



Complaints Policy

	TO BE REVIEWED BY GOVERNORS' LEADERSHIP COMMITTEE
Reviewed in:	May 2018
Governor Name:	Mr Kamlesh Mistry
Governor Signature:	<i>K Mistry</i>
Next Review	May 2019

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1. INTRODUCTION

1.1 LEGAL REQUIREMENT FOR THE PROCEDURE

From 1 September 2003 Governing Bodies of all maintained schools are required to have a procedure to deal with general complaints relating to the school and to any community facilities or services that the school provides. (Refer to Appendix 5 for a summary of Section 29 of the Education Act 2002.)

The law also requires this procedure to be publicised.

1.2 SCOPE OF THIS PROCEDURE

This procedure does not cover those types of complaints that LAs are already required to have procedures to deal with, for example, complaints about the curriculum, or collective worship in a school.

In addition, there are certain complaints that fall outside the remit of the Governing Body's complaint procedure, for example, staff grievances or disciplinary procedures.

2. PURPOSE AND STRUCTURE OF THIS PROCEDURE DOCUMENT

2.1 PURPOSE

With regard to The City of Leicester College Complaints Policy, the procedures set out are relevant for complaints concerning college staff and services brought by parents, staff, visitors, governors and students.

2.2 STRUCTURE OVERVIEW OF THE COMPLAINT PROCEDURE

The procedure is divided into two parts: the first deals with the resolution of informal concerns, and the second with the handling of formal complaints.

Informal Resolution of Concerns

It is always our endeavor to handle concerns without the need for formal procedures. The requirement to have a complaint procedure should not undermine efforts to resolve concerns informally. Individuals involved need to be clear, however, about the difference between a concern and a complaint.

A matter should be considered to be a concern if it meets the following criteria:

- a) A minor matter capable of being resolved locally, and
- b) A matter that is not directly about any of the following individuals or groups:
 - Staff member/Service Deliverer
 - Line Manager/Achievement Co-ordinator/Hub Leader
 - Head teacher
 - Governor
 - Chair of Governors
 - Governing Body

Formal Complaint Procedure

The formal complaint procedure will need to be invoked when initial attempts to resolve the issue are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter

further. The recommended stages of the formal procedure are:

- Stage 1: Line Manager/Achievement Co-ordinator/Hub Leader
- Stage 2: Head teacher
- Stage 3: Chair of Governors
- Stage 4: Governing Body Complaints Panel
- Stage 5: Referral to the LA

2.3 COMPLAINTS CO-ORDINATOR

The college has identified Louise Modi as 'Complaints Co-ordinator', as she is not someone who might be required to investigate a complaint, although she may be required to undertake tasks associated with gathering factual information at any stage.

2.4 NOMINATED COMPLAINTS GOVERNORS

All governing body members are regarded to sit on the Complaints Panel. However, the Panel will be determined when the need arises and will take into consideration any conflicts of interest, availability and skill set.

3. PROCEDURE FOR DEALING WITH GENERAL SCHOOL COMPLAINTS

Every effort will be made to resolve concerns as quickly as possible without recourse to formal complaint procedures.

3.1 INFORMAL RESOLUTION OF CONCERNS

3.1.1 Early resolution

It is important to note that the requirement to have a complaint procedure will not in any way undermine efforts to resolve concerns informally.

It is in everyone's interest that concerns are resolved at the earliest possible stage. We take informal concerns seriously as it is in everyone's interest and will reduce the numbers that develop into formal complaints.

In this respect it would be helpful if staff were able to resolve issues on the spot, including apologising where necessary.

3.1.2 Receiving Concerns

In most cases the staff member or individual delivering the service in the case of extended school provision, will receive the first approach and is the appropriate person to receive and resolve initial concerns.

If anyone else, including a Governor, is approached with a concern they should establish whether the matter has been raised with anyone else and if not, put the person in immediate contact with the appropriate Staff member/Service deliverer.

If this is not possible the Governor/person in question takes details of the concern and inform the person that these will be forwarded to the appropriate Staff member/Service Deliverer as soon as possible.

Governors should not become involved at this stage in case they are required to form a panel at a later stage.

Where a person expresses a reluctance to discuss concerns with a particular staff member/individual, these views should be respected. In such cases the concern should be referred to the next person in the formal complaint procedure hierarchy with whom the person feels comfortable discussing the concern.

If the concern relates to the Headteacher it should be referred to the Chair of Governors at Stage 3 of the formal complaint procedure.

Similarly, if the staff member/individual receiving the concern feels unable to deal with it, the matter should be referred to the next level in the formal complaint procedure hierarchy.

3.1.3 Resolving concerns

Once the appropriate staff member/individual is in possession of the concern they should attempt to resolve it. At this informal stage of the complaint procedure the emphasis is on the quick resolution of minor concerns.

If it becomes so that the concern cannot be resolved quickly and that more detailed investigation is necessary, then the matter should be referred to the next level in the formal complaint procedure hierarchy and the person informed that this action has been taken. The complainant should be informed of the name of the person to whom the matter has been referred.

3.2 FORMAL COMPLAINTS PROCEDURE

3.2.1 **Stage 1: Line Manager/Achievement Co-ordinator/ Hub Leader**

As this is the first stage of the formal procedure, the aim should be to consider the complaint objectively and impartially and attempt to find a satisfactory resolution.

3.2.2 **Stage 2: Headteacher/Principal**

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 one as well as pursuing the initial complaint. The Headteacher may delegate the task of collating information to another staff member but not the decision on the action to be taken.

3.2.3 **Stage 3: Chair of Governors**

The complainant should write to the Chair of Governors giving details of the complaint, or the matter may be referred to the Chair by the school's Complaints Co-ordinator following consideration at the previous level.

3.2.4 **Stage 4: Governing Body Complaints Panel**

The complainant should write to the Clerk to the Governing Body – Mr Derek Odgen giving details of the complaint. The Clerk will convene a Governing Body Complaints Panel.

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

Individual complaints should 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.

3.2.5 **Stage 5: Referral to LA**

If the complaint remains unresolved at this stage, the complainant may raise the matter with the Local Authority.

The role of these bodies is to provide a mediation service to help the parties to reach an amicable mutual solution, rather than to impose one.

If either of the parties does not agree to this mediation, the complainant should be advised that the matter may be referred to the Secretary of State for Education and Skills if he/she feels that the Governing Body has “acted unreasonably”.

