



*Realizing Ambition*

---

## Cygnus Academy Trust Complaints Procedure

Review Date: January 2017

## PROCEDURE FOR DEALING WITH GENERAL COMPLAINTS

<p><b>STAGE 1</b> Informal</p>	<p>Please raise your concern with your child's class teacher or other relevant member of staff.</p> <p style="text-align: center;">↓</p> <p>Satisfactory outcome reached?</p> <p style="text-align: center;">↓                  ↓</p> <p>No                  Yes                  → <b>further action</b></p>
<p><b>STAGE 2</b> Headteacher's/Chair of Governors' Investigation</p>	<p style="text-align: center;">↓</p> <p>The complainant makes written complaint to the Headteacher (or chair of governors if complaint is about the Headteacher) using the complaint form (Appendix A).</p> <p style="text-align: center;">↓</p> <p>The Headteacher will investigate the complaint (or chair of governors if complaint is about the Headteacher), or designate this to a senior member of staff. The complainant will be informed of the outcome within 10 working days, or informed of a revised target date if the investigation requires more time.</p> <p style="text-align: center;">↓</p> <p>Satisfactory outcome reached? If no response to the school's letter to the complainant is received within 10 working days of the date of the letter the complaint is considered closed.</p> <p style="text-align: center;">↓                  ↓</p> <p>No                  Yes                  → <b>No further action</b></p> <p style="text-align: center;">↓</p>
<p><b>STAGE 3</b> Governors' Complaints Committee</p>	<p>The complainant refers the matter, by appealing in writing, to the Clerk to the Governors for the attention of the governors' complaints panel.</p> <p style="text-align: center;">↓</p> <p>Investigation by the governors' complaints panel. Complaints panel hears complaint.</p> <p style="text-align: center;">↓</p> <p>Satisfactory outcome reached?</p> <p style="text-align: center;">↓                  ↓</p> <p>No                  Yes                  → <b>No further action</b></p>
<p><b>STAGE 4</b> Secretary of State for Education</p>	<p style="text-align: center;">↓</p> <p>The complainant may decide to take their complaint to the Schools Complaints Unit (SCU), Department for Education, 2<sup>nd</sup> Floor, Piccadilly Gate, Manchester, M1 2WD or seek guidance here <a href="https://www.gov.uk/complain-about-school">https://www.gov.uk/complain-about-school</a></p>

# COMPLAINTS