

**NORTH YORKSHIRE COUNTY COUNCIL
CHILDREN AND YOUNG PEOPLE'S SERVICE**

SCALBY SCHOOL

COMPLAINTS' PROCEDURE

HISTORY OF DOCUMENT

Issue No.	Author	Date Written	Approved by Governors	Comments
1	NYCC	August 2007	19.3.08	
2	NYCC		15.6.09	
3	NYCC	April 2011	12.10.11	Combines the 2007 & 2011 NYCC policies

Scope

This Policy: -

This procedure is for use in dealing with complaints from parents concerning the general running of the school and the implementation of its policies and practices. However, it does not cover the following for which there are separate procedures:-

- Delivery of the national curriculum and the provision of collective worship and religious education in accordance with the Education Act 1996;
- School admissions;
- School exclusions;
- Special educational needs (statutory assessments and statements);
- Sex education;
- Child protection.

Nor does it cover complaints on matters that are the responsibility of the Local Education Authority. These are complaints about Council policies or on matters covered by legal processes.

Using the Procedure

Stage 1: The first contact – informal consideration by staff and/or headteacher

- 1.1 Parents are always welcome to discuss any concerns with the appropriate member of staff, who will clarify with the parent the nature of the concern and reassure them that the school wants to hear about it. The member of staff may explain to the parent how the situation happened. It can be helpful to identify at this point what sort of outcome the parent is looking for.
- 1.2 If the member of staff first contacted cannot immediately deal with the matter, he/she makes a clear note of the date, name, contact address or phone number.

- 1.3 All members of staff will know how to refer, if necessary, to the person with responsibility for the particular issue raised by the parent. He/she will check later to make sure the referral has been dealt with.
- 1.4 If the matter is brought to the attention of the headteacher, he/she may decide to deal with the concerns directly at this stage.
- 1.5 The staff member dealing with the matter should make sure that the parent is clear what, if any, action or monitoring of the situation has been agreed. Although not always necessary, consideration should be given to confirming in writing what has been agreed - either by letter or a copy of a file note.
- 1.6 Where no satisfactory solution has been found within 10 working days, parents are asked if they wish their concern to be considered further. If so, they are advised to write to the headteacher or, if the complaint relates to the headteacher, to the chair of governors or designated governor¹.

Stage 2: Formal Investigation by the headteacher

- 2.1 Formal complaints must be detailed in writing.
- 2.2 The headteacher (or designate) acknowledges the complaint in writing within 5 working days of receiving the written complaint. The acknowledgement gives a brief explanation of the school's Complaints procedure (or a copy of the school's Guidance notes for parents/carers) and a target date for providing a response to the complainant – normally within 10 working days. If thereafter it is not possible to respond within the 10 working days, a letter is sent explaining the reason for the delay and giving a revised target date.
- 2.3 Ordinarily the headteacher (or designate) provides an opportunity for the complainant to meet with him/her to supplement any information provided previously. It should be made clear to the complainant that he/she may be accompanied to any meeting by a friend, relative, representative, or advocate who can speak on his or her behalf. The headteacher (or designate) may be accompanied by an adviser if the circumstances warrant this.
- 2.4 Where necessary, following the meeting, the headteacher (or designate) will interview witnesses and take statements from those involved. If the complaint centres on a pupil, the pupil concerned and others present at the time, should be interviewed. Pupils would normally be interviewed with parents/guardians present unless this would seriously delay the investigation of a serious/urgent complaint or where a pupil has specifically said he/she would prefer that parents or guardians were not involved. In such circumstances another member of staff with whom the pupil feels comfortable should be present. If the complaint is against a member of staff, he/she must subsequently be allowed to explain his/her version of events.
- 2.5 The headteacher (or designate) must keep written records of all meetings and telephone conversations, which he/she should sign and date, and other related documentation.
- 2.6 Once all the relevant facts have been established, the headteacher (or designate) may wish to meet the complainant to discuss/resolve the matter directly. In any event a written response should always be sent, including a full explanation of the decision and the reasons for it. Where appropriate, the letter will indicate what action the school will take to resolve the complaint. The complainant must be advised that

¹ Note that, on grounds of possible bias, the chair of governors (or designated governor) would subsequently be ineligible to sit on a complaints review committee established under stage 3.

should he/she wish to take the complaint further he/she should notify the chair of governors/designated governor within 10 working days of receiving the letter.