PRACTICAL GUIDANCE NOTES

4.1 CONSIDERING INITIAL CONCERNS

- 4.1.1 It is desirable that the matter is resolved at this point and discussions should be aimed at achieving this if at all possible.
- 4.1.2 It may be necessary to look into the concern, but a large and/or formal investigation is not envisaged. Take time to investigate if necessary.
- 4.1.3 Confirm areas of agreement between you and the third party.
- 4.1.4 To create a positive atmosphere, clarify any misunderstanding that may have occurred.
- 4.1.5 Encourage the person(s) to state what they feel might resolve the matter at this stage.
- 4.1.6 Consider ways in which the concern could be resolved.

Responses at this stage will usually be verbal, but on occasions it may be desirable or advisable to do so in writing. Seek guidance from your line manager if in doubt.

4.2 RECEIVING THE CONCERN/COMPLAINT

- 4.2.1 It is of prime importance at every stage of the procedure that the concern/complaint is received in a sympathetic but neutral manner. Avoid making any comment that could be taken as agreeing or disagreeing with the complainant.
- 4.2.2 Establish the facts as fully as possible by listening carefully, asking questions to clarify understanding, and keeping accurate notes.
- 4.2.3 Confirm with the complainant that your understanding is correct.
- 4.2.4 Taking matters seriously at every stage will reduce the number of complaints that proceed to the next stage of the procedure.

4.3 INVESTIGATING THE COMPLAINT

An effective complaint procedure will: Identify areas

- ❖ of mutual agreement
- ❖ Clarify any misunderstandings that may have occurred, as this can create a positive

atmosphere in which to discuss any other issues

- ❖ Establish who has been involved so far, and what has happened
- ❖ Clarify the nature of the complaint and what remains unresolved

Although every complaint will be different, the investigation process should involve the following:

4.3.1 Contact the complainant, meeting with them if necessary, to clarify information already obtained or to obtain further information. This includes clarifying what the complainant feels would resolve the matter.

4.3.2 If appropriate, desirable, or necessary, interview those involved in the matter and those complained of, (if applicable).

Allow those interviewed to be accompanied if they wish. Where a complaint is about a member of staff, the nature and detail of the complaint should be discussed with that person at the earliest opportunity and, where possible, they should be interviewed in advance of other people. *(Remember that this may be the initial stage of a disciplinary procedure)*

All interviews should be conducted with an open mind and the interviewer should be prepared to persist with questioning.

Notes should be kept of all interviews and of any telephone calls. Ideally these should be contemporaneous, but if this is not possible, they should be made as soon as possible after the interview/call while details are still fresh in your memory.

4.4 RESPONDING TO THE COMPLAINANT

Possible resolutions to a justified complaint may be one or more of the following:

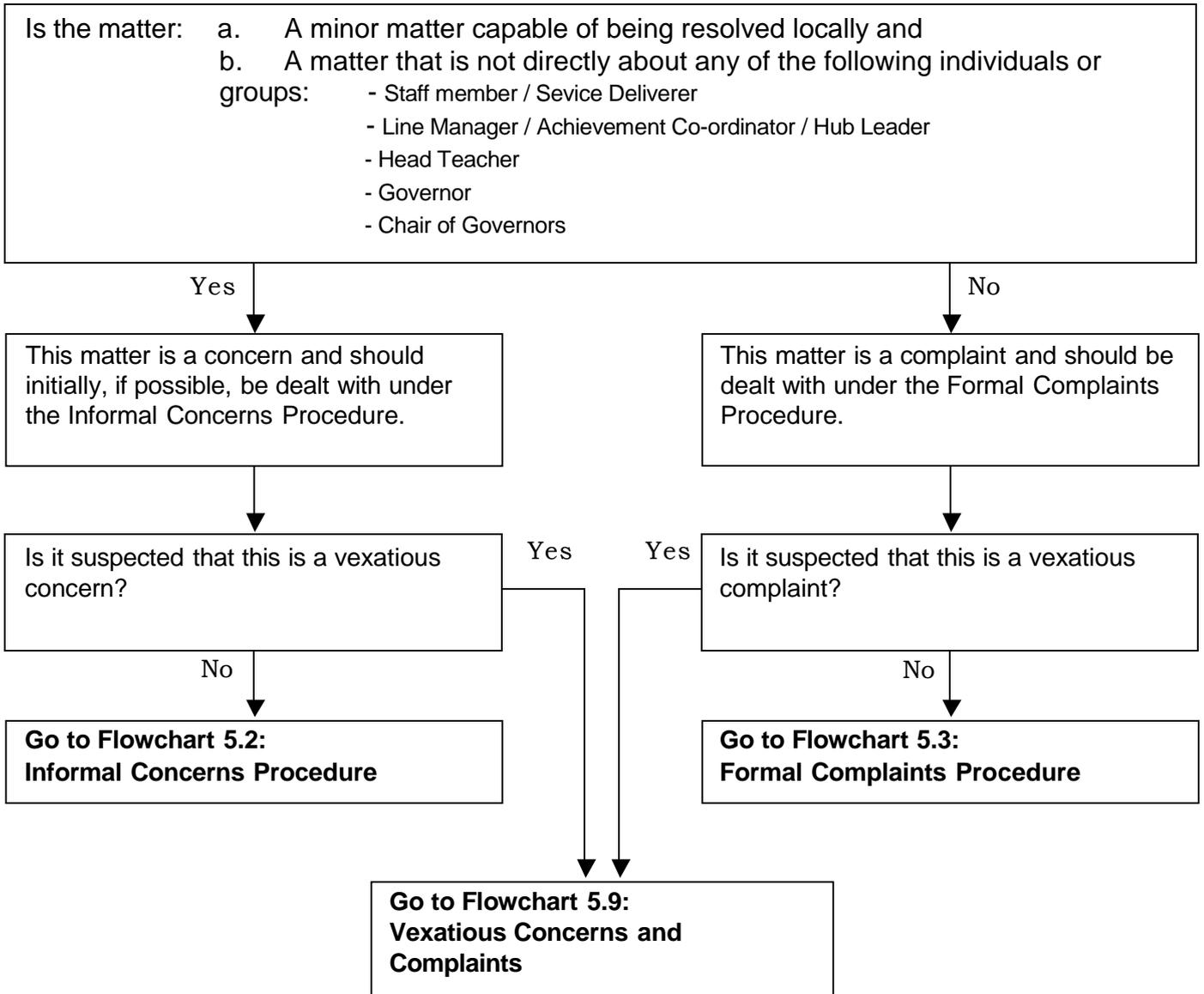
- ❖ It may be sufficient to acknowledge that the complaint is valid in whole or in part
- ❖ An apology
- ❖ An explanation
- ❖ An admission that the matter/situation could have been handled differently or better
- ❖ *(Note that this is not the same as an admission of negligence and care should be taken to ensure that no such admission is made)*
- ❖ An assurance that the event complained of will not recur
- ❖ An explanation of the steps that have been taken to ensure that it will not happen again.

