

Durham Johnston

# Complaints

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## COMPLAINTS PROCEDURE

*This document is based on helpful advice from the Local Authority, Durham County Council.*

*We follow their procedures.*

### General Principles

Complaints about the following issues have their own, separate, procedures and **cannot be considered under this document:**

- ◆ Matters that are the responsibility of the Local Authority
- ◆ Conduct of staff at the school
- ◆ Content of a statutory statement of special educational needs
- ◆ Pupil admissions
- ◆ Pupil exclusions
- ◆ The national curriculum and related issues including RE
- ◆ Child Protection

Please see the end of this document Annex B for information about where to direct complaints about these issues.

### Resolving Complaints

At each stage in the procedure DJCS and complainants will want to keep in mind ways in which a complaint can be resolved. It might be sufficient to acknowledge that the complaint is valid in whole or in part. In addition, it may be appropriate to offer one or more of the following:

- an apology;
- an explanation;
- an admission that the situation could have been handled differently or better;
- 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;
- an undertaking to review school policies in light of the complaint.

It would be useful if complainants consider what actions they feel might resolve the problem at any stage. It is important to recognise that an admission that the school could have handled the situation better is not the same as an admission of negligence.

To be effective, the application of the procedure will identify areas of agreement between the parties. It is also of equal importance to clarify any misunderstandings that might have occurred as this can create a positive atmosphere in which to discuss any outstanding issues.

### **Vexatious Complaints**

If properly followed, the complaints procedure will limit the number of complaints that become protracted. However, there will be occasions when, despite all stages of the procedures having been followed, the complainant remains dissatisfied. If the complainant tries to reopen the same issue, the chair of the Governing Body is able to inform them in writing that the procedure has been exhausted and that the matter is now closed.

### **Time Limits**

Complaints need to be considered, and resolved, as quickly and efficiently as possible. The complaints procedure has realistic time limits for each action within each stage. However, where further investigations are necessary, new time limits can be set and the complainant sent details of the new deadline and an explanation for the delay.

It is proposed that this procedure will be invoked when initial attempts to resolve the issues are unsuccessful and the complainant remains dissatisfied and wishes to take the matter further.

### **The Stages of Complaints**

Three school-based stages are likely to be sufficient for most schools:

- Stage one: complaint heard by staff member
- Stage two: complaint heard by Headteacher;
- Stage three: complaint heard by Governing Body's complaints appeal panel;

An unsatisfied complainant can always take a complaint to the next stage.

A complaint may be made in person, by telephone, or in writing. However, in order to avoid any misunderstanding it may be helpful to the complainant and the school if the reasons for the complaint and suggested actions for its resolution could be put in writing. (See Annex D)

Help with forming your complaint can be sought from the Education Welfare Service (0191 383 3302) or Parent Partnership (0191 5873541)

## **Complaints Procedure (See Annex C Flowchart)**

### **Stage One: Complaint Heard by Staff Member**

It is in everyone's interest that complaints are resolved at the earliest possible stage. The experience of the first contact between the complainant and the school can be crucial in determining whether the complaint will escalate.

The school will respect the views of a complainant who indicates that he or she would have difficulty discussing a complaint with a particular member of staff. In these cases, the complaints co-ordinator can refer the complainant to another staff member. Where the complaint concerns the Headteacher, the complaints co-ordinator will refer the complainant to the Chair of Governors.

Similarly, if the member of staff directly involved feels too compromised to deal with a complaint, it may be referred to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the complaint objectively and impartially is crucial.

Where the first approach is made to a governor, the next step would be to refer the complainant to the appropriate person in school and advise them about the procedure. It would be useful if governors did not act unilaterally on an individual complaint outside the formal procedure or be involved at the early stages in case they are needed to sit on a panel at a later stage of the procedure.

