

Complaints Procedure

Under Section 29 of the Education Act 2002, the Governing Body of all maintained schools and Nursery schools in England are required to have in place a procedure to deal with complaints relating to the school and to any community facilities or services the school provides. The law also requires this document to be publicised.

The exceptions to this requirement are complaints relating to the Curriculum, Collective Worship and Religious Education, some Special Educational Needs issues And Admission, where Local Authorities have statutory responsibilities. The Head Teacher or Office staff can give information and advice on whom to contact in Nottingham City Council.

There are certain other complaints which fall outside the remit of the Governing Body's complaints procedure, for example, staff grievances or disciplinary procedures.

Allegations of abuse against a member of the school staff must be reported to the Head Teacher immediately. Allegations of abuse against the Head Teacher must be reported to the Chair of Governors immediately.

Immediate contact must be made by the Head Teacher or Chair of Governors with the Local Authority Child Protection Officer.

All other formal complaints are the responsibility of the Governing Body. Nottingham City Council may not take over this responsibility and appeals against Governing Body decisions and procedures would be heard by the Secretary of State.

Any complaints concerning the conduct of school staff will be handled in accordance with the school's disciplinary procedures. The details of such an investigation will remain confidential.

Extended Schools: the Governing Body will ensure that any third party provider offering activities and services through the Extended Schools programme has their own complaints procedure in place. If a third party provider's complaints process is exhausted and the matter is not resolved and it will be referred to a Governors' Complaints Panel. This ensures that the Governors are kept aware of complaints about provision.

Complaints Procedure:

Each level of the procedure set offers the opportunity for concerns and complaints to be resolved as quickly as possible.

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Next review: Spring 2017

Level 1 - Informal

Parents, carers or guardians should, in the first instance, make an appointment to speak to the class teacher about the concern. It is best wherever possible to resolve issues at this point.

Guidance on informal level 1:

- *Concerns should initially be handled informally in a manner that offers the best way of resolving issues.*
- *A class teacher should offer an appointment to discuss the issue as quickly as possible, as this will give both parties time to talk about it calmly and politely without being interrupted. This can allow parties to remain calm. It will also show a commitment to resolving issues.*
- *It is important for parents to recognise that schools are busy organisations and that it may not be possible to offer an appointment straight away.*
- *The parties involved should be encouraged to offer their view of what would be a realistic resolution to the problem.*

Level 2 - Informal

Parents, carers or guardians dissatisfied with the result of the discussions with the class teacher should ask for an appointment to meet with the Head Teacher or her Deputy.

If a resolution to the issue is proving difficult to find with the Head Teacher, informal intervention may be offered by the Governing Body. However, there is no obligation on any Governor to become involved at this level.

If everyone involved is unable to resolve the issue, it may be necessary to ask for information or support from Nottingham City Council. The issue that is the focus of the complaint will determine the person contacted. The Head Teacher should advise on whom the complainant should contact.

Guidance on informal level 2:

- *It is best to resolve issues informally and as quickly and smoothly as possible*
- *Discussions should end on a positive note with no bad feeling.*
- *It is good practice for the Head Teacher to write a letter to parents summarising what has been agreed regarding the issue.*
- *The Head Teacher may feel that a particular Governor's input would be helpful in bringing about a resolution but there is no obligation on Governors to become involved at this level.*
- *Advice from a Children's Services Representative is available if requested.*

Level 3 - formal complaint letter to Head Teacher

An issue that has not been resolved through the informal levels can become an official complaint.

Parents, carers or guardians wishing to move to level 3 must write a formal letter of complaint to the Head Teacher. The letter will need to set out clearly the issues which have previously been discussed and why the parent, carer or guardian considers the issue to be unresolved.

Head Teachers should consider the complaint and discuss a resolution with the complainant. The Head Teacher should respond to the complainant in writing within 10 school days of receipt of the letter.

Guidance on level 3- formal:

- *An unresolved issue can now move to a formal complaint. This is a serious step to be taken. In consideration of future home/school relationships everyone concerned will need to negotiate an agreement and concentrate on finding a resolution to the issue.*

Concerns or complaints specifically about the Head Teacher

The decision that the Head Teacher has made as a result of the level 3 complaint does not become a complaint about the Head Teacher. If the complainant feels the complaint has not been resolved he/she should proceed to Level 4, a Governors' Complaints Panel.