It may be that no basis is found for the complaint. In these circumstances, a response should be made to this effect and it would be helpful to state the process followed to arrive at this conclusion. In this way the complainant will be able to see that the complaint has received reasonable and appropriate consideration and this in itself may resolve the complaint and stop it developing further.

Responses to complaints should always be in writing in order to provide a full record that may be used if the complaint is taken to the next level.

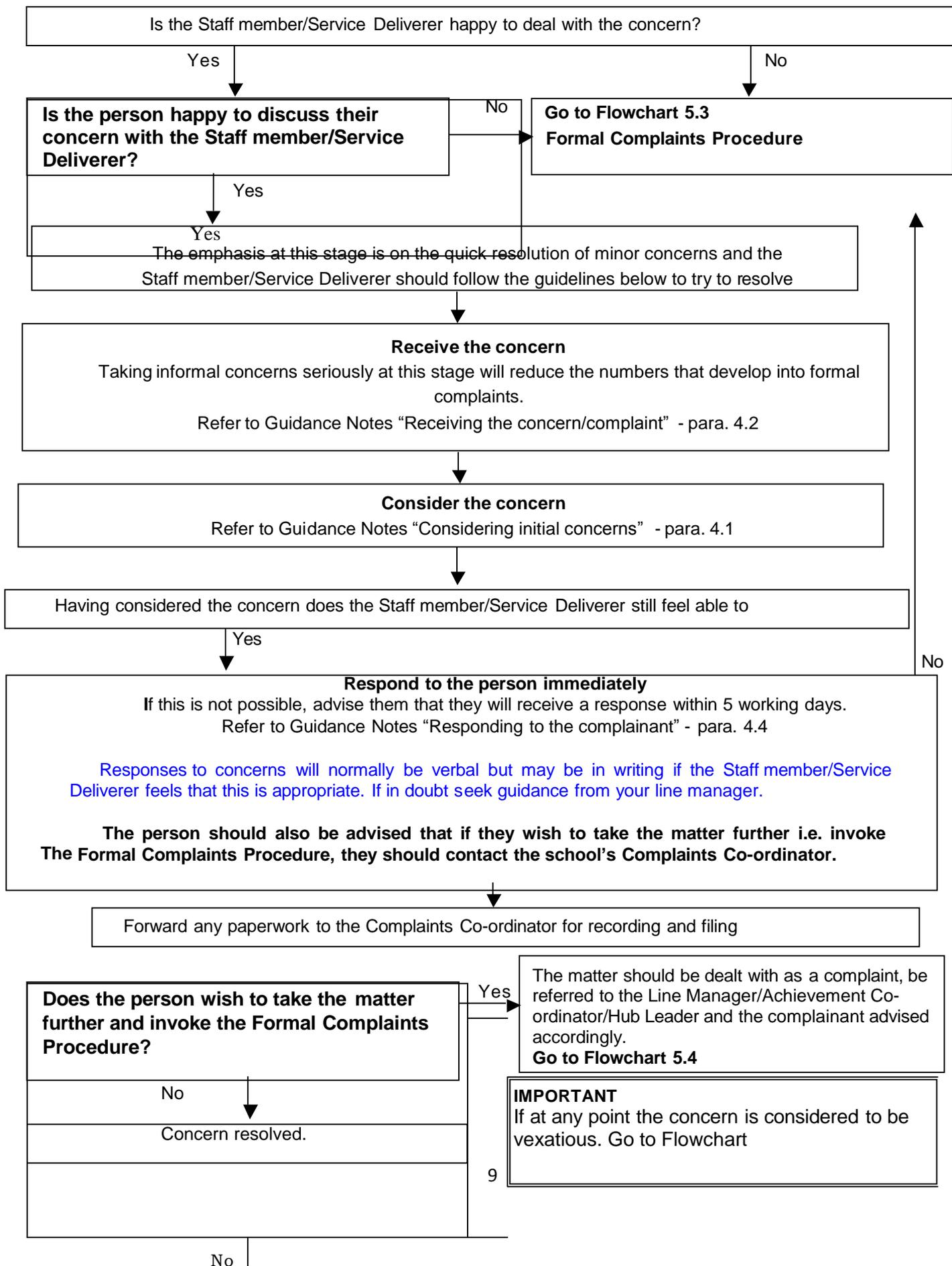
School Complaints Procedure

Flowchart 5.1: Is the matter a Concern or a Complaint?



