



## **GOSDEN HOUSE SCHOOL**

### **POLICY FOR DEALING WITH CONCERNS AND COMPLAINTS**

#### **1. Informal Complaint Procedure**

- 1.1 The school ensures that confidentiality of complaints is respected at all times by any member of the staff and the governing body involved in the case.
- 1.2 Initially the vast majority of concerns expressed by parents are dealt with effectively by either the child's teacher or if a boarder, by their unit leader without the need to take these concerns further. If parents contact the LEA or the County's Callcentre first they are advised to talk directly to the school.
- 1.3 If parents have more serious concerns they should have the opportunity to discuss these with an appropriate senior member of staff who should clarify with the parent the nature of the concern and identify the outcome the parent is seeking. The member of staff may be able to explain how the situation happened and if the parent is happy with the outcome, the Headteacher would only need to be informed but not involved.
- 1.4 The Headteacher, however, should always have the opportunity to respond to all concerns at any stage and should always be kept informed about the situation. If the complaint concerns the Headteacher directly he should have the opportunity to respond. A clear note of the date, name, contact address and telephone number must be taken, together with brief details of the concern.
- 1.5 The staff member dealing with the concern must make sure that the parent is clear what action (if any) or monitoring of the situation has been agreed, putting this into writing to the parent only if this seems to be the best way of making things clear. However, a record should always be kept for internal purposes and any action taken to address a staff disciplinary/capability matter, not to be disclosed to the parent, other than to say appropriate action has been taken.

- 1.6 Where parents continue to express dissatisfaction to the Headteacher after the initial approaches they are asked if they wish their concern to be considered further. If so they are given a copy of the complaints leaflet "Responding to Parents' Concerns".
- 1.7 The LEA are available to assist the school with parental complaints, but are not permitted to take sides. Their role is to ensure that the integrity of the procedures is maintained by all of those involved.

## **2. Referral to the Headteacher for Investigation**

- 2.1 Head Teachers should make arrangements to ensure that their involvement will not dominate every stage of a particular complaint unless the issue is one which could later become a capability/disciplinary matter.
- 2.2 The complaint is acknowledged either orally or in writing within three working days, stating briefly the steps to be taken and the time that the investigation is likely to take (normally up to 10 days).
- 2.3 The complainant is invited to a meeting as necessary to supplement any information provided and to talk the matter over.
- 2.4 If necessary, the Head Teacher or another senior member of staff should interview witnesses and take statements from those involved. If the complaint is pupil-focused, the pupil(s) should also be interviewed and a statement recorded.
- 2.5 The Head Teacher keeps written records of meetings, telephone conversations, and other documentation.
- 2.6 Once all the relevant facts have been established, the Head Teacher should then produce a written response to the complainant which includes a full explanation of the decision and the reasons for it. Where appropriate this includes what action the school will take to resolve the complaint but should **not** disclose confidential details of any disciplinary/capability action taken.

## **3. Referral to the Governors**

- 3.1 If a complaint is against the action of a Head Teacher, or if the Head Teacher has been unable to resolve the issues to the satisfaction of the

complainant, the complainant is advised in the leaflet for parents to write to the Chair of Governors to investigate the case as part of the **informal** procedure.

- 3.2 The Chair of Governors may refer the complaint to a nominated Governor who has responsibility for investigating parental concerns. This is to enable the Chair of Governors to remain impartial in case he/she is needed as part of a formal complaint panel (see paragraph 4.5). The Governor may employ different strategies according to the circumstances, such as, meeting the parent informally or calling upon advice from the Local Education Officer. In any event the Governor should give a written reply to the parent, taking care (and advice) over the wording.
- 3.3 If the complainant still remains dissatisfied after that, he or she should be advised to make the complaint **formal** by notifying the Chair of Governors in writing within five weeks of receiving the outcome letter following the formal investigation.

## **Formal Complaint Procedure**

### **4. Review by the Governing Body**

- 4.1 Complaints rarely reach this **formal** level, but it is important that governing bodies are prepared to deal with them when necessary. At this stage the Governors should seek advice from the LEA on how to set up a hearing for a formal complaint. Their involvement will help to reassure the parents that everything has been carried out fairly and correctly; whatever the outcome.
- 4.2 It is important that this review not only be independent and impartial but that it be seen as such. **Therefore, individual complaints should not be considered by the full governing body as serious conflicts of interest can arise; for example, in exceptional circumstances a complaint may result in disciplinary action against a member of staff, and governors might be required to give an unprejudiced hearing to an appeal by the member of staff concerned.** Similarly some governors might have previous knowledge or experience of the problem which led to the complaint and would be unable to give fair, unbiased consideration to the issue.
- 4.3 If the complainant related to a staff disciplinary/capability matter and the Head Teacher has already taken action that he/she considers appropriate, any further progression of the complaint by the parents to the Governors must from then on focus on how the original complaint was managed. The parent may find such a distinction difficult to accept

but there needs to be a clear shift of focus to the Head Teacher's response in order not to prejudice any ongoing disciplinary/capability procedures and to maintain the strict confidentiality of these procedures.

