Complaints Procedure

Date approved by the Governors:
January 2018

Date for next review: Summer 2020

Committee responsible: Communications
Complaints Procedure

1. Introduction

1.1 Akiva School strives to provide a good education for our children and the Head and staff work hard to build positive relationships with the parents.

The vast majority of complaints and concerns can be resolved informally. However, the school is obliged to have procedures in place in case there are complaints raised by parents. The following policy sets out the procedures that the school follows in such cases.

1.2 A complaint can be brought by a parent of a registered child at the school, a person who has been provided with a service or a facility at the school or any third party who may have cause to complain about the school. The procedure refers to this person as a complainant.

1.3 The complainant must feel able to raise concerns and complaints with members of staff without formality, either in person, by telephone or in writing. The majority of issues raised by parents are concerns which can be quickly and effectively resolved by immediately speaking to their child’s class teacher.

1.4 At first it may be unclear whether a complainant is asking a question or expressing an opinion rather than making an education complaint. A complainant may want a preliminary discussion about an issue to help decide whether he or she wishes to take it further.

A concern or unresolved problem becomes a complaint only when the complainant asserts that a school has acted wrongly regrading a significant decision, action or failure to take action.

1.5 Even when a complaint has been made it can be resolved or withdrawn at any stage.

2. Special Circumstances

Any complaint or other notice that suggests that a child has been at risk of significant harm through violence, emotional abuse, sexual interference or neglect should be referred without further notice to Children’s Social Care and/or to the social services authority for the area in which the child lives. If a social services authority decides to investigate a situation this may postpone or supersede investigation by the head teacher or governing body.

3. Other Solutions to Complaints

Please note that the Complaints Procedure does not deal with complaints regarding admissions or exclusions from school. There are separate procedures for these matters (see admissions policy and behaviour management policy).

Where a matter can be resolved through a legal appeal it will not be considered as a formal complaint.
4. Dealing with Concerns Informally

4.1 The complainant should be given an opportunity to discuss their concern with the appropriate member of staff. An appointment may need to be made. Depending on the issue, the Head may be the appropriate member of staff at this stage.

4.2 The complainant can bring a friend to any discussion.

4.3 The member of staff dealing with the concern should make sure that the complainant is clear what action (if any) or monitoring of the situation has been agreed.

4.4 This stage should be completed speedily and concluded in writing with appropriate detail.

4.5 Where no satisfactory solution has been found, the complainant should be informed that s/he will need to consider whether to make an informal complaint in writing to the Head.

5. Raising an Informal Complaint with the Head

Stage 1 – Referral to the Head for investigation

5.1 The Head should acknowledge the complaint in writing. In some cases the Head will have already been involved in looking at the matter; in others it will be his/her first involvement.

5.2 The Head should consider providing an opportunity to meet with the complainant to supplement any information previously provided.

5.3 If the complaint is against a member of staff the Head should talk to the staff member against whom the complaint has been made. If the complaint is regarding safeguarding issues then the Safeguarding Policy will be followed.

5.4 If necessary, the Head should interview witnesses and take statements from those involved.

5.5 The Head should keep reasonable written records of meetings, telephone conversations and other documentation.

5.6 Once all the relevant facts have been established, the Head should produce a written response to the complainant. The Head may wish to meet the complainant to discuss/resolve the matter before confirming the outcome in writing.

5.7 The written response should include a full explanation of the decision and the reasons for it. Where appropriate, it should include what action the school will take to resolve the complaint.

5.8 Stage 1 should be completed in 15 school days. However, it is recognised that where the case is complex, it may prove difficult to meet this timetable. In such cases, the Head should write to the complainant giving a revised target date.

5.9 Schools will not pay financial compensation as a response to complaints, though may recommend spending money on a relevant educational purpose.

