

# **CHARLES DARWIN ACADEMY TRUST**

## **SCHOOL COMPLAINTS PROCEDURE**

**This procedure relates to all schools in Charles Darwin Academy Trust**

**Reviewed and adopted by the CDAT Board on 17<sup>th</sup> January 2020**

### **1. Introduction**

- 1.1. This procedure sets out the process whereby complaints with regard to any school within the Trust can be made and will be investigated.
- 1.2. Concerns expressed by stakeholders in the school can be dealt with as areas of concern, or as a complaint within this procedure. The decision to treat a concern as a complaint will be decided by:
  - 1.2.1. the level and seriousness of that concern
  - 1.2.2. the wishes of the complainant
  - 1.2.3. whether the concern is expressed about a member of staff to another member of staff.
- 1.3. In effect, if a complainant wishes to raise a matter formally it will be dealt with as a formal complaint under this procedure. A record will be kept of formal complaints.

### **2. The management of complaints**

- 2.1. On receipt of a complaint, the coordinator will confirm the matter to be a complaint under these procedures, record that the complaint has been made and pass it to the appropriate member of staff to address.
- 2.2. The Headteacher will be advised of all complaints made under these procedures.

### **3. Stages of the procedure**

It is in everyone's interest that complaints are resolved at the earliest possible stage. The experience of the first contact between the complainant and the school can be crucial in determining whether the complaint will escalate. To that end, staff must be aware of the procedures, and what to do when they receive a complaint. In most circumstances the staff member responsible for addressing the complaint should meet with the complainant as soon as is practical. The school respects the views of a complainant who indicates that s/he would have difficulty discussing a complaint with a particular member

of staff. In these cases, the complainant can be referred to another appropriate staff member.

- 3.1. A complaint may be made in person, by telephone or in writing, normally within 10 school days.
- 3.2. A flow chart of the procedure to be followed is attached at Appendix 1.

#### **4. Stage One: Complaint heard by staff member**

- 4.1. Normally the parent will be directed to take the complaint to the member of staff involved. The views of a complainant who indicates that he/she would have difficulty discussing a complaint with a particular member of staff will be respected and in these cases, the complainant can be referred to another staff member. Similarly if the member of staff directly involved feels too compromised to deal with a complaint, the complainant may be referred to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the complaint objectively and impartially is crucial.
- 4.2. Where the complaint concerns the Headteacher, the complainant will be advised to write to the Chair of Governors.
- 4.3. Where the first approach is made to a Governor, he/she should refer the complainant to the Headteacher and advise the parent about the school's procedure. Individual Governors should not act unilaterally on an individual complaint outside the formal procedure or be involved at the early stages, in case they are needed to sit on a Panel at a later stage of the procedure. It is anticipated that most complaints will be resolved at this informal staff level.

#### **5. Stage Two: Complaint heard by the Headteacher**

- 5.1. If the complainant is not satisfied with the result from Stage 1, they may choose to refer the complaint to Stage 2 of the procedure. This must be done in writing to the school **within 15 school days** of the completion of Stage 1. The school will be happy to provide the assistance of someone unconnected with the complaint to help with this stage.
- 5.2. The Headteacher may delegate the task of collating the information to another staff member, but not the decision on the action to be taken. If the complainant is dissatisfied with the way the complaint was handled at Stage 1, the Headteacher will investigate the complaint, review all the information and discuss the findings, together with any recommendations or apology, with the complainant. It is anticipated reconciliation will be achieved at this stage.
- 5.3. The Headteacher will ensure that a record is kept of any action taken as a result of a complaint.
- 5.4. If the complaint relates to the alleged conduct or capability of a member of staff, which could result in disciplinary action, the complaints process should be replaced by appropriate line management and disciplinary procedures. A complainant will be notified if this is the case, but is not entitled to know which procedure or the final outcome.

## 6. Stage Three: Complaint heard by a Governors' Complaints Appeal Panel

- 6.1. If the complainant remains dissatisfied, he/she should write to the Chair of Governors giving details of the complaint. It may be sufficient for the Chair to diffuse the situation at this point by speaking with or writing to the complainant.
- 6.2. Should this not be the case, the Chair, or a nominated Governor, will convene a meeting of the Governors' Complaints Appeal Panel, usually within **21 school days from the date of the last correspondence**. The Panel will consist of three or five members one of whom will be independent of the management and running of the school. If the Chair has heard the complaint informally (as described above), he/she must not participate in the Panel Hearing.
- 6.3. The governors' appeal hearing is the last school-based stage of the complaints process, and is not convened to merely rubber-stamp previous decisions.
- 6.4. The procedure to be followed is attached as Appendix 2.
- 6.5. Individual complaints would not be heard by the whole Governing Body at any stage, as this could compromise the impartiality of any panel set up for a disciplinary hearing against a member of staff following a serious complaint. The Personnel Committee of the Governing Body will coordinate the complaints procedure. This coordination will include:
  - 6.5.1. drawing up its procedures;
  - 6.5.2. monitoring of complaints;
  - 6.5.3. hearing individual appeals;
  - 6.5.4. making recommendations on policy as a result of complaints.

