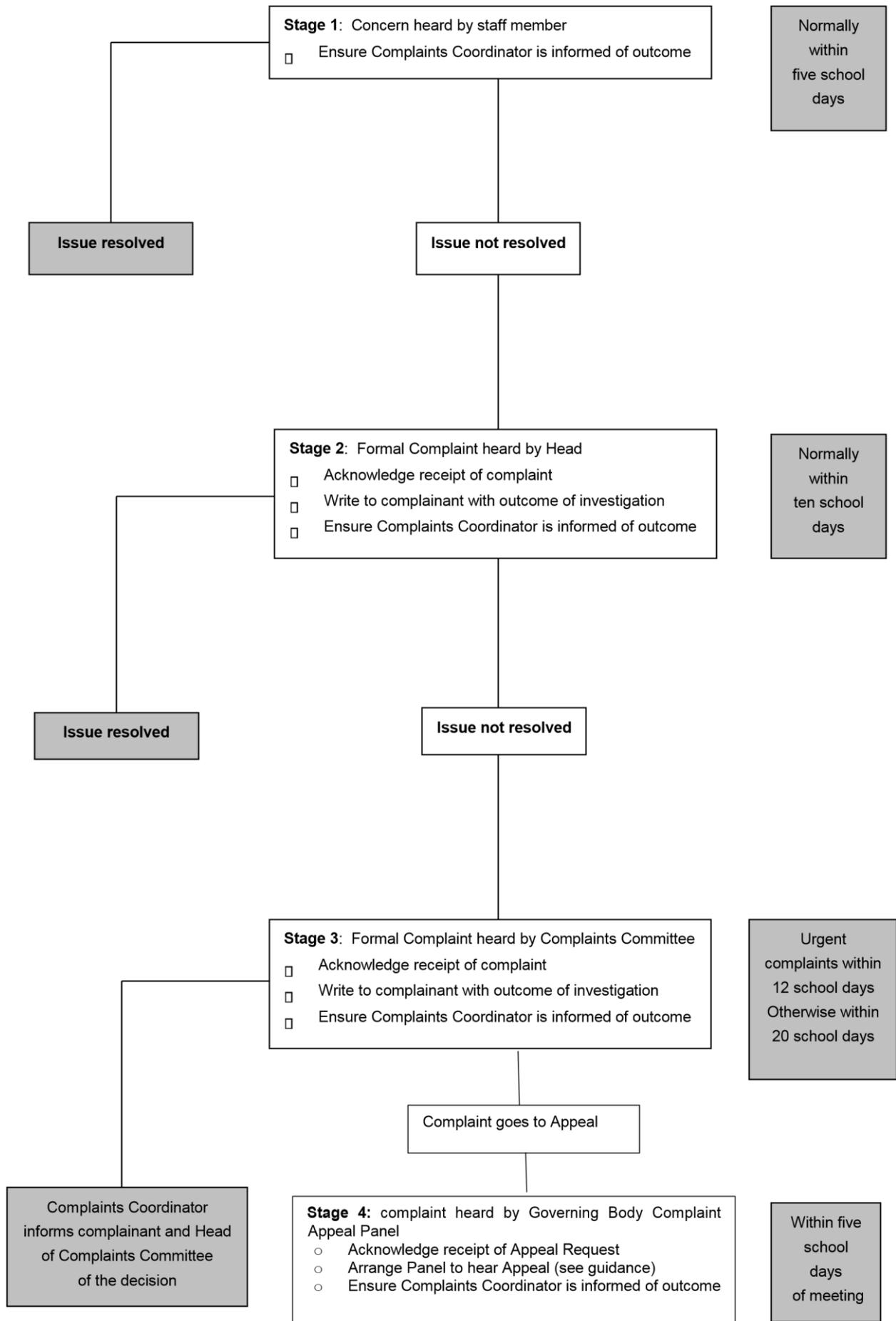
**Appendix 2**

**PROCEDURE FOR COMPLAINTS AGAINST THE SCHOOL**

**STAGES**

**TIMESCALE**

See flowchart below



## **CURRICULUM COMPLAINTS**

A Curriculum Complaint will relate to the following duties of the school

- a. The provision of a curriculum which meets the general requirements of part 6 of the Education Act 2002.
- b. The implementation of the National Curriculum and compliance with Orders and Regulations made about its requirements and exceptions to its provision.
- c. Provision of courses leading to external qualification, only if that qualification and the associated syllabus have been approved.
- d. Provision of religious education and worship as required by the Education Act 2002.
- e. The need to act reasonably in deciding whether to apply either with or without the QCA for exemption from all or part of the National Curriculum in order to carry out developmental work.
- f. Consideration of appeals by parents about the temporary withdrawal of pupils from part or all of the National Curriculum.
- g. Operation of charging policies in relation to the curriculum.
- h. Compliance with requirements relating to the provision of information.
- i. Compliance with any other enactments relating to the curriculum.

Separate arrangements are made by the Local Authority to resolve disagreements about the curriculum requirements specified in Statements for children with Special Educational Needs (SEN). The school's SEN Coordinator can provide contact details for the appropriate Local Authority officer.

## EXAMINATIONS APPEALS PROCEDURES

### Appeals against internal assessment of work for external qualifications

Preston Manor High School is committed to ensuring that whenever its members of staff assess students' work for external qualification, this is done fairly, consistently and in accordance with the specification for the qualification concerned. Assessments should be conducted by members of staff who have appropriate knowledge, understanding and skills, and who have been trained in this activity. Students' work should be produced and authenticated according to the requirements of the examinations board. Where a set of work is divided between staff, consistency should be assured by internal moderation and standardisation.

If a student feels that this may not have happened in relation to his/her work, s/he may make use of this appeals procedure. Note that appeals may only be made against the process that led to the assessment and not against the mark or grade.

This procedure is publicised to students in assemblies prior to examination series where it is applicable.

