

## Complaints procedure

### **PREAMBLE**

#### Scope:

This procedure is required by section 29(1)(a) of the Education Act 2002 and covers the making and handling of complaints relating to the actions of staff and application of school procedures where they affect individual pupils. Where matters relate to the curriculum, collective worship, admissions, exclusion appeals, decisions about a child's special educational needs or grievances by school staff, these are subject to separate procedures. Any interested person may use this procedure to make a complaint.

#### Safeguarding

If a worker has a concern that any person who works with children, young people or vulnerable adults, in connection with his/her employment or voluntary activity, has:

- behaved in a way that has harmed or may have harmed such a person
- possibly committed a criminal offence against or related to such a person
- behaved towards such a person in a way that indicates he/she is unsuitable to work with such persons

then they should raise their concern via the Whistleblowing Procedure, which affords the worker protection under the Public Interest Disclosure Act 2013 and may be dealt with under the Child Protection Procedure.

**The Complaints Policy section (below) of this Complaints Procedure is designed to be made available to and used by parents. Appendices located at the end of the Personnel Policies and Procedures Handbook provide useful additional information for staff and leaders in handling complaints.**

## **COMPLAINTS POLICY**

### **Purpose:**

To outline the key steps for dealing with complaints relating to staff and the application of school procedures in cases where they affect an individual pupil.

### **General Principles:**

Curzon CE Combined School is committed to dealing with concerns and complaints as it is in everyone's interests that these are resolved as speedily as possible. There is a difference between the two, a concern being considered an expression of worry or doubt over an issue whereas a complaint is regarded as an expression of dissatisfaction and usually given in writing.

### **General Guidance:**

The basic procedure is outlined as follows:

- Complaints should be brought to the attention of the school as soon as possible and within three months of any issue arising. Trivial complaints should be avoided as should the same one(s) made repeatedly as investigating these can take up valuable time and resources.
- The Headteacher will consider the complaint carefully and consider whether the complaint is justified and respond to complainant accordingly. If an investigation is needed, it will begin

within five school days of receipt of the written complaint and completed as soon as reasonably practicable.

- Anonymous complaints will not be investigated under this procedure unless there are exceptional circumstances.
- The school will record the progress of the complaint and the final outcome. Notes of meetings and telephone calls will be kept by the school and we recommend that complainants do the same.
- The complainant is not entitled to access to any details of the investigation except for any statements that may have been provided by their child. Any information relating to the application of Disciplinary Procedures is strictly confidential.
- Complainants have the right to request an independent panel if they believe there has been a bias in proceedings. The school will consider such a request which will be referred to the governors.

In the context of Freedom of Information requests, 'vexatious' is defined as the 'manifestly unjustified, inappropriate or improper use of a formal procedure.' It is not, however, a term the DfE employs - preferring the terms 'serial' or 'persistent' complaints. We advise that these criteria may be used in determining whether the situation may be defined as 'serial' or 'persistent'.

### **What criteria may be applied to decide whether it is 'manifestly unjustified, inappropriate or improper'?**

- All reasonable steps have been taken to address matters
- A clear statement has been provided of the school's position
- The school is being repeatedly contacted with the same points being raised
- The school has reasonable grounds for believing the intention is to cause inconvenience
- Communications are aggressive in tone or content. Abusive, derogatory and / or threatening comments are made.

### **Part A: Complaints about the actions of a member of staff other than the Head Teacher.**

#### **1) Informal Stage**

We would expect most issues to be resolved informally by direct communication with the member of staff concerned as this is by far the easiest and most successful method to secure a resolution. This can be arranged via the school office and should be the first step in all cases. (An unreasonable refusal to attempt informal resolution may result in the investigation being terminated.)

If this does not resolve the problem, the complainant should arrange to meet the Headteacher and explain the nature of the complaint. The Headteacher will then consider whether the complaint should continue to be handled informally or whether to move immediately to the formal stage. Only in exceptional situations will the Headteacher agree to receive a complaint without the complainant first communicating with the staff member concerned.

