



## Complaints Procedure Statement

**RATIFIED BY...Resources Governors**

***DATE: 6/7/2015***

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**DATE TO BE REVIEWED: 16 September 2018**

**(or following provision of an updated document from RMBC, whichever is the soonest).**

# GENERAL COMPLAINTS PROCEDURE FOR NEWMAN SCHOOL

## Introduction

This policy is intended as a good practice guide, applying to most general complaints which the school is likely to receive. It also meets the Circular 6/94 requirement to have a school policy about complaints concerning SEN provision within the school.

This policy does not cover those aspects of school life for which there are specific statutory requirements: in particular, arrangements under Section 409 of the Education Act 1996 for complaints about the delivery of the National Curriculum, non-approved external qualifications or syllabuses, the provision of information, the conduct of an appeal to the Governing Body about the Headteacher's direction to withdraw/disapply the provisions of the National Curriculum for a pupil and the provision of collective worship and religious education. Parents/carers who are not satisfied with an LEA's decision about special needs assessments may appeal to the SEN Tribunal. Concerns about schools admissions and exclusions also have specific appeal rights.

In addition, allegations of child abuse, financial improprieties or other criminal activities will need to be dealt with through different procedures, as will the overall resourcing of a school, would also need to be dealt with differently.

## General Information

### Recording complaints.

Newman School should record the progress of a complaint and the final outcome. A complaint may be made in person, by telephone, or in writing. A complaint form can be found at Appendix C. At the end of a meeting or telephone call, it would be helpful if the member of staff ensured that the complainant and the school have the same understanding of what was discussed and agreed. A brief note of meetings and telephone calls should be kept and a copy of any written response added to the record.

All records should be held in the main school office.

### Monitoring complaints

The Governing Body of Newman School should monitor the level and nature of complaints and review the outcomes on a regular basis to ensure the effectiveness of the procedure and make changes where necessary. Complaints information shared with the whole Governing Body will not name individuals.

As well as addressing an individual's complaints, the process of listening to and resolving complaints should contribute to school improvement. When individual complaints are heard, Newman School should identify underlying issues that need to be addressed. The monitoring and review of complaints by the school and the Governing Body can be a useful tool in evaluating the school's performance.

### **Publicising the Procedure**

There is a legal requirement, under Section 29 of the Education Act 2002, for the Complaints Procedure to be publicised. Details of the Complaints Procedures will be included in:

- The home-school agreement
- Newman School website.

**Procedures should be as speedy as possible - consistent with fairness to all concerned.**

Each stage of the procedure has known time limits. Where it is not possible to meet these, information about progress should be given to the complainant. Care should be taken not to draw things out with unnecessary bureaucracy. Newman School has a hierarchy for dealing with complaints.

The complaints procedure is distinct from formal disciplinary proceedings for staff and this needs to be made clear to all concerned. There may be occasions where a complaint launches a disciplinary procedure which puts the complaints procedure on hold. If so, the complainant should be informed of this and any non-disciplinary aspects of the complaint should be dealt with by the usual complaints procedures; the complainant should be up-dated on progress every three weeks on the likely further delay.

It may be clear after the disciplinary procedures have been completed that particular responses to the complainant are required (e.g., an apology or an explanation of new policies to avoid a similar problem again).

### **Support for Complainants**

As part of the general publicity about complaints procedures, it is important for complainants to know where they can go for information, advice and advocacy, if they require it. Ideally, support should be offered from individuals and organizations that are clearly separate from those complained against, such as Parents' Advice Centre, Citizens Advice Centre, refugee support organizations and other local advice centres. However, advice often comes from LEA officers (e.g. specially designated complaints officers).

The person raising concerns or complaints should be invited to be accompanied by a friend, a relative or a representative at any stage of the procedure.

### **Support for a Person Complained Against**

Staff who may be questioned as part of a complaints procedure investigation should feel that they are being treated in a fair way and be informed that they too will have an opportunity to state their case. They should be told about the procedure, given a copy of it, and be kept informed of progress. There is a crucial balance to be maintained between supporting the individual so that his/her rights and reputation are protected, and investigating a complaint thoroughly and impartially. They have the right to be accompanied by a union representative, friend or colleague at discussions about the complaint.