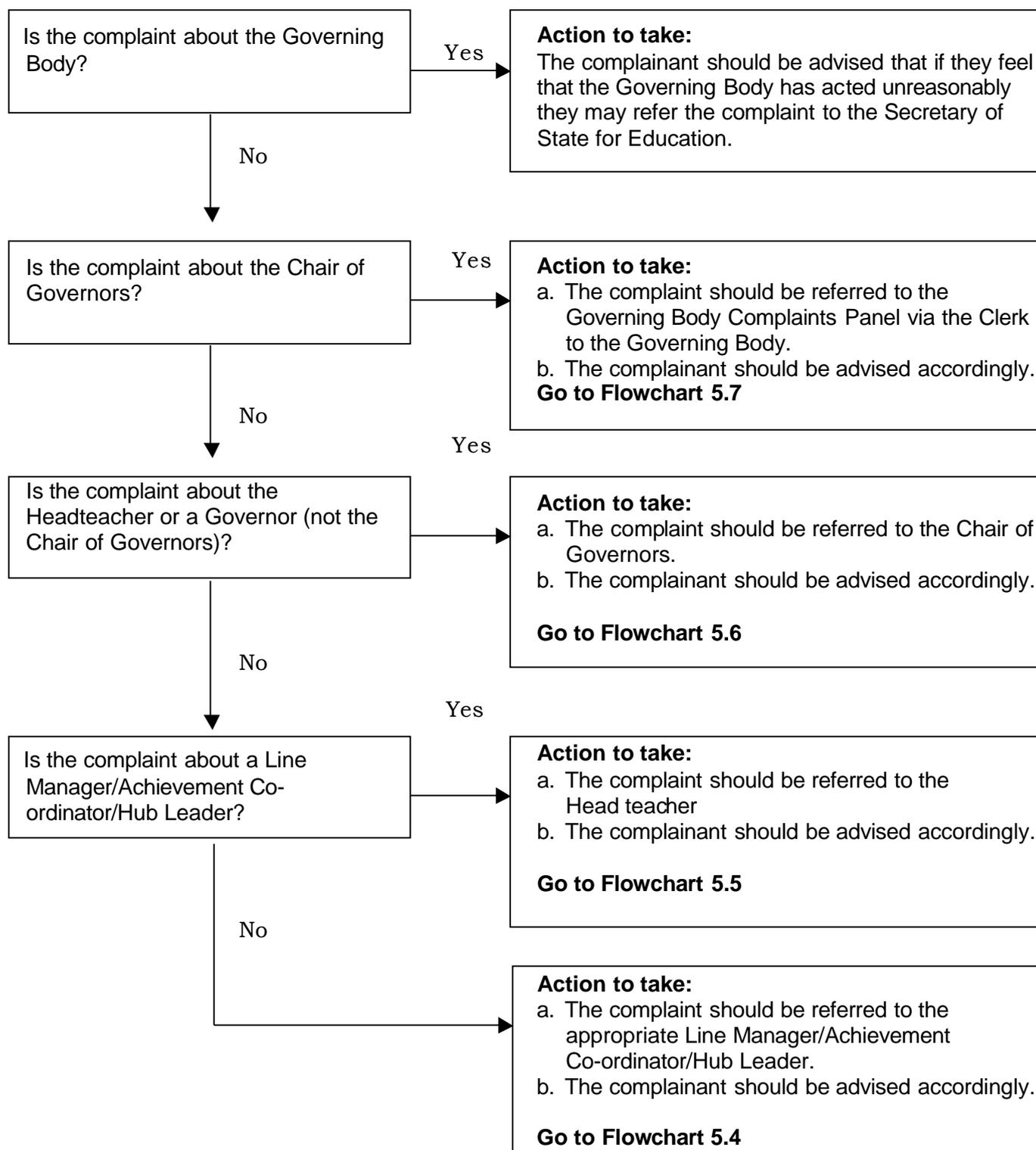
School Complaints Procedure

Flowchart 5.2: Informal Concerns Procedure



School Complaints Procedure

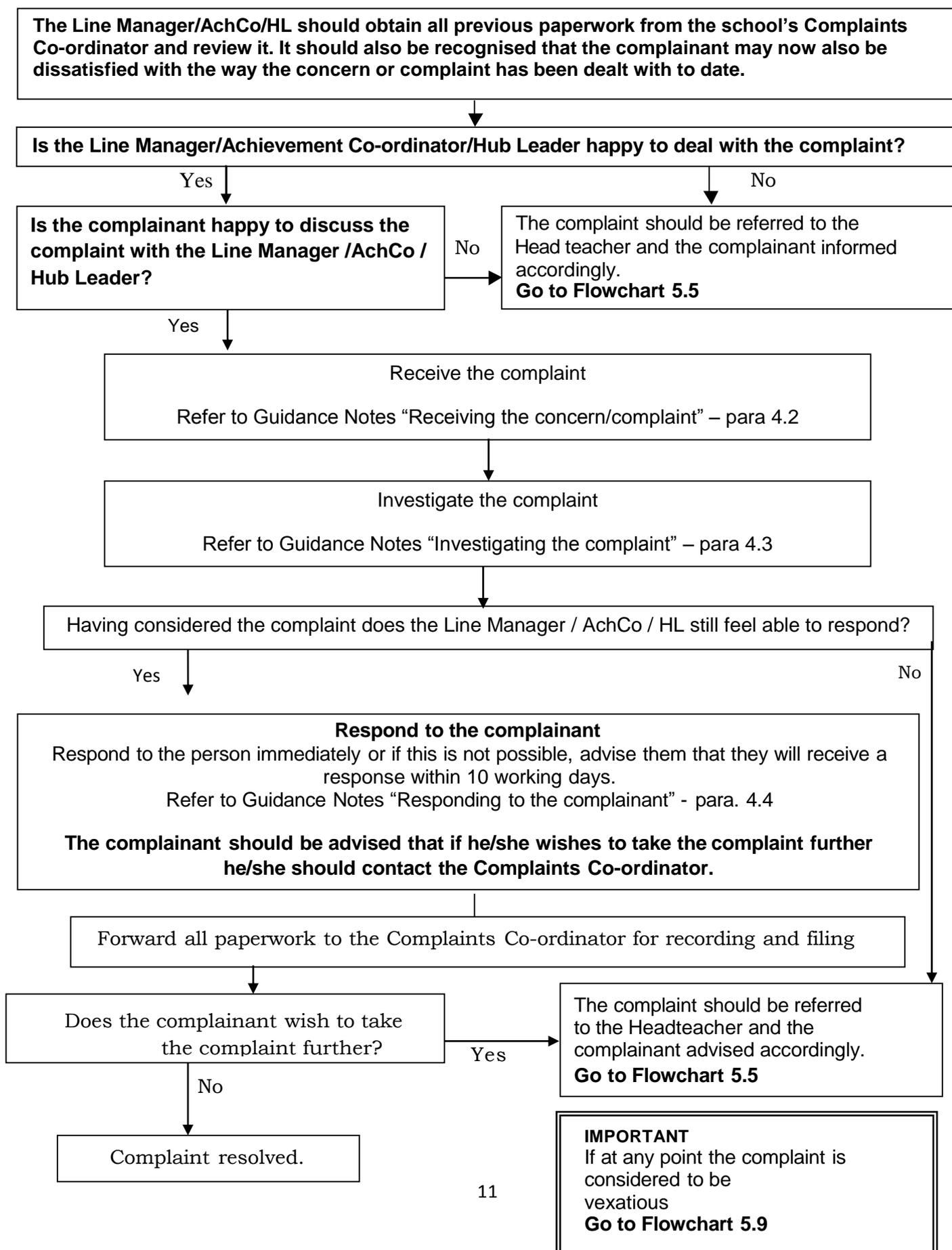
Flowchart 5.3: Formal Complaints Procedure - Where Complaints enter the Procedure



IMPORTANT
If at any point the complaint is considered to be vexatious
Go to Flowchart 5.9