- 4.4 The Clerk to the Governing Body should acknowledge receipt of the written request and, having ascertained that it is a **formal** complaint, arrange to convene a Governors' Complaints Panel appointed from members of the Governing Body.
- 4.5 The Panel members should be governors who have had no prior involvement with the complaint. If he or she has not previously been involved, the Chair of the Governing Body may chair the Panel.
- 4.6 Whether or not parents are invited to attend depends very much on the nature of the complaint but, if in doubt Governors should invite parents to attend.
- 4.7 The Clerk will write and inform the complainant, Head Teacher, any relevant witnesses, and members of the Panel, 14 days (or in any case not less than 5 working days) in advance of the date, time and place of the meeting and whether or not it will be held "in camera". The notification to the complainant should also explain the right to be accompanied to the meeting, by a friend/advocate/interpreter. The letter will also explain how the meeting will be conducted and the complainant's right to submit further written evidence to the Panel, (which should also be made available to the Head Teacher by the Clerk), at least 5 working days **prior** to the meeting.
- 4.8 The Chair of the Governing Body should invite the Head Teacher to attend the Panel meeting and to prepare a written report for the Panel in response to the complaint. The Head Teacher may already have obtained statements from members of staff directly involved in matters raised by the complainant and these can be incorporated if appropriate into the report. The members of staff are not required to attend the Panel meeting. Any relevant documents including the Head Teacher's account of events should be received by all concerned – including the complainant – at least 5 working days prior to the meeting.
- 4.9 It is the responsibility of the Chair of the Panel to ensure that the meeting is properly minuted.
- 4.10 **The aim of the meeting 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 demonstrate that the complaint has at least been taken seriously.

4.11 The Panel should remember that some parents are unused to dealing with groups of people in formal situations and may feel inhibited when speaking to the Panel. It is therefore recommended that the Chair of the Panel ensures that the proceedings are as informal as possible.

4.12 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.

4.13 The meeting should allow for:

- a) the complainant to explain the complaint and the Head Teacher to explain the school's response
- b) the Head Teacher to question the complainant about the complaint and the complainant to question the Head Teacher
- c) Panel members to have an opportunity to question both the complainant and the Head Teacher
- d) final statements by the Head Teacher, followed by the complainant.

4.14 The Chair of the Panel will explain to the complainant and the Head Teacher that the Panel will next consider its decision and, if one cannot be made immediately, a written decision will be sent to both parties within seven working days. The complainant, Head Teacher and witnesses will then leave.

4.15 The Panel will then consider the complaint and all the evidence presented and

- a) reach a decision, if necessary by majority vote, on the complaint, giving reasons for it, and
- b) decide upon the appropriate action to be taken to resolve the complaint, and
- c) where appropriate, suggest recommended changes to the school's systems or procedures to ensure that problems of a similar nature do not happen again.

4.16 A written statement outlining the decision of the Panel must be sent to the complainant and the Head Teacher within seven days. The letter to

the complainant should explain whether a further appeal can be made, and if so, to whom.

- 4.17 The school should ensure that a copy of all correspondence and notes are kept on file in the schools records. These records should be kept separately from the pupil's and staff's personal records and destroyed after two years. Parents should be advised of this.

## **5. Review by the Education Committee**

- 5.1 The Education Committee of the LEA can consider **only** those complaints which fall within Section 409 of the Education Act 1996, i.e. complaints relating to the National Curriculum, Collective Worship, Religious Education, Non-approved External Qualifications or Syllabuses, the Provision of Information and Temporary Withdrawal of Pupils form part or all of the National Curriculum.
- 5.2 If a parent wishes to make a complaint about the above, he or she must go through the earlier stages of the procedure before the complaint can reach this stage. If the parent remains dissatisfied with the decision of the Governors' panel, the right of access to the LEA's Education Committee must be explained.
- 5.3 The parent should be advised to write to the Director of Education, and ask for the complaint to be heard by members of the Education Committee.
- 5.4 If a parent has a complaint which does not fall within the LEA's Statutory Complaints Procedure, and cannot therefore be considered by the Education Committee, the parent can refer the complaint direct to the Secretary of State.

## **6. Beyond the LEA**

- 6.1 **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 LEA 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 LEA has failed to discharge its duties under the Act. The Secretary of State may contact the Governing Body or the LEA for more information in order to consider the complaint.

- 6.2 **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 a complaint locally before investigation by the Ombudsman.

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