### **Stage Two: Complaint Heard by Headteacher (within 15 school days)**

The complaint progresses to Stage Two if the complainant is dissatisfied with the way the complaint was handled at Stage One, or the response that was received. The Head will investigate the complaint further and collate any relevant information. The Headteacher should respond to this stage of the complaint in detail and in writing.

### **Stage Three: Complaint Heard by the Complaints Appeal Committee of the Governing Body (within 15 school days)**

*At Johnston the Personnel Committee is the Complaints Appeal Committee*

If the complainant is not satisfied with the Headteacher's response, he or she should write to the Chair of Governors c/o the school or the Clerk to the Governing Body c/o School and Governor Support Service, County Hall Durham, DH15UJ, giving details of the complaint. The Chair will contact the Clerk to the Governing Body who will convene a GB Complaints Appeal Committee. The complainant and/or his or her representative will be invited to attend.

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

Individual complaints would not be heard by the whole Governing Body at any stage, as this could compromise the impartiality of any panel members set up for a disciplinary hearing against a member of staff following a serious complaint. The governing body will have nominated a number of members with delegated powers to hear complaints, and have set out the terms of reference for the committee.

### **The Remit of The Complaints Appeal Committee**

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 be taken to resolve the complaint;
- recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not recur.

It is important that the appeal hearing is independent and impartial and that it is seen to be so. No governor may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it

The aim of the hearing, which needs to be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant. However, it has to be recognised the complainant might not be satisfied with the outcome if the hearing does not find in his or her favour. It may only be possible to establish the facts and make recommendations which will satisfy the complainant that his or her complaint has been taken seriously.

### **Notification of the Panel's Decision**

The chair of the panel, via the Clerk, will ensure that the complainant is notified of the panel's decision, in writing, within 5 school days.

## Procedure for a Panel Hearing

- 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 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 5 school days.