### **Confidentiality**

It is very important to treat conversations and correspondence with discretion. It is vital that a complainant feels confident that their complaint will not mean that their child will be penalised. However, from the outset, all parties to the complaint should be made aware that some information may have to be shared with others involved in the operation of the complaints procedure.

It is usually proper to disregard anonymous complaints unless somebody is prepared to substantiate them, but the danger in this is that they may relate to something quite serious. If the forewarned eventuality occurs, to the detriment of Newman School, the complainant may come forward subsequently and say that s/he alerted the school even though the complaint was unsigned. It should be at the Headteacher or Governing Body's discretion to decide whether the gravity of an anonymous complaint warrants an investigation.

### **Redress**

If the outcome of the complaints procedure shows that the school is at fault, redress should be provided in the form of an acknowledgement that the complaint is valid. Alternatively, it may be appropriate to offer one or more of; an apology; an explanation; a promise that the event complained of will not recur or an undertaking to review school policies or practices in the light of the complaint. Fear of litigation should not prevent Newman School from admitting to a complainant when mistakes have been made, but advice should be taken from the LA if litigation could be possible. Staff should also take advice from their union and/or professional body.

### **Staff Awareness Training**

School staff, including non-teaching staff, should be familiar with the procedures so that they can advise about their operation. Potentially a great many staff are involved in handling complaints, especially at an informal level. Their confidence in doing so depends on their having clear information about the procedures, reassurances that senior staff are committed to the procedures and some basic training in the practical interpersonal skills needed in dealing with people who are upset or angry. All school staff should have clear information about which staff have particular responsibilities at Newman School so that complainants do not get passed from one person to another.

### **Stage 1: The First Contact: Guidelines for Dealing with Concerns and Complaints Informally**

The vast majority of concerns and complaints can be resolved informally. There are many occasions where concerns are resolved straight away through the class teacher or Admin staff or Headteacher.

Complainants should feel able to raise concerns with members of staff without any formality, either in person, by telephone or in writing. On occasion it may be appropriate for someone to act on behalf of the complainant.

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

#### **Newman School Procedure: Stage 1**

1.1 If the concern relates to the Headteacher, the complainant is advised to contact the Chair of the Governing Body, via Newman School. Appendix B

Complaints against the Chair of Governors or any individual Governor should be made by writing to the Clerk to the Governing Body, who should seek advice and direction from Human Resources, RMBC.

1.2 The complainant has an opportunity for discussion of their concern with the appropriate member of staff (e.g. class teacher, head of Department, Assistant Headteacher) who clarifies with the complainant the nature of the concern, and reassures them that the school wants to hear about it. It can be helpful to identify at this point what sort of outcome the complainant is looking for.

- 1.3 If the member of staff first contacted cannot immediately deal with the matter, s/he should make a clear note of the date, name, contact address and telephone number.
- 1.4 Any member of staff should know how to refer, if necessary, to the person with responsibility for the particular issue raised by the complainant. S/he should check later to make sure the referral has been successful.
- 1.5 On certain major issues, the Headteacher at Newman School may decide to deal with concerns directly at this stage.
- 1.6 The staff member dealing with the concern should make sure that the complainant is clear what action (if any) or monitoring of the situation has been agreed, putting this in writing only if this seems the best way of making things clear.
- 1.7 Where no satisfactory solution has been found within 10 school days, the complainant should be asked if they wish their concern to be considered further. If so, they should be given clear information both orally and in writing, about how to proceed and about any independent advice available to them.

## **Stage 2: Referral to the Headteacher (or designated officer) for Investigation**

At this stage, it has become clear that the concern is a definite complaint. In some cases the Headteacher has already been involved in looking at the matter; in others it is her first involvement. In either case, it is helpful for the Headteacher (or the person designated to investigate) to use guidelines to ensure consistency among cases, and to make sure that nothing happens at this stage which could make it difficult for later stages to proceed smoothly.