5.10 The formal stage 1 response should also advise the complainant that if s/he is not satisfied with the response and wishes to take the matter further, s/he should write to the Chair of the Governing Body within 15 school days of receiving the outcome letter. The outcome letter should set out the name of the Chair of the Governing Body and the address to which the complainant can send the letter.
6. Complaints against the Head

If the complaint is wholly or mainly about the Head, the Governing Body should consider the complaint in accordance with Stage 2 of the procedure described below. However, before Stage 2 is instigated the Chair of the Governing Body will invite the Head to respond to the complaint in writing within 10 school days. The Chair will send a copy of the Head’s response to the complainant who will be asked to indicate within five school days of receipt of the response whether s/he is satisfied with the response. If the complainant is not satisfied with the response Stage 2 should commence as described in paragraph 7.1 below.

7. Making a Formal Complaint

Stage 2 – Consideration by the Governing Body

7.1 Only if an informal complaint fails to be resolved should a formal complaint be made to the Chair of the Governing Body. If the complainant decides to take the matter further, the Chair of the Governing Body should write to the complainant to acknowledge the complaint within five school days of receipt of the complaint. A copy of the acknowledgement and the Complaints Form should be sent to the Head and the Clerk to the Governing Body. (A standard letter is attached to this document which the Chair may wish to use).

7.2 If the complaint has been investigated at Stage 1, the result of the investigation must be made available to the Clerk/Chair by the Head. However, where the complaint is against the Head and the complaint is referred to Stage 2, the Chair of the Governing Body must decide how the complaint should be investigated. Where the facts of the complaint are clearly established, it is unlikely for the Chair of the Governing Body to order an investigation. The matter may instead be escalated directly to the Complaints Appeal Panel.

7.3 The Governing Body will establish a Complaints Appeal Panel (CAP) drawing on three governors with no prior, direct involvement with the complaint.

7.4 The Head should not serve on the CAP. If the Chair of the governing body has had any prior involvement in the complaint then the Chair must not sit on the CAP.

7.5 The CAP should consider the complaint on the basis of the written evidence and set up a hearing to hear both parties. The CAP should reconsider the issues raised in the original complaint and not confine themselves to consideration of procedural issues.

7.6 The Chair of the CAP should take a decision at the beginning of Stage 2 on whether to seek the

- Deal with the administration of the procedure;
- Provide independent advice on procedure and evidence;
- Ensure that the relevant facts are established;
- Minute the meeting; and
- Draft the decision letter.

7.7 The Clerk/Chair of the CAP should write to the complainant to explain how the review will be conducted. The letter should be copied to the Head.

7.8 The Clerk/Chair of the CAP should confirm the date of the meeting with the other governor(s).

7.9 The complainant and Head should be invited to attend the meeting. The date and time of the meeting should be convenient to the complainant and Head, within reason. The notification should inform the complainant of his/her right to be accompanied to the meeting by a friend/representative. It should also explain how the meeting will be conducted and of the participant’s right to submit further written evidence to the committee.

7.10 The Head should also be invited to prepare a written report for the CAP in response to the complaint.
7.11 All relevant correspondence regarding the complaint should be circulated to the CAP; the complainant and the Head in advance of the meeting.

7.12 If the Head and/or the complainant wish to call witnesses, the agreement of the Chair of the CAP should be obtained in advance of the meeting.

7.13 It is the responsibility of the Chair of the CAP to ensure that the meeting is properly conducted. However, the proceedings should be as informal as possible.

7.14 The aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant. However, at the end of the meeting the CAP will need to issue a finding in writing either upholding part or all of the complaint.

7.15 If either party wishes to introduce previously undisclosed evidence or witnesses, it is in the interest of natural justice to adjourn the meeting so that the other side has time to respond to the new evidence. Late evidence of witnesses should not be accepted unless there is a good reason for the lateness. Every effort should be made by all parties to adhere to the suggested time frame.

7.16 The meeting should allow for:
- The complainant to explain his or her complaint and the Head to explain the reasons for his or her response
- The Head to question the complainant about the complaint and the complainant to question the Head
- The CAP to have an opportunity to question both the complainant and the Head
- Any party to have the right to bring witnesses (subject to the approval of the Chair of CAP) and all parties having the right to question all the approved witnesses; and
- A final statement by the Head and complainant.