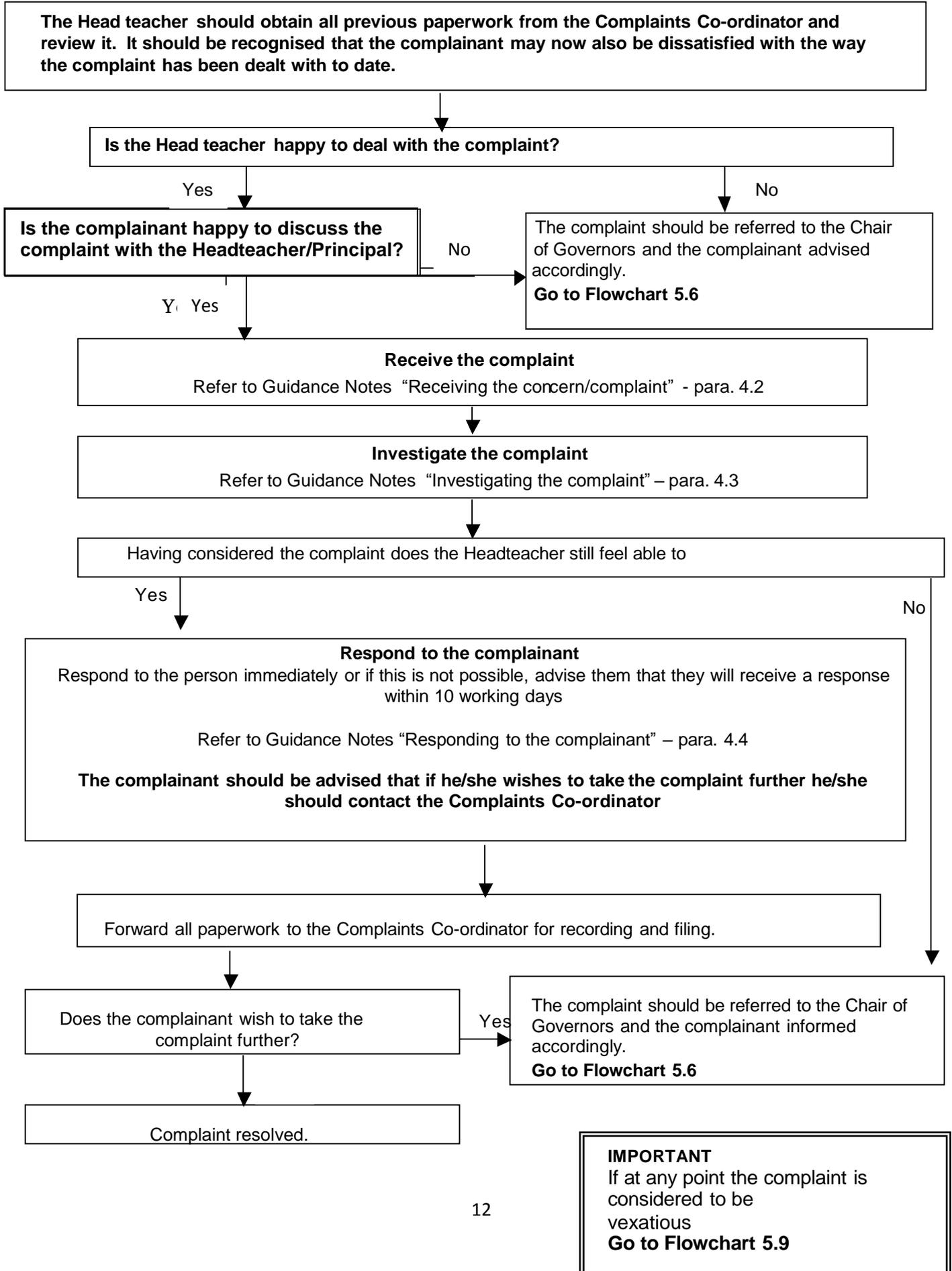
School Complaints Procedure

Flowchart 5.4: Formal Complaints Procedure. Stage 1 – Line Manager/Achievement Co-ordinator (AchCo) / Hub Leader