The Headteacher has the responsibility for the day-to-day running of Newman School, and has the responsibility for the implementation of a complaints system, including the decisions about their own involvement at various stages. One of the reasons for having various 'stages' in a complaints procedure is to reassure complainants that their grievance is being heard by more than one person. The Headteacher should make arrangements to ensure that her involvement will not predominate at every stage of a particular complaint. For example, it is considered good practice for arrangements to be made for other staff to deal with a complainant's concerns at stage 1, while the Headteacher has contact with complainants at stage 2. Even at that stage, the Headteacher may designate another member of staff to collect some of the information from various parties involved.

In some cases, the Headteacher may be so involved at stage 1 that stage 2 has to be carried out by a designated officer.

## Newman School Procedure: Stage 2

**2.1 If a complaint is against the action of a Headteacher, the Chair of the Governing Body should carry out the Stage 2 procedures below: 2.2 -2.6**

- 2.2 The Headteacher (or designate) should **acknowledge the complaint orally or in writing within 3 school days of receiving confirmation that the complaint is now to be dealt with at stage 2.** The acknowledgement gives a brief explanation of the school's complaint procedure and a target date for providing a response to the complaint. This should normally be within 10 school days; if this proves impossible, a letter is sent explaining the reasons for the delay and giving a revised target date.
- 2.3 The Headteacher should provide an opportunity for the complainant to meet her to supplement information provided previously. It should be made clear to the complainant that if s/he wishes, s/he may be accompanied to any meeting by a friend, relative, representative, or advocate who can speak on his or her behalf; and that interpreting facilities are available if needed.
- 2.4 If necessary, the Headteacher should interview witnesses and take statements from those involved. If the complaint centers on a pupil, the pupil should also be interviewed. Pupils would normally be interviewed with parents/guardians present. In some situations circumstances may prevent this, e.g., where this would seriously delay the investigation of a serious/urgent complaint or where particular circumstances mean that a pupil has specifically said s/he would prefer that parent/guardians were not involved. In such circumstances another member of staff with whom the pupil feels comfortable should be asked to attend. If a member of staff is complained against, the needs of that person should be borne in mind.
- 2.5 The Headteacher should keep written records of meetings, telephone conversations, and other documentation.
- 2.6 Once all the relevant facts have been established, the Headteacher should then **produce a written response to the complainant** to discuss/resolve the matter.
- 2.7 A written response should include a full explanation of the decision and the reasons for it. If appropriate, this should include what action the school will take to resolve the complaint. The complainant should be advised that should s/he wish to take the complaint further, s/he should notify the Chair of the Governing Body within two weeks of receiving the outcome letter.

## **Stage 2a: Review by the Chair of the Governing Body (or designated Governor) and the Headteacher (or designated officer)**

**If the complaint is about the Headteacher, go straight to Stage 3.**

At this stage, the complainant has the opportunity to seek resolution of their complaint with the Chair of the Governing Body and the Headteacher at Newman School. The complainant should be reassured that Newman School is taking the complaint seriously.

### **Newman School Procedure: Stage 2a**

- 2.8 The Chair of the Governing Body (or designated Governor) should acknowledge the complaint, orally or in writing within 3 school days and invites the complainant to meet with him and the Headteacher to find a way to move forward.
- 2.9 Any relevant documentation, including the Headteacher's report on the investigation to date should be provided for the Chair of the Governing Body prior to the meeting
- 2.10 The Chair of the Governing Body should keep written records of meetings, telephone conversations, and other documentation relating to the complaint
- 2.11 Once all the relevant facts have been established, from the original investigation and this further meeting, the Chair of the Governing Body should then adjourn the meeting and produce a written response to the complainant to discuss/resolve the matter directly
- 2.12 A written response includes a full explanation of the decision and the reasons for it. Where appropriate, this should include what action Newman School will take to resolve the complaint. The complainant should be advised that should s/he wish to take the complaint further s/he should notify the Chair of the Governing Body within two weeks of receiving the outcome letter.