## 7. Vexacious Complaints

- 7.1. If properly followed, this complaints procedure will limit the number of complaints that become protracted. However, there will be occasions when, despite all stages of the procedures having been followed, the complainant remains dissatisfied. If the complainant tries to reopen the same issue, the Chair of the Governing Body, in conjunction with the Headteacher, is empowered to inform the complainant in writing that the procedure has been exhausted and that the matter is now closed.

## 8. The Remit of the Complaints Appeal Panel

- 8.1. 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.
- 8.2. No Governor may sit on the Panel if he or she had had a prior involvement in the complaint or in the circumstances surrounding it. The Panel will, where possible, comprise a cross section of categories of Governors and will be sensitive to issues of

race, gender and religious affiliation. Governors will be aware of the Complaints Procedure.

- 8.3. The aim of the hearing, which will 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 that the complainant might not be satisfied with the outcome if the hearing does not find in his/her favour.

## **9. Roles and Responsibilities**

- 9.1. The Complaints Appeal Panel will be clerked. The Clerk will be the contact point for the complainant at the third stage and will be required to:

- Set the date, time and venue of hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible;
- Collate any written material and send it to all of the parties in advance of the hearing;
- Meet and welcome the parties as they arrive at the hearing;
- Record the proceedings;
- Notify all parties of the Panel's decision.

- 9.2. The Chair of the Governing Body should ensure that the complaints procedure has been correctly followed and if a hearing is appropriate, notify the Clerk to arrange the Panel.

- 9.3. The Chair of the Complaints Appeal Panel will ensure that:

- No member of the Panel has a vested interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure.
- The remit of the Panel is explained to the parties and each party has the opportunity of putting their case without undue interruption;
- Parents and others who may not be used to speaking at such a hearing are put at ease;
- The issues are addressed;
- Key findings of fact are made;
- The hearing is conducted in an informal, although structured, manner, with each party treating the other with respect and courtesy;
- Each side is given the opportunity to state their case and ask questions;
- Written material is seen by all parties. If a new issue arises all parties should be given the opportunity to consider and comment on it;
- The Panel is seen to be open minded and acting independently.

## **10. Notification of the Panel's Decision**

- 10.1. The Chair of the Complaints Appeal Panel should ensure that the complainant and the Headteacher are notified of the Panel's decision, in writing, within 5 working days.

- 10.2. The letter should explain that any further appeal should be addressed to the Secretary of State  
Secretary of State for Education  
The School Complaints Unit (SCU)  
Department for Education  
Second Floor, Piccadilly Gate

Manchester  
M1 2WD.

- 10.3. If a complaint has exhausted the local procedures, SCU will examine if the complaints policy and any other relevant policies were followed in accordance with the provisions set out. SCU also examines policies to determine if they adhere to education legislation. However, the department will not re-investigate the substance of the complaint. This remains the responsibility of schools.
- 10.4. If legislative or policy breaches are found, SCU will report them to the school and the complainant and, where necessary, require remedial action to be taken. Failure to carry out remedial actions could ultimately result in a formal Direction being issued by the Secretary of State.

**Note:**

The Local Education Authority has no role in reviewing any school's complaints procedures or in investigating individual complaints.

This procedure is based on the School Complaints Toolkit 2014, produced to help schools understand the obligations and duties arising from Section 29 Part 1 of the Education Act 2002 as recommended to Governing Bodies.

## Complaints Appeal Panel

### Check List

The Complaints Appeal Panel will take the following into account:

- The Hearing, while structured, is conducted as informally as possible.
- Witnesses are only required to attend for the part of the hearing in which they give their evidence.
- After introductions, the complainant is invited to explain their complaint, and be followed by their witnesses.
- The Headteacher may question both the complainant and the witnesses after each has spoken.
- The Headteacher is then invited to explain the school's actions and be followed by the school's witnesses.
- The complainant may question both the Headteacher and the witnesses after each has spoken.
- The Panel may ask questions at any point.
- The complainant is then invited to sum up their complaint.
- The Headteacher is then invited to sum up the school's actions and response to the complaint.
- The chair explains that both parties will hear from the Panel within 5 working days.
- Both parties leave together while the Panel decides on the issues.

## School Complaints Procedure: Flowchart