This procedure is available from Student Reception, and is posted on the student notice board.

- 1 Appeals should be made as soon as possible, and must be made at least two weeks before the end of the last externally assessed paper in the examinations series. (So the appeal must be made before a date in mid-June for the summer series as presently timetabled.)
- 2 Appeals should be made in writing to the Examinations Officer, who will investigate the appeal. If the Examinations Officer was directly involved in the assessment in question (or is unable to conduct the investigation for some other reason), the Headteacher will appoint another member of staff of similar or greater seniority to conduct the investigation.
- 3 The Examinations Officer or other member of staff appointed by the Headteacher will decide whether the process used for the internal assessment conformed with the requirements of the awarding body and the examinations code of practice of the QCA. This will be done before the end of the relevant exam series. (Currently the end of June for the summer exam series).
- 4 You will be informed in writing of the outcome of the appeal, including any correspondence with the board, any changes made to the assessment of your work, and any changes made to improve matters in future.
- 5 The outcome of the appeal will be made known to the Headteacher and will be logged as a complaint under the complaints procedure. A written record of the appeal will be kept and made available to the awarding body at their request. Should the appeal bring any significant irregularity to light, the awarding body will be informed.

After work has been assessed internally it is moderated by the awarding body (examinations board) to ensure consistency between centres. Such moderation frequently changes the marks awarded for internally assessed work. That is outside the control of the school and is not covered by this procedure. If you have concerns about it, please ask for a copy of the appeals procedure of the relevant examinations board.

## Appendix 5

### CHECKLIST FOR A PANEL HEARING

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 the 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.
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The Panel are advised to follow the guidance in the 'Interviewing Best Practice Tips' section (page 19) of the DfE document titled 'Best Practice Advice for School Complaints Procedures 2016'. This document can be found at link below:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/489056/Best\\_Practice\\_Advice\\_for\\_School\\_Complaints\\_2016.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/489056/Best_Practice_Advice_for_School_Complaints_2016.pdf)