#### **2) Formal Stage**

A complaint must be addressed to the Head Teacher in writing in the event that it cannot be resolved informally. It should include all relevant details as concisely and comprehensively as possible, using the form at the end of this procedure to minimise the

amount and frequency of correspondence. Names of those involved and any witnesses, dates and times of events and copies of any relevant documents should be included.

The Head Teacher will begin the investigation as soon as possible by collecting evidence and interviewing the member(s) of staff who is/are entitled to be represented. The Headteacher will reach a decision concerning the complaint. When the proceedings have been concluded, the complainant and member(s) of staff concerned will be informed in writing of the outcome. This may be to the effect that:

- There is insufficient evidence to reach a conclusion, so the complaint cannot be upheld.
- The complaint is judged to be vexatious and will not be progressed further
- The concern is not substantiated by the evidence.
- The concern is substantiated in part or in full. Details may be given of action the school is taking to review procedures etc. but details of the investigation will not be released.
- The matter has been fully investigated and appropriate procedures are now being followed as a result, which are strictly confidential. This applies for example to staff disciplinary or child protection procedures.

The complainant will be told that consideration of their complaint is complete

If the complainant is not satisfied with the manner in which the process has been followed, he or she may, within two weeks of the conclusion, request a review by the Governing Body specifying any perceived procedural failures. If the complainant considers that the decision of the Head Teacher is perverse, or that the Head Teacher has acted unreasonably in considering the complaint, then the complainant may bring a complaint against the Head Teacher. If the member of staff wishes to appeal against a decision taken under this procedure, he/she shall inform the Head Teacher in writing within 10 working days of receiving written details of the decision. The letter should include the grounds of the appeal and Appendix 1 of The Personnel Policies and Procedures Handbook describes the process in more detail.

## **Part B Complaints about the actions of the Head Teacher**

### **1) Informal stage**

The complainant will be expected to arrange to speak directly with the Head Teacher in the first instance although a serious concern may be raised directly with the Chair of the Governing Body.

If the matter is not resolved, a third party may be invited to act as a mediator at a further meeting subject to the agreement of both parties. However, an unreasonable refusal to attempt informal resolution may result in the process being terminated.

### **2) Formal Stage**

If the complaint is not resolved informally, the reasons must be put in writing to the Chair of the Governing Body who will determine how to proceed based on the details put forward. Copies of

these and any other relevant information will be provided to the Head Teacher who will be invited to discuss them with the Chair of Governors and may be accompanied at this meeting by a friend or representative. When concluded, the Chair of Governors will inform the complainant and the Head Teacher of the outcome in writing although the complainant will not be informed of any disciplinary action or culpability that might ensue.

If the complainant is not satisfied with the manner in which the process has been followed, considers that the decision of the Chair is perverse, or that the Chair has acted unreasonably, the complainant may request in writing that the Governing Body reviews the way the complaint has been handled. This must be done within two weeks. If the Head Teacher wishes to appeal against a decision taken under this procedure, he/she shall inform the Chair of Governors in writing within 10 working days of receiving written details of the decision. The letter should include the grounds of the appeal (Appendix 1 of The Personnel Policies and Procedures Handbook describes the process in more detail).

### **Part C Complaints about the actions of the Chair of Governors or any individual governor**

These will be conducted by the Clerk to the Governors along lines similar to those described already for both the informal and formal procedures. Any review of the processes followed by the Chair shall be conducted by a panel comprising three members of the Governing Body who will take all submissions and representations into account including those from the complainant.

The complainant and the Chair will be informed in writing of the outcome which may include any of the following:

- That there was insufficient evidence to uphold the complaint or that
- Any procedural departures were insufficient to affect the outcome or
- Some or all concerns were recognised and the Governing Body will take steps to avoid a recurrence.

If a complainant believes that the Governing Body has acted illegally or arbitrarily in handling the complaint, then the complainant may make representations to the Secretary of State for Education.