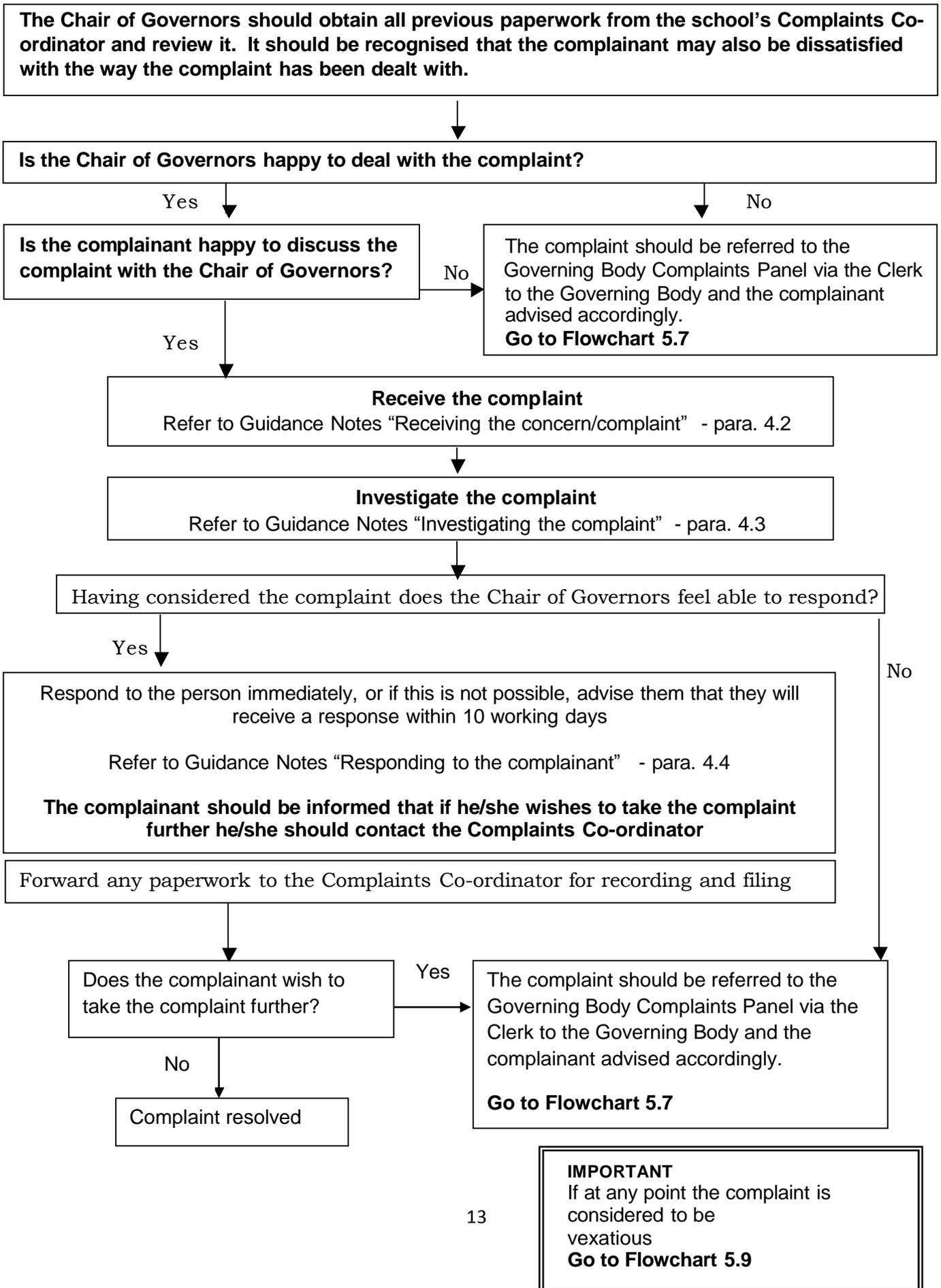
School Complaints Procedure

Flowchart 5.5: Formal Complaints Procedure. Stage 2 – Head teacher



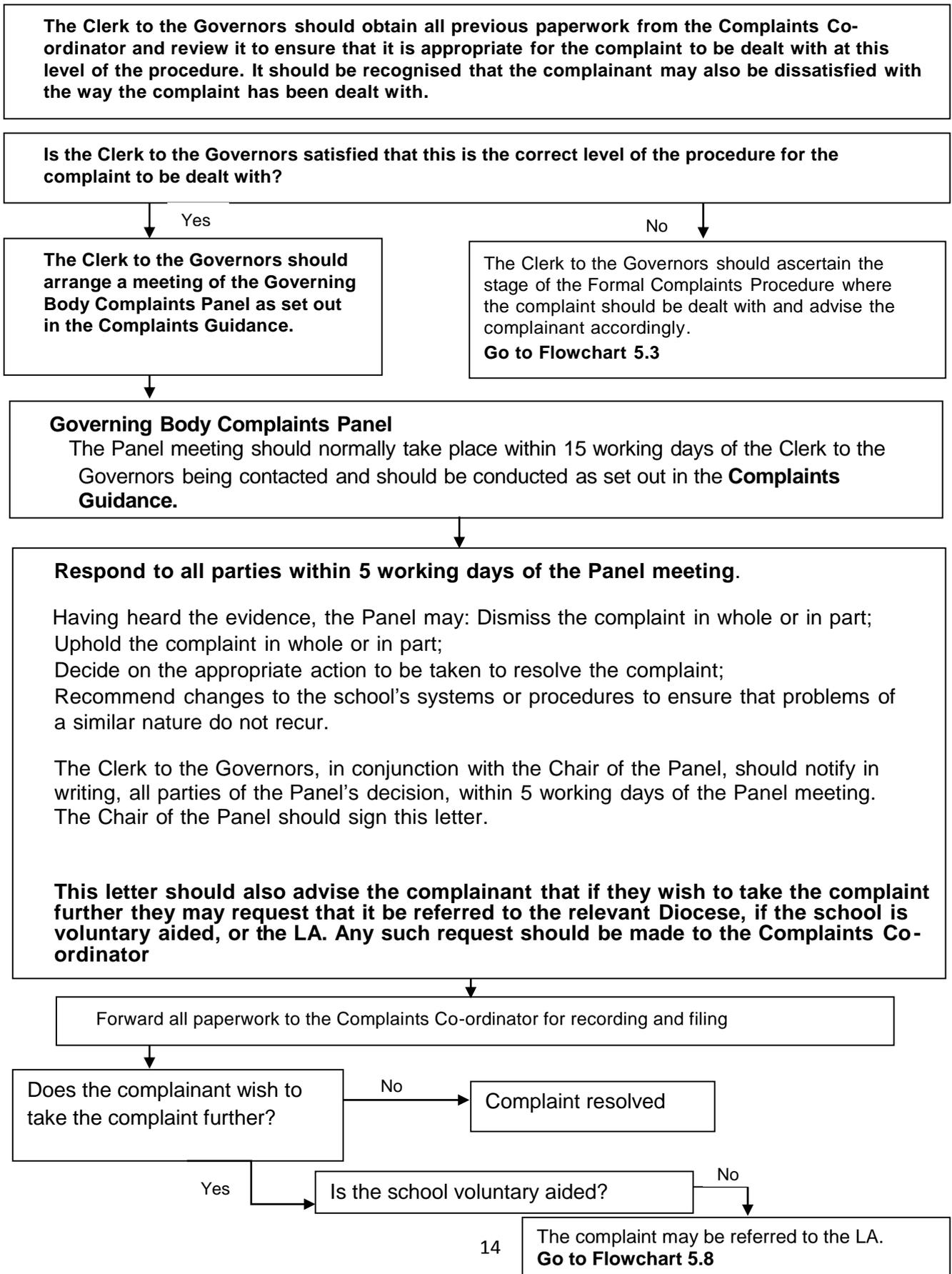
School Complaints Procedure

Flowchart 5.6: Formal Complaints Procedure. Stage 3 – Chair of Governors



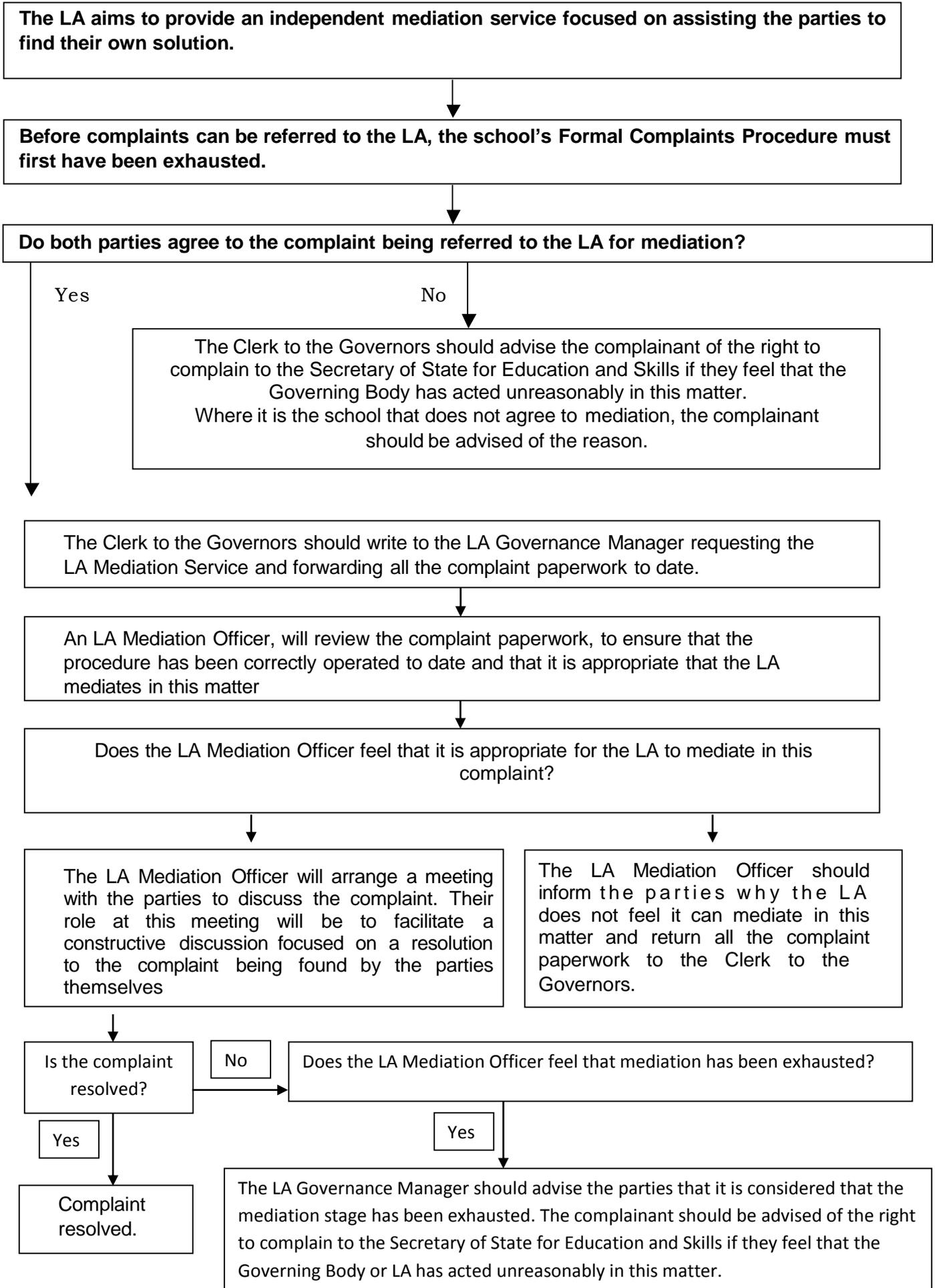
School Complaints Procedure