### **Stage 3: Review by the Governing Body**

**If the Complaint is about the Headteacher, the Chair of Governors can seek advice and direction from Human Resources, RMBC.**

At this stage, the school should seek advice from the LA. This can provide a useful "outside view" on the issues.

It is important that this review not only be independent and impartial but that it is seen to be so. The review is the last school -based stage of the complaints process and is not there to merely rubber stamp previous decisions. 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 may be required to give an unprejudiced hearing to an appeal by the member of staff concerned. Similarly, some Governors might have knowledge of the problem which led to the complaint and would be unable to give unbiased consideration to the issue.

Many complaints are inevitably seen by complainants as being "against" a particular member of staff and their actions. However, all complaints which reach this stage will have done so because the complainant has not been satisfied by the Headteacher's and/or the Chair of the Governing Body's response at the earlier stages of the procedure, and it may be appropriate for the Governing Body to consider the complaint is against the school rather than against the member of staff whose actions led to the original complaint.

### **Newman School Procedure: Review by the Governing Body Complaints Appeal Panel**

**If the Complaint is about the Headteacher, the Panel Meetings referred to in 3.1 to 3.17 below will comprise Governors, the Complainant and a Human Resources Adviser from RMBC.**

- 3.1 Upon receipt of a written request by the complainant for the complaint to proceed to stage 3, the procedures outlined below should be followed:
- 3.2 The Clerk to the Governing Body should write to the complainant within three school days to acknowledge receipt of the written request. The acknowledgement should inform the complainant that the complaint is to be heard by three members of Newman School's Governing Body within 20 school days of receiving the complaint. The letter should also explain that the complainant has the right to submit any further documents relevant to the complaint. These must be received in time for the documents to be sent to the three members of the panel.
- 3.3 The Clerk to the Governing Body should arrange to convene a Governors' Complaints Panel elected from members of the Governing Body
- 3.4 No Governor may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it. If s/he has not previously been involved, the Vice-Chair of the Governing Body should chair the Panel. If not, a Chair must be

elected for this purpose. It is not appropriate for the Headteacher to have a place on the Panel. Governors will want to bear in mind the advantages of having a parent (who is also a Governor) on the Panel. Governors will also want to be sensitive to issues of race, gender and religious affiliation.

- 3.5 The Chair of the Panel should ensure that the complaint is heard by the Panel within 20 school days of receiving the letter. All relevant correspondence regarding the complaint should be given to each Panel member when the composition of the Panel is confirmed.
- 3.6 The Chair of the Panel should write and inform the complainant, Headteacher, any relevant witnesses, and members of the Panel at least 5 school days in advance, of the date, time and place of the meeting. The notification to the complainant should also inform her/him of the right to be accompanied to the meeting by friend/advocate/interpreter. The letter should also explain how the meeting will be conducted.
- 3.7 The Chair of the Panel should invite the Headteacher to attend the Panel meeting and prepare a written report for the Panel in response to the complaint. The Headteacher may also invite members of staff directly involved in matters raised by the complainant to respond in writing or in person to the complaint. Any relevant documents including the Headteacher's report should be received by all concerned, including the complainant, at least 5 school days prior to the meeting.
- 3.8 The involvement of staff other than the Headteacher is subject to the discretion of the Chair of the Panel.
- 3.9 It is the responsibility of the Chair of the Panel to ensure that the meeting is properly minuted.
- 3.10 The aim of the meeting should be to resolve the complaint and achieve reconciliation between Newman School and the complainant. However, it has to be recognized that sometimes it may only be possible to establish facts and make recommendations which will satisfy the complainant that his or her complaint has at least been taken seriously.
- 3.11 The Panel should remember that many complainants are unused to dealing with groups of people in formal situations and may be inhibited when speaking to the Panel. It is therefore recommended that the Chair of the Panel ensures the proceedings are as informal as possible.

3.12 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.

