



# Stapleford Church of England VA Primary School



## Policy for School Based Complaints Procedure

### INTRODUCTION

This policy has been developed with reference to the HCC School Based Complaints Procedure (2012) and outlines the procedure to be used when a complaint is made to Stapleford School. The Governors of Stapleford School have adopted the HCC policy, which should be read in conjunction with the School's policy.

**This policy provides a means for dealing with those rare occasions when complaints need to be made formal. It should not replace the good practice established for responding to concerns and queries from pupils, parents and other users of the school.**

Many matters of concern can be settled through early discussion with parents so that they better understand or feel reassured by what the School is doing. Where parents feel they have grounds for complaint this procedure encourages the School and parents to resolve differences without the need for formal complaint to the governing body.

Complaints are not always easy to define. It is important, therefore, to keep in mind the distinction between the handling of worries, problems and complaints. However, in the event of confusion, it is for the complainant to decide whether or not their concern should become a formal complaint, although this does not mean that those complained against are necessarily at fault.

Under this complaints procedure any member of School staff who is complained about will have the opportunity to respond to the complaint during the investigation, and will be able to see any response sent to the complainant as a result of the investigation.

There is an entirely separate procedure for schools to follow in dealing with staff disciplinary matters. Therefore, if in the course of their consideration of a complaint the Governing Body or HCC conclude that disciplinary procedures should be initiated, they will take separate action.

These procedures do not apply where an employee has a complaint about any aspect of their own employment. There is a separate grievance procedure for these situations.

This policy outlines the procedure to be used when complaints are made concerning arrangements for National Curriculum and Collective Worship, Special Educational Needs and General matters.

### **What is the FIRST stage in dealing with a complaint?**

Most concerns, or potential complaints, can be resolved by offering parents a full discussion with the member of staff who is best able to help. This may involve the headteacher and the Chairman of Governors working together to investigate the complaint. This is where the process should start and sometimes governors approached by parents informally will need to steer parents in this direction initially.

**Governors need to be aware that if they do become involved closely with complaints at stage 1, they cannot be involved with stage 2 of the complaints procedure.**

If the complaint is about the provision the school is making for a child's special educational needs, then a parent might find it helpful to talk to the named SEN Officer where this applies. The Area Parent Partnership Supporter or the Parent Partnership Co-ordinator (CAU) will be able to provide advice on the procedures the HCC has in place for resolving disputes between schools and parents over SEN provision.

Parents wishing to complain further should be given a copy of this policy and be asked to set out their complaint in a letter or by completing the complaint form.

### **What is the SECOND stage in dealing with a complaint?**

The Chairman of Governors will arrange for the complaint to be investigated and considered by the panel of governors appointed to act on behalf of the governing body. **In the case of Special Educational Needs complaints and National Curriculum or Collective Worship complaints, the Chairman of Governors must inform the Head of the Conciliation and Appeals Unit (CAU).**

If Chairman of Governors, or other governors, has been involved in earlier discussions to try and help settle the disagreement at stage 1, then arrangements should be made for another governor with no prior involvement to take charge of the investigation and consideration of the complaint.

It may be helpful to offer the parent an opportunity to talk about the complaint in the course of the investigation, prior to any complaint hearing. This might clarify the outstanding matters of complaint which remain unresolved and what outcome is sought by the complainant.

Parents should be provided with full details of how the governors' complaint panel will conduct any further investigation. In some cases it may not be necessary for there to be a formal complaints panel hearing with both parties present together. Generally, however, a formal hearing is the best way for both parents and the school headteacher and staff to be satisfied they have had a proper opportunity to be listened to by governors. Everyone should also be informed in advance of the order of proceedings for complaint hearings.

Both parties should make available to the panel, in advance, any written information they intend to use in the formal hearing.

### **Who can attend a Stage 2 hearing?**

At any meeting parents may be accompanied by a friend or representative who may speak on their behalf. This person could be an interpreter of their choice and parents should be encouraged to do this where necessary.

The Chairman of the panel may invite to the meeting any person who may help establish the facts of the complaint. Parents need to be told who this person is before the meeting.

Any member of staff required by governors to attend any meeting or hearing will have the opportunity to be accompanied or represented.

A member of staff named by parents in the complaint may also choose to attend a meeting even if not required to do so by governors and may be represented. If this happens, parents should be told before the meeting

### **What happens after the investigation/hearing?**

When the complaint has been fully investigated and any hearing has taken place parents should be notified of the **findings** in writing by the Chairman of the panel hearing the complaint or the governor responsible for the investigation.

The report, with findings, should, at the same time, be published to the governing body and will, in addition, include any **recommendations**. A meeting of the governing body must accept the findings but can accept, reject or reject in part, the recommendations.

The Chairman of Governors should write to the parents to confirm any actions agreed by the governing body. Any agreed actions must be implemented by whoever it applies to - this could be the governing

body as well as the headteacher. Parents should also be informed whether and how they can take their complaint further.