- 2.7 If a complaint is against the action of a headteacher (or if the headteacher has been very closely involved at stage 1) the chair of governors or designated governor will carry out the stage 2 procedures – see below.

Stage 2: Investigation by the Chair of Governors or Designated Governor

- 2.1 Requests for a stage two investigation must be in writing and addressed to the Chair of the Governing Body at the School;
- 2.2 The Chair will send an acknowledgement within 5 working days of receiving the request and tell the complainant that a substantive response to the complaint will be given within 20 working days of receipt. If this timescale cannot be met an explanation will be given with a revised timescale;
- 2.3 The request will be recorded.
- 2.4 When the Chair of governors, or governor designated by the governing body to deal with complaints, receives notice of a complaint, he/she will decide whether it appears appropriate to seek an informal resolution to the issue. It could be a complaint against the headteacher or, a complaint the headteacher has not been able to resolve but further discussion with the complainant prior to referral to the Complaints Review Committee is considered to be worthwhile.
- 2.5 If so, the chair/designated governor will:
- either telephone and/or meet with the parent/guardian to hear their side of the story;
 - talk to the headteacher to hear the other side of the story;
 - discuss with the headteacher how the issue might be resolved;
 - agree with the headteacher whether it would be helpful for the governor to act as facilitator/mediator between the head and the parent;
 - seek to resolve the matter to the satisfaction of both the headteacher and the parent;
 - (if not the chairman) keep the chairman informed of the fact that he/she is handling a complaint, without disclosing any details, and stress the need for confidentiality at this stage so as not to prejudice any later hearing.
- 2.6 If the designated governor decides that action as at 2.5 is not appropriate in the circumstances, or having tried this approach the matter is still not resolved, then he/she must write to the parent to let him/her know that the matter will be referred to the Complaints Review Committee.
The letter should also explain that the complainant has the right to submit any further documents relevant to the complaint.
The chair/designated governor must keep written records of all meetings and telephone conversations, which he/she should sign and date, and other related documentation.

Stage 3: Consideration by the governors' Complaints Review Committee

- 3.1 Requests for a Stage 3 hearing must be in writing and addressed to the Clerk to the Governing Body at the School;
- 3.2 The Clerk will acknowledge the request within 5 working days of receiving the request; the hearing normally will take place within 20 working days.

- 3.3 The clerk will ask the headteacher to prepare a written report for the committee in response to the complaint. The head should additionally ask members of staff directly involved in matters raised by the complainant to prepare reports. They should be submitted to the Clerk at least 10 working days before the hearing to enable copies to be provided to the committee, the complainant and any other relevant parties.
- 3.4 The complainant may submit further written evidence to the committee.
- 3.4 At least 7 working days prior to the meeting the clerk will:
- notify all parties of the date, time and place of the hearing;
 - provide all parties with a copy of any written representations submitted;
 - provide all parties with details of the format of the hearing;
 - ask the parties whether they have any particular needs for the meeting e.g. induction loop, translator etc;
 - confirm who will be in attendance at the hearing or whether they wish to rely upon written submissions.
 - The complainant should also be informed of his/her right to be accompanied to the meeting by a friend or representative or advocate.
 - The letter will also explain how the meeting will be conducted.
- 3.6 Subject to the prior agreement of the chairman of the committee, the headteacher may invite members of staff directly involved in matters raised by the complainant to attend the hearing.
- 3.7 It is the responsibility of the chairman of the committee to ensure that the meeting is properly minuted.
- 3.8 The aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant. However, it has to be recognised 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.
- 3.9 The committee should remember that many parents are unused to dealing with groups of people in formal situations and may feel inhibited when speaking to the committee. The chairman of the committee will therefore ensure that the proceedings are as informal as possible.
- 3.10 The meeting should allow for:
- the complainant to explain his/her complaint and the headteacher to explain the school's response;
 - the headteacher to question the complainant about the complaint and the complainant to question the headteacher and/or other members of staff about the school's response;
 - committee members to have an opportunity to question the complainant, the headteacher and any witnesses as appropriate;
 - final statements by both the complainant and the headteacher.
- 3.11 The chairman of the committee will explain to the complainant and the headteacher that the committee will now consider its decision, and that written notice of the decision will be sent to both parties within 5 working days. The complainant, headteacher, other members of staff and witnesses will then leave.
- 3.12 The committee will then consider the complaint and all the evidence presented in order to:

- reach a unanimous, or at least a majority, decision on whether to dismiss or uphold the complaint;
- decide, if appropriate, upon the action to be taken to resolve the complaint;
- where appropriate, recommend to the governing body changes to the school's systems or procedures to ensure that similar problems do not happen again.
- decide if it wishes to recommend to the governing body that the LEA should review the process by which it has arrived at its decision.