Flowchart 5.7: Formal Complaints Procedure. Stage 4 – Governing Body Complaints Panel



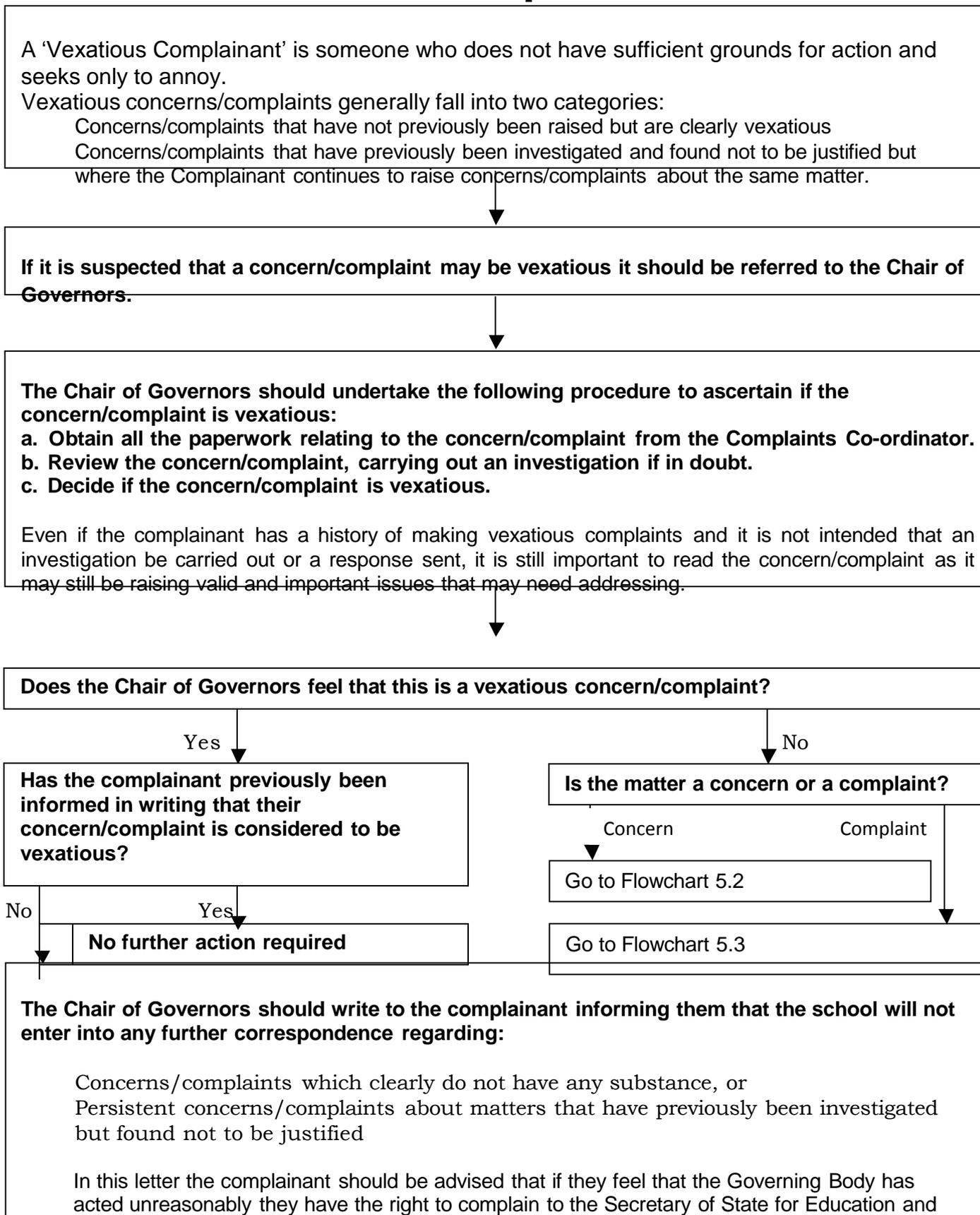
School Complaints Procedure

Flowchart 5.8: Formal Complaints Procedure. Stage 5a - Referral to the LA



School Complaints Procedure

Flowchart 5.9: Vexatious Concerns and Complaints



Skills. See Appendix 4 for an example letter that may be sent to a vexatious complainant.