3.13 The meeting should allow for:

- the complainant to explain their complaint
- the Panel to question the complainant
- The Headteacher to explain Newman School's response
- The Panel to question the Headteacher and/or other members of staff about the school's response

At this stage it is generally more acceptable to see the Headteacher and complainant separately

- any party to have the right to call witnesses (subject to the approval of the Chair)

- final statements by both the complainant and the Headteacher of Newman School

3.14 The Chair of the Panel should explain to all concerned that the Panel will now consider its decision, and a written decision should be sent to both parties within 15 school days.

3.15 The Panel should then consider the complaint and all the evidence presented and (a) reach a unanimous, or at least a majority, decision on the complaint 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 should not happen again.

3.16 The written statement outlining the decision of the Panel should be sent to the complainant, and include the reasons for the decision. The letter to the complainant should explain whether a further appeal can be made, and if so, to whom: RMBC Complaints procedure contact details are below. The final stage of appeal is to the Secretary of State for Education. Complainants should be advised they can write to The School Complaints Unit (SCU): details are below.

3.17 The school should ensure that a copy of all correspondence and notes are kept. These records should be kept separately from the pupil's personal records.

#### **Stage 4: Beyond the School**

The complainant or Newman School can request the involvement of the LA, regardless of who the complaint is made against (Head teacher or otherwise). Newman School

recognises that if RMBC did become involved, then it would be to look at how the School has followed procedures but would not be part of any decision making.

- 4.1 RMBC has its own general complaints procedure by means of which complaints are initially handled by the department. **This general procedure is not, however, appropriate for those complaints made in respect of the internal affairs of Newman School which remain wholly the responsibility of the school's Governing Body. Such complaints should be dealt with by the Headteacher and the Governing Body of Newman School.**

*If no satisfactory outcome reached, then the complainant can appeal to Secretary of State.*

- 4.2 The **Secretary of State for Education and Employment** can receive complaints under Section 496 of the Education Act, 1996, on the grounds that a Governing Body or LA is acting or is proposing to act unreasonably, or under Section 497 of the same Act, on the grounds that either the Governing Body or the LA has failed to discharge its duties under the said Act. The Secretary of State may contact the Governing Body or the LA for more information in order to consider the complaint further.

## CONTACTS

[www.rotherham.gov.uk/complaints](http://www.rotherham.gov.uk/complaints)  
Email: [complaints@rotherham.gov.uk](mailto:complaints@rotherham.gov.uk)  
By post: Using a complaint form or by letter.  
The Complaints Manager  
Rotherham Metropolitan Borough Council  
(FREEPOST RTCT-XKLS-ZHAZ)  
Riverside House  
Main Street  
Rotherham  
S60 1AE  
By telephone: (01709) 382 121.

The Secretary of State for Education and Skills  
Sanctuary Buildings  
Great Smith Street  
London SW1P 3B Telephone number: 0870 0002288