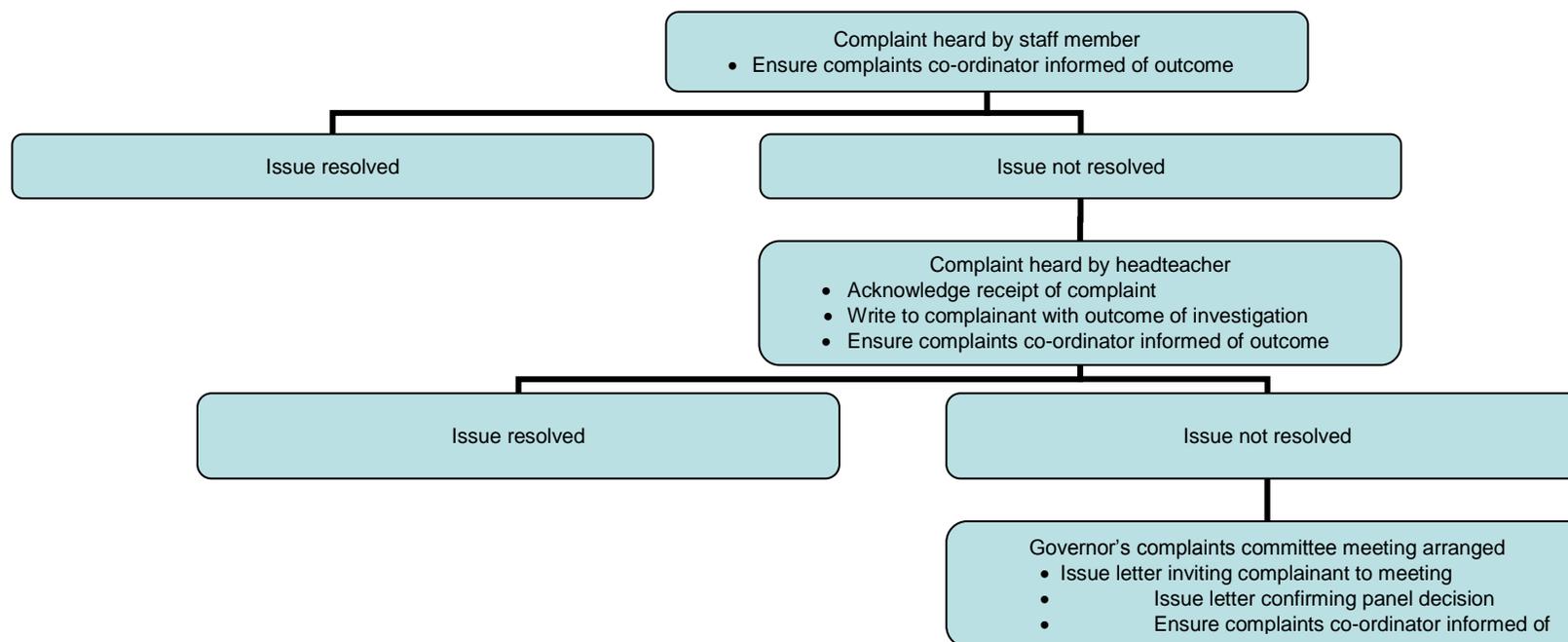
## Annex B

### Types of Complaint

Types of Complaint	Appropriate Procedure	Contact
General School Complaints (not including areas listed below)	School Complaints Procedure	Headteacher of School
Matters the responsibility of Local Authority <b>only</b> e.g. Home-to-School Transport	Local Authority Complaints Procedure	Policy and Planning Unit Children and Young People's Services , County Hall, Durham, DH15UJ
Complaints about the School Curriculum	National Curriculum and Religious Education Complaints Procedure	Head of Access & Inclusion, Children and Young People's Services, County Hall, Durham DH1 5UJ
Conduct of school staff (except the Headteacher)	School Disciplinary Procedure	Headteacher of the School
Conduct of the Headteacher	School Disciplinary Procedure	Chair of the Governing Body c/o the Clerk to the Governing Body, School and Governor Support Service, County Hall, Durham. DH1 5UJ
Special Educational Needs review of or content of statutory statement	Various - provided for by 1996 Education Act	Special Needs, Placement and Provision, Children and Young People's Services, County Hall, Durham, DH1 5UJ
<b>Admissions of Pupils to:</b>		
County or Controlled Schools	{ Independent Appeal Panel (non-admission)	Admissions Team, Children and Young People's Services, County Hall, Durham DH1 5UJ
Church (Aided) Schools	{ Appeal Panel (non-admission)	Governing Body of the school
<b>Exclusion of Pupils:</b>		
County or Controlled Schools	{ Provision of 1993 Education Act	Pupil Casework Team, Children and Young People's Services, County Hall, Durham DH1 5UJ
Church (Aided) Schools	{ Provision of 1993 Education Act	Governing Body of the school Head of Access & Inclusion, Children and Young People's Services, County Hall, Durham, DH1 5UJ
<b>Child Abuse</b>	Area Child Protection Committee, Child Protection Procedures	Head of Access & Inclusion, Children and Young People's Services, County Hall, Durham, DH1 5UJ

## Flowchart

### Summary of Dealing with Complaints



**Annex D**

**Complaints Form**

**Please complete and return the form to the school marked for the attention of the Headteacher who will acknowledge receipt and explain what action will be taken.**

<b>Your name:</b>	
<b>Pupil's name:</b>	
<b>Your relationship to the pupil:</b>	
<b>Address including postcode:</b>	
<b>Day time telephone number:</b>	
<b>Evening telephone number:</b>	
<b>Please give details of your complaint.</b>	
<b>What action, if any, have you already taken to try and resolve your complaint. (To whom did you speak and what was the response)?</b>	

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

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

**Signature:**

**Date:**

**Official Use Only**

<b>Date complaint received:</b>	
<b>Date acknowledgement sent:</b>	
<b>By whom:</b>	
<b>Complaint referred to:</b>	
<b>Date of referral:</b>	