If the concern or complaint is specifically about the Head Teacher and is unable to be resolved at the informal stage, it will be necessary for the complainant to complain formally to the Chair of Governors. The school will provide the Chair of Governor's name and the complainant should write to him or her at the school address marking the envelope 'urgent, private and confidential'. The Chair of Governors should acknowledge the complainant's letter in writing within 5 school days of receipt and contact a Governor Support Service Officer for advice.

Concerns or complaints specifically about a Governor:

Complaints against Chairs of Governors

In the event of a formal complaint against the Chair of Governors, which is unable to be resolved at the informal stage, it will be necessary for the complainant to formally complain to the Vice-Chair of Governors. The school will provide the Vice-Chair of Governor's name and the complainant should write to him or her at the school address marking the envelope 'urgent, private and confidential'. The Vice-Chair of Governors should acknowledge the complainant's letter in writing within 5 school days of receipt.

A Governor who is the subject of the complaint would normally be advised of the situation immediately. If the complaint involves a child protection issue, child protection arrangements will come into force. The complaint will be considered to be a Level 4 - formal complaint and dealt with by the Governors' Complaints Panel. Complainants will be informed of the limited powers of such a committee in these circumstances. If the complaint is upheld or upheld in part, the committee may make recommendations to the Governing Body. The complaints panel may be composed of Governors from another school within Nottingham City.

Complaints against Governors

A formal complaint against a Governor other than the Chair should be referred to the Chair, who will investigate seek to resolve it. The school will provide Chair of Governor's name and the complainant should write to him or her at the school address marking the envelope 'urgent, private and confidential'. The Chair of Governors should acknowledge the complainant's letter in writing within 5 school days of receipt.

A Governor who is the subject of the complaint would normally be advised of the situation immediately. If the complaint involves a child protection issue, child protection arrangements will come into force. The complaint will be considered to be a Level 4 - formal complaint and dealt with by the Governors' Complaints Panel. Complainants will be informed of the limited powers of such a committee in these circumstances. If the complaint is upheld or upheld in part, the committee may make recommendations to the Governing Body. The complaints panel may be composed of Governors from another school within Nottingham City.

Level 4 - formal complaint requesting a Governors' Complaints Panel.

Time Scales:

Receipt of complainant's letter	Acknowledgement within 5 school days
Receipt of complainant's letter	Governors' Panel meeting within 15 school days (unless this goes into school holidays)

Written documentation sent to <i>Governors' Panel Members</i> and complainant and Headteacher	5 school days before meeting.
<i>Governors' Panel members'</i> decision communicated to all concerned	As soon as possible but within 10 school days of meeting.

Complainants wishing to move to level 4 of the formal complaints procedure should write a letter to the Chair of *Governors* to request that a *Governors' Complaints Panel* meets to hear the complaint. This formal complaint letter must be received within 20 school days of the last meeting with the Head Teacher concerning the issue. The complainant should write to the Chair of *Governors* at the school address, marking the envelope 'urgent and confidential'. The letter should set out the complaint that has previously been formally discussed with the Head Teacher and show why the matter is not resolved. Additionally it should detail what actions would resolve the complaint.

Before the meeting:

The Chair of *Governors* should:

- appoint a clerk to the *Governors' Complaints Panel*
- acknowledge the complainant's letter in writing within 5 school days of receipt
- arrange for a panel of *Governors* to meet within 15 school days of receipt
- provide the Head Teacher with a copy of the complainant's letter, and request written documentation relevant to the complaint from the school.

The clerk should send both the complainant's letter and the school documentation to the *Governors' Complaints Panel* members, complainant and Head Teacher (and anyone else involved in the meeting) at least 5 school days before the date of the meeting.

The complainant and Head Teacher will be invited to attend the *Governor's Complaints Panel* meeting to give a verbal statement in support of their documentation. Each of them can bring someone to support them if they wish.

At the meeting:

The complainant and Head Teacher (or his/her representative) should provide all the relevant information they wish and the *Governors' Complaints Panel* members should clarify any points. After the complainant and Head Teacher (or his/her representative) have provided all the information they wish, the Chair will ask all parties to leave except the panel members and the clerk.