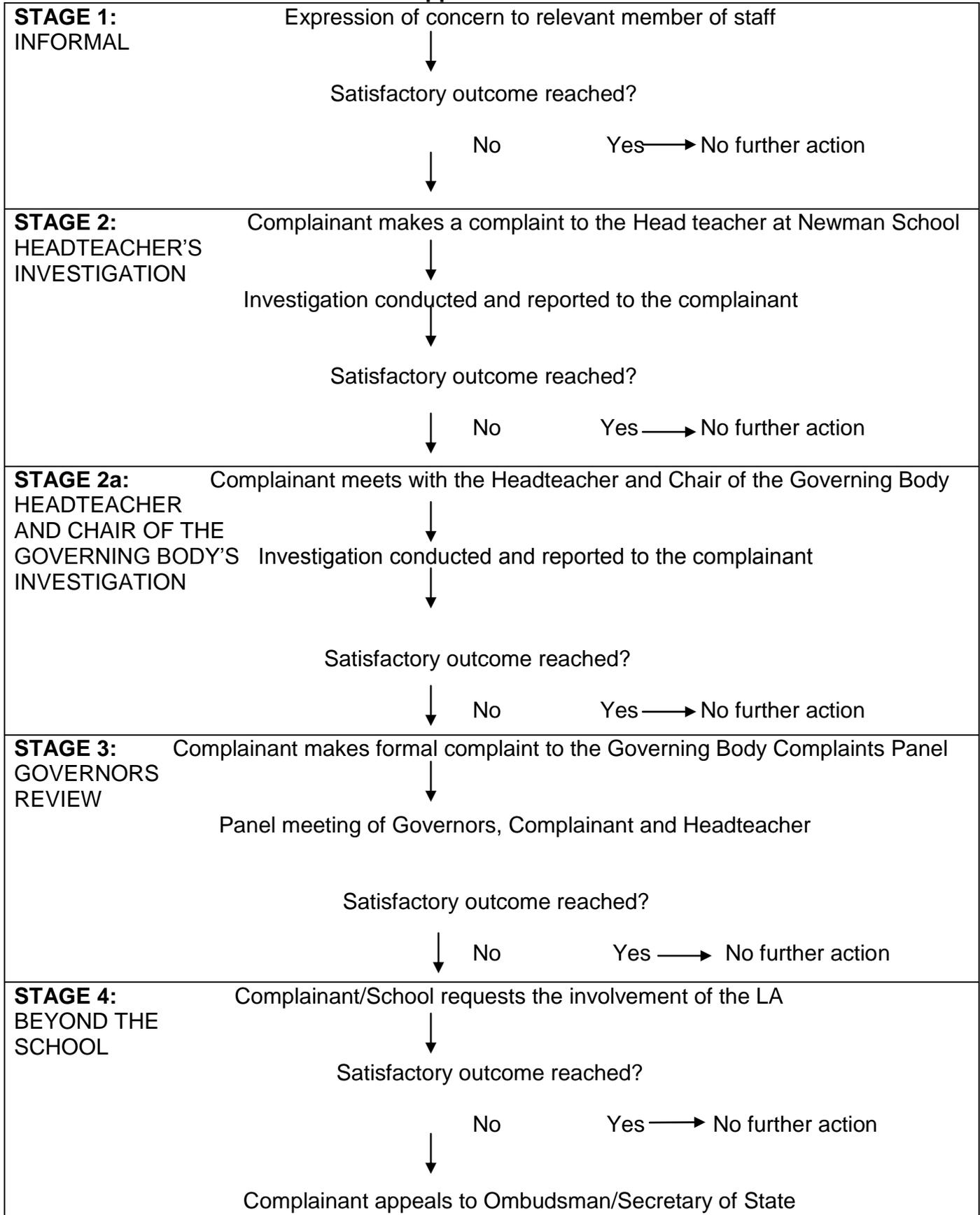
Local Government Ombudsman  
The Commission for Local Administration in England