**A copy of the report must be sent to the Headteacher and the Head of Conciliation and Appeals (CAU) in the case of those complaints where there is a right in law to a third stage of complaint to the County Council.**

**What can parents do if they are not satisfied with the outcome of the second stage of investigation?**

In most cases it is expected that parental complaints will be satisfactorily resolved following formal complaint to the governing body. However, should parents remain dissatisfied, the following sections explain the circumstances in which complaints can be taken further.

**When is there a THIRD stage of complaint to the County Council and how does it work? (THIS APPLIES TO VERY FEW COMPLAINTS AS SET OUT BELOW)**

**When it is a complaint about the way a school is providing for a child's Special Educational Needs.**

Parents can complain further to the LA by writing to the Complaints Manager.

The Complaints Manager will acknowledge the letter and will notify the Chair of Governors and the Headteacher. The Complaints Manager will arrange for the complaint to be investigated. The investigator will seek the comments of the Governing Body and any other information or advice as necessary.

When the complaint has been fully investigated and considered the Complaints Manager will notify Parents of the outcome in writing, giving the reasons for it, any action or proposed action to be taken and the further recourse available. A copy of this will be sent to the Headteacher, the Chair of Governors and to anyone else concerned in the investigation. This brings the third stage for Special Educational Needs complaints to a conclusion.

Parents who remain dissatisfied following further investigation of their Special Educational Needs complaint by the Local Authority have the right to complain to the Secretary of State who may decide to conduct an additional investigation. The contact details for the Secretary of State are as follows:

The Secretary of State  
Department for Education  
Sanctuary Buildings  
Great Smith Street  
London  
SW1P 3BT  
Telephone: 0870 000 2288  
Website: [www.education.gov.uk](http://www.education.gov.uk)

**What happens when there is NO statutory third stage of complaint to the County Council?**

**If the complaint is about Denominational Religious Education in a Voluntary-Aided school or Collective Worship in a Voluntary-Aided school in accordance with the trust deed or previous practice before the school became a Voluntary-Aided school:**

There is no formal right of complaint to the LA. This is because the LA has no power to inspect the provision or to influence its content but complaint beyond the second stage may be made to the relevant Diocesan Authority where this applies.

**For Roman Catholic schools, complainants should write to:** The Director of the Education Service, Diocese of Westminster, 46 Francis Street, London SW1P 1QN.

**For Church of England schools complainants should write to:** The Diocesan Director of Education, Diocese of St Albans Education Centre, Hall Grove, Welwyn Garden City, AL7 4PJ.

**IF THE COMPLAINT IS ABOUT BULLYING, THE NATIONAL CURRICULUM, COLLECTIVE WORSHIP IN A COMMUNITY, VOLUNTARY-CONTROLLED, FOUNDATION OR TRUST SCHOOL, OR ABOUT ANY OTHER GENERAL MATTERS: THERE IS NO THIRD STAGE OF INVESTIGATION BY THE COUNTY COUNCIL**

For the vast majority of complaints there is no right of further complaint or appeal to the LA beyond the school's Governing Body.

Parents may contact the complaints helpline for further advice but will be told there is no right of a further stage of formal investigation by the LA.

If parents who have not yet complained to their child's school contact the Local Authority, Council Officers will ask the complainant for their written consent to share information regarding their complaint with the school in question. If the complainant declines to provide their consent, the matter will not normally be taken any further. If consent is provided, the Council will pass the complainant's concerns onto the school, whilst ensuring that the complainant is made aware that this will not necessarily result in the complaint against the school being resolved or the complainant achieving the outcome they were seeking.

**Can parents complain to anyone other than the County Council?**

Parents have the right to complain to the Secretary of State for Education and Skills (under the Education Act 1996), if they believe that a governing body or the HCC is acting or proposing to act unreasonably (section 496), or is failing to carry out a statutory duty (section 497). This has to mean that the HCC or the governing body is acting outside its powers, or misusing them. Only then would the Secretary of State follow up the complaint.

The Secretary of State will then contact the HCC or the governing body for information.

**Where can parents get help?**

Parents who remain dissatisfied following the Stage 2 consideration of their complaint by the Governing Body may seek advice from CAU's complaints helpline (tel: 01992 588542).

**What kind of record will be kept about complaints?**

Elected Members of the County Council will receive a report each year on any third stage National Curriculum, Collective Worship and Special Educational Needs complaints and will also receive a report on complaints about any National Curriculum and Collective Worship complaints which have been considered by schools at the second stage.

CAU will maintain records of complaints made or referred by parents to CAU for advice. These can help the HCC identify trends and identify where schools may require particular guidance or support.

Schools should, as good practice, formally record and monitor all stage 2 complaints to the governing body.

Information may be published from time to time about the number and nature of complaints. Publication will not include reference to any named individual or school.

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