7.17 The Chair of the CAP should explain to the complainant and the Head that the CAP will consider its decision, and a written response will be sent to both parties as soon as possible. The complainant, Head and any witnesses will then leave.

7.18 The CAP will consider the complaint and all the evidence presented and reach a unanimous, or at least a majority, decision on the complaint. Where appropriate the CAP can decide on the action to be taken to resolve the complaint and/or suggest recommended changes to the school’s system or procedures to ensure that problems of a similar nature do not happen again.

7.19 As in Section 5.9 above, the CAP will not pay financial compensation as a response to a complaint, though may recommend spending money on an appropriate educational purpose.

7.20 The Clerk/Chair of CAP will send a written statement outlining the decision with reasons to both the complainant and the Head.

7.21 Stage 2 should be completed within 15 school days. However, it is recognised that this timetable is likely to improve impossible for complaints which are complex. In such cases the chair of the complaints committee should write to the complainant and Head giving a revised target date.

8. Role of the Secretary of State, Department for Education

If the complainant is unhappy with the way in which a school has dealt with the complaint, they may be able to approach the Secretary of State, Department for Education to intervene. For the Secretary of State to intervene following a complaint, s/he needs to be sure that either
- The school has acted or is proposing to act unreasonably in the exercise or performance of its functions imposed by or under the Education Act 1996; or
- The school has failed to discharge any duty imposed by or for the purposes of the Education Act 1996.
Guidance on making a submission about a school complaint to the Department for Education can be found on Department for Education website at the following link: http://www.education.gov.uk/schools/leadership/schoolperformance/b00212240/making-complaint-school

9. Vexatious Complaints

There will be occasions when despite all stages of the procedure having been followed, the complainant remains dissatisfied. If the complainant tries to reopen the same issue, the Chair of the Governing Body can inform the complainant in writing that the procedure has been exhausted and that the matter is now closed.

Appendix

School Complaint Form for Stage 1 complaints

If you have tried unsuccessfully to resolve your complaint and wish to take the matter further, please complete this form and send it to the Headteacher. If your complaint is against the Headteacher you will need to send this form to the Chair of the Governing Body.

Your Name:  
Address:  
Post Code  
Telephone Number (Home):  
Telephone Number (Day):  
Telephone Number (Mobile):  
Name of Child:  
Date of Birth of Child:  
What is your complaint about and what would you like the Headteacher to do?  (Continue on a separate sheet as necessary)

When did you discuss your concern/complaint with the appropriate member of staff?  (Continue on a separate sheet as necessary)

What was the result of the discussion?  (Continue on a separate sheet as necessary)

Signed:  Date:
Example Letter for Stage 2 Complaints

An example of a letter that the Chair of the Governing Body may wish to send to the complainant upon receipt of a complaint at Stage 2 for consideration by the Governing Body.

Dear

Complaint re

Thank you for your letter dated…………. setting out the reasons why you are not satisfied with the Head’s response to your complaint about ……………

I write to let you know that I will be arranging for a Complaints Appeal Panel (CAP) to consider your complaint in accordance with Stage 2 of the attached complaints procedure.

As explained in the procedure, the Clerk/Chair of the CAP will let you know in writing how the CAP intends to consider your complaint.

Or in the case of complaints against the Head

I have received your complaint against the Head of Akiva School.

I write to let you know that I have forwarded a copy of your complaint to the Head with a request that s/he respond within ten school days to the issues raised in the complaint. A copy of the Head’s response will be sent to you as soon as possible.

If you are not satisfied with the Head’s response, I will arrange for a Complaints Appeal Panel to consider your complaint in accordance with Stage 2 of the attached complaints procedure.

As explained in the procedure, the Clerk/Chair of the Complaints Appeal Panel will let you know in writing how the complaint will proceed.

Yours sincerely

Signed: Date:

Chair of the Governing Body
Cc The Head
The Clerk to the Governing Body
Enc. Complaints Procedure