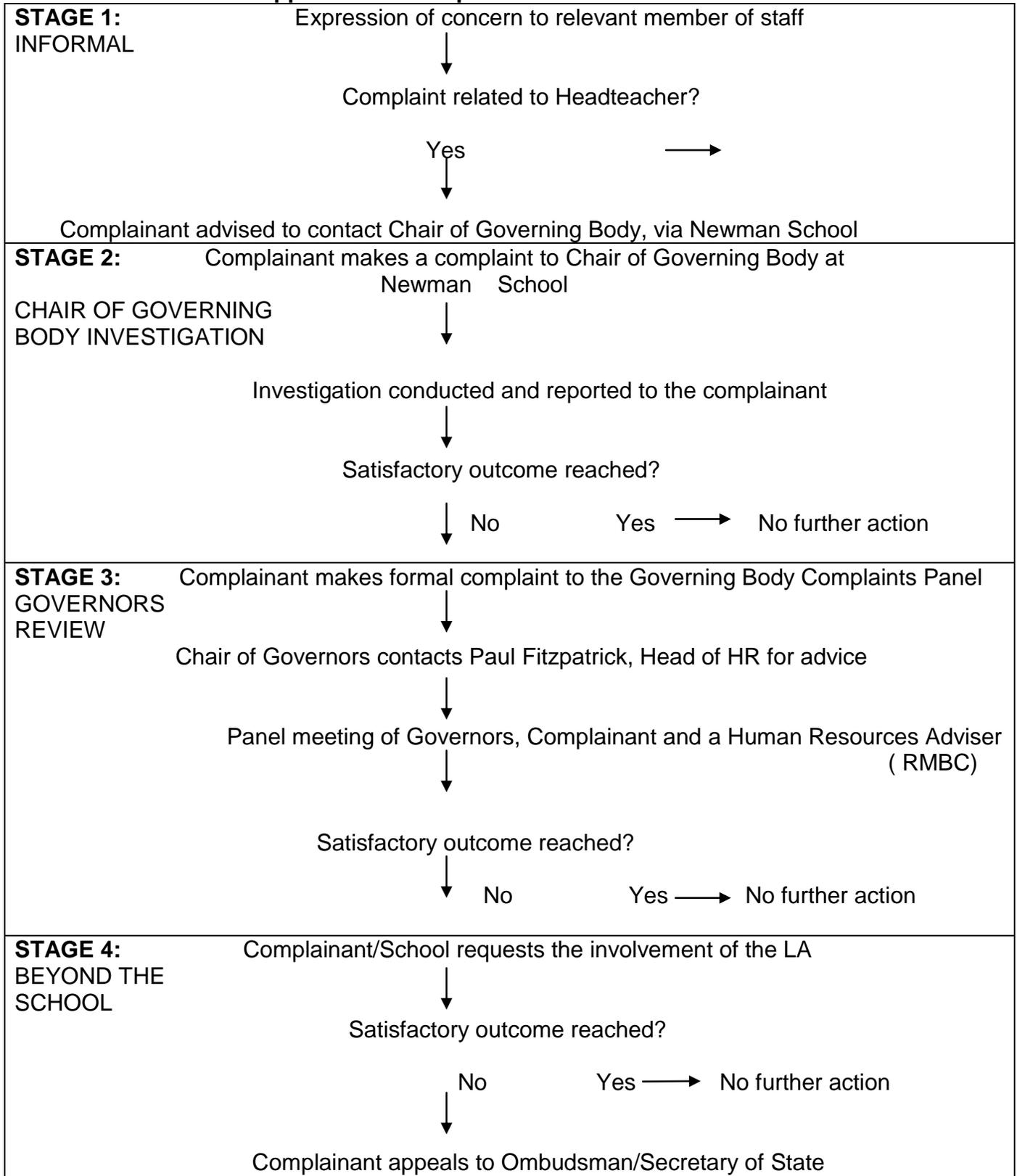
Beverley House  
17 Shipton Road  
York YO30 5FZ

Telephone number: 01904 663200+

School Complaints Unit:  
National Helpline o **0370 000 2288**  
[www.education.gov.uk/help/contactus](http://www.education.gov.uk/help/contactus) or  
[www.education.gov.uk/form/school-complaints-form](http://www.education.gov.uk/form/school-complaints-form)  
or:  
Department for Education  
2nd Floor, Piccadilly Gate  
Manchester  
M1 2WD

<https://www.gov.uk/complain-about-school> - Advice for complainants





**Appendix C**

**Complaint Form**

Please complete and return to ..... who will acknowledge receipt and explain what action will be taken.

**Your name:**

**Pupil's name:**

**Your relationship to the pupil:**

**Address:**

**Postcode:**

**Day time telephone number:**

**Evening telephone number:**

**Please give details of your complaint.**

**What action, if any, have you already taken to try and resolve your complaint.**

**(Who did you speak to and what was the response)?**

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

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

**Signature:**

**Date:**

**Official use**

**Date acknowledgement sent:**

**By who:**

**Complaint referred to:**

**Date:**

**Action taken:**

**Date:**

**What Stage is the Complaint at:**

**Stage 1**

**Date:**

**Stage 2**

**Date:**

**Stage 2a**

**Date:**

**Stage 3**

**Date:**

**Stage 4**

**Date:**

**(Beyond the school)**

**(to be amended as necessary)**