After the meeting:

The *Governors' Complaints Panel* will write to all concerned within 10 school days to explain their decision and suggest a resolution to the problem, if appropriate. The decision of the *Governor's Complaints Panel* is final.

The decision of the *Governors' Complaints Panel* will not be investigated. If, however, the complainant feels that the School and *Governors* have not followed the school's complaints procedure correctly, he/she can contact Nottingham city Council for assistance. In this case, he/she should ring Governor Services on 0115 8764589 for further advice.

A complaint may be made to the Secretary of State for Education if a person believes that a *Governing Body* or LA is acting 'unreasonably' or is failing to carry out its statutory duties properly (see sections 496 and 497 of the Education Act 1996). However, intervention can only occur if the *Governing Body* or the LA has failed to carry out a legal duty or has acted unreasonably in the

performance of a duty. Intervention would have to be expedient in the sense that there would have to be something that the Secretary of State could instruct either party to do to put matters right. The Secretary of State must be satisfied that a decision is unreasonable in the sense that no other authority or Governing Body, acting with due regard to its statutory responsibilities, would have reached that decision.

Guidance on level 4 - formal:

Before the meeting:

The Complaints Panel must be made up of at least three members and a clerk. 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. In deciding the make-up of the panel, Governors need to try and ensure that it is a cross-section of the categories of Governor and sensitive to the issues of race, gender and religious affiliation

At the meeting:

The aim of the meeting, 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 their 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.

- *Although this is a formal meeting, every effort should be made to make it as informal as possible for all concerned.*
- *Everyone attending should be in the room at the same time*
- *Consideration may need to be given to the seating arrangements to make everyone feel equal and comfortable.*
- *The clerk should take notes of the meeting, including listing who is present:*
 - *Governors, stating who is the Chair of the Governors' Complaints Panel*
 - *Head Teacher and any other members of school staff*
 - *Parents and anyone accompanying them*
 - *Clerk*

These minutes will remain confidential.

- *The Chair of the Governors' Complaints Panel should open the meeting stating the purpose and the format of the meeting to clarify this to all in attendance.*
- *People present should introduce themselves stating their reason for being at the meeting.*
- *The Chair of the Governors' Complaints Panel should request a verbal statement from the complainant in support of his or her written letter of complaint and why she/he feels the issue has not been resolved. The Governors' Complaints Panel members can ask questions to make sure they understand the issue from the complainant's point of view.*
- *The Chair of the Governors' Complaints Panel should request a verbal statement from the Head Teacher in support of her written account of the complaint and the steps taken to resolve the issue. The Governors' Complaints Panel members can ask questions to make sure they understand the issue from the Head Teacher's point of view.*
- *The members of the Governors' Complaints Panel should make sure they fully understand the issues and ask any further questions to clarify any points that are still not clear to them.*
- *The chair of the Governors' Complaints Panel must ask the complainant and the Head Teacher if they are satisfied that they have provided all the information they wanted or if there is something they wish to add and if they feel they have had a fair hearing.*
- *When the Governors' Complaints Panel members understand all the issues, the Chair will ask all parties except the panel members and the clerk to leave.*

After the meeting:

- *The Governors' Complaints Panel members discuss the issues in private and the clerk remains to record the decision.*
- *The Panel members will need to consider the information, come to a decision and suggest a way to resolve the issue taking into account the best interests of the child or children.*
- *The panel 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.*
- *When the Panel have reached a decision, the clerk will inform everyone concerned in writing as soon as possible, but in any event, within 10 school days of the panel meeting. The letter needs to explain if there are any further rights of appeal and, if so, to whom they need to be addressed.*

The decision of the Governor's Complaints Panel is final.

Once a Governor's Complaints Panel has heard a complaint and it is clear that correct procedures have been followed, that specific complaint cannot be reopened. If a request is received in this respect, the Chair of Governors should inform the complainant that the matter is closed.

Vexatious Complainants: it is important to distinguish between people who make a number of complaints because they really think things have gone wrong, and people who are being difficult. Complainants may be frustrated and aggrieved; it is therefore important to consider the merits of the case rather than their attitude. Even though someone has made vexatious complaints in the past, it cannot be assumed that the next complaint is also vexatious. Each complaint must be dealt with on an individual basis. There is no way of avoiding evaluating each complaint.