School Complaints Procedure

Complaint Form

Appendix 1

Please complete and return to the Complaints Co-ordinator at the school who will acknowledge receipt and explain what action will be taken.

Your name:

Pupil's name:

(If applicable)

Your relationship to the pupil:

(If applicable)

Address:

Postcode:

Daytime telephone number:

Evening telephone number:

Please give details of your complaint.

**What action, if any, have you already taken to try to resolve your complaint?
To whom did you speak and what was the response?**

School Complaints Procedure

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

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

Signature:

Date:

For Official use only

Date acknowledgement sent:

By whom:

Complaint referred to:

Date:

Where there are other ways of appealing or complaining you will be given advice about what to do. These are some examples of when there are other procedures:

Admission to Schools

Guidance notes are issued to parents wishing to appeal against a decision not to give their child a place at the parents' preferred school.

Suspension or Exclusion of Pupils from School

The letter sent by the Head teacher will explain the rights of appeal.

Additional Educational Provision

[Special needs]

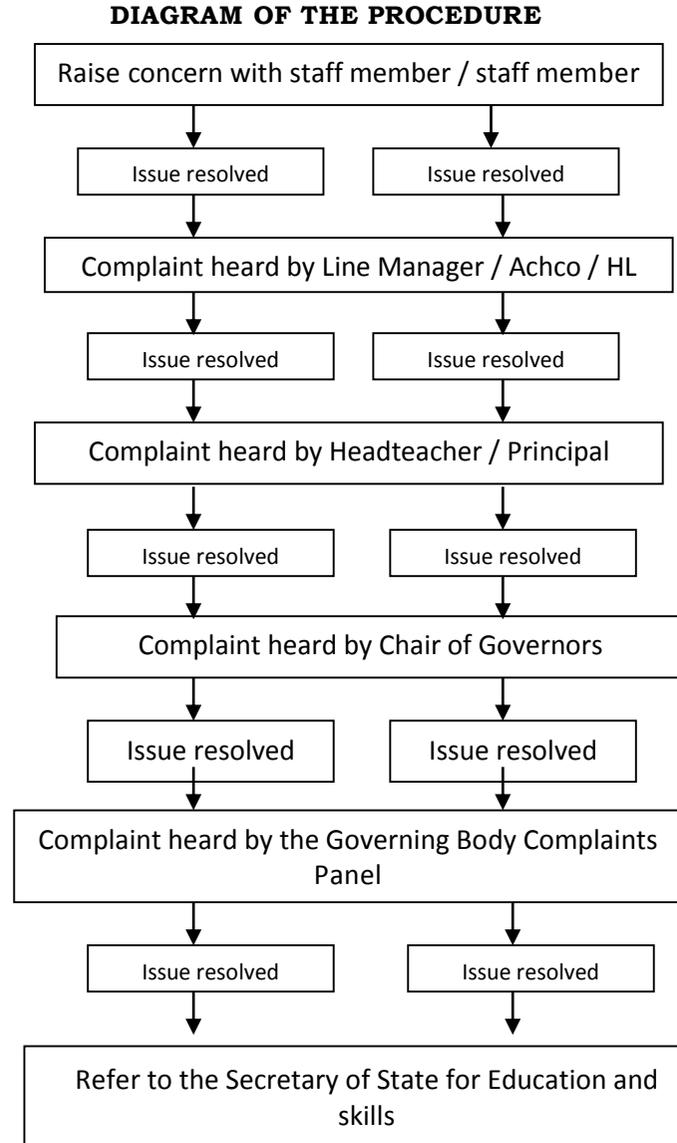
Information and guidance notes about appeal procedures are available to parents in a separate booklet.

School Re-organisation Proposals

Public notices are issued giving details of when a new school is proposed or proposals for an existing school to be closed or amalgamated.

The notices will explain how individuals can express their views.

Client Services
 3rd Floor City Hall
 115 Charles Street Leicester
 LE1 6FB
 Telephone: 0116 454 10029 (Option 4)



Leicester City Council

Complaints Procedure for Schools in the City of Leicester

Guidance for Parents and Others

Education and
 Children's Services

Please ask for:

Our Ref:

Your Ref:

Date:

Name of Addressee

Address

Dear

Subject: *Concern/Complaint regarding.....

I write with regard to your above *concern/complaint.

(If concerns/complaints clearly do not have any substance)

Having considered this matter, it is not felt that there is any substance to your *concern/complaint and it will not be investigated further.

(If persistent concerns/complaints are raised about a matter that has previously been investigated but found not to be justified.)

The school has previously investigated this matter and no justification was found for your concern/complaint. We have now carefully reviewed this investigation and it is still felt that your concern/complaint is not justified.

(Standard paragraphs following either of the above)

We would like to stress that [*enter school name here*] is committed to working with parents and other members of the public to improve the services it provides. To this end justified concerns and complaints are welcomed and seen as a valuable source of information for improvement.

However, investigating unfounded concerns and complaints takes a considerable amount of time and impacts on the services we provide to the community as a whole.

Therefore, no further correspondence will be entered into with regard to this matter or other concerns and complaints that clearly do not have any substance.

Should you feel that the Governing Body has acted unreasonably in this matter, please be advised that you may complain to the Secretary of State for Education and Skills at Sanctuary Buildings, Great Smith Street, London, SW1P 3BT.

Yours sincerely

Name

Chair of Governors

School

Section 29 of the Education Act 2002 requires that:

- (1) The governing body of a maintained school [including a maintained nursery school] shall –
 - [a] establish procedures for dealing with all complaints relating to the school or to the provision of facilities or services under section 27, other than complaints falling to be dealt with in accordance with any procedures required to be established in relation to the school by virtue of a statutory provision other than this section, and
 - [b] publicise the procedures so established.
- [2] In establishing or publicising procedures under subsection [1], the governing body shall have regard to any guidance given from time to time [in relation to England] by the Secretary of State.

Section 39 of the Education Act 2002 provides the following:

“maintained school” means a community, foundation or voluntary school, a community or foundation special school or a maintained nursery school;

“maintained nursery school” means a nursery school which is maintained by a local education authority and is not a special school.