3.13 Within 5 working days of the meeting, a written statement outlining the decision of the committee, including any actions and/or recommendations, will be sent to the complainant and headteacher.

If the Committee has decided to recommend to the governing body that the LEA reviews the process by which the Committee has arrived at its decision, this should be indicated in the letter. Otherwise it should be indicated that there is no mechanism for a further appeal to the governing body.

The complainant should also be informed that if he/she remains dissatisfied then they may write to the Chief Inspector, The Office for Standards in Education, Children's Services and Skills, Royal Exchange Buildings, St Ann's Square, Manchester, M2 7ZA (NOTE: COMPLAINTS CURRENTLY STILL HAVE TO GO TO DFE)

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

Scalby School

Guidance Notes for Parents/Carers

Concerns and Complaints about the School

If you have a concern/complaint

We would like you to tell us about it. We welcome suggestions for improving our work in the school and want to know if you have any concerns. Be assured that no matter what you wish to tell us, our support and respect for you and your child in the school will not be affected in any way. If you have a concern, please let us know as soon as possible. It is difficult for us to properly investigate an incident or problem that happened some time ago. Depending on circumstances, the governing body may decide not to consider a complaint about something that occurred more than two months ago.

What to do first

Most concerns can be sorted out quickly by speaking with your child's form tutor or head of year. Any teacher or the school administrator can help you find the right member of staff.

If you have a concern which you feel should be looked at by the headteacher in the first instance you can contact him/her straightaway if you prefer. It is usually best to discuss the problem face to face. You may need an appointment to do this, and you can make one by ringing or calling in to the school office. You can take a friend or relation to the appointment with you if you would like to.

All staff will make every effort to resolve your problem informally. They will make sure that they understand what you feel went wrong, and they will explain their actions to you. They will ask what you would like the school to do to put things right. Of course, this does not mean that in every case it will be possible to achieve a satisfactory outcome but it will help both you and the school to understand both sides of the question. It may also help to prevent a similar problem arising again.

If you are still concerned

We will do all that we can to resolve matters straight away but if you are not entirely satisfied with the teacher's response (or with the headteacher's initial reaction if he/she has already been involved) you can make a formal complaint to the headteacher or Chairman of Governors. This should be made in writing.

You may find it helpful at this stage to have a copy of the full statement of the governing body's complaints procedure as this explains in detail how complaints are dealt with. This is available from the school office.

The headteacher will contact you to discuss the problem. Usually you will be invited to a face to face meeting. Again you may take a friend or someone else with you if you wish. The headteacher will then conduct a full investigation of the complaint and may interview any members of staff or pupils involved. You will receive a written response to your complaint.

If you are still unhappy

We very much hope and expect that we will have been able to resolve the problem by this stage. However, if you are still not satisfied you may wish to make a formal complaint to the governing body. You should write to the Clerk to the Governors, c/o the school. Initially your complaint may, depending on circumstances, be dealt with by the Chairman of Governors. He/she will try to see if there is a way forward. [Note that at this stage your complaint will not be made known to other governors. This is so that if it is necessary for the governors to hold a formal hearing of your complaint they will be able to maintain impartiality.]

If the chair is unable to resolve the matter, your complaint will then be heard by a committee of three governors – the Complaints Review Committee. As explained above, they will have no prior knowledge of the case and will thus be able to make a fresh, unbiased assessment. You will be invited to attend the committee meeting, accompanied by a friend or representative if you wish, and to put your side of the matter. The headteacher will also attend to give his/her account. The governing body's complaints procedure explains how these meetings are conducted. You will be informed in writing of the Committee's decision.

If your complaint is about an action of the headteacher personally

If your complaint is about an action of the headteacher personally, then you should refer it to the Chairman of Governors. You can contact him/her by writing c/o the school. He/she will discuss the matter with you and attempt to resolve the problem. If you are not satisfied with the outcome of this process you will be asked to detail your complaint in writing and it will be considered by the Complaints Review Committee of the governing body – see above.

Further action

Complaints about school problems are usually settled within the schools but in exceptional cases it may be possible to refer the matter to an outside body such as the local education authority or the Secretary of State for Education and Skills. If necessary the chair of the Complaints Review Committee of the governing body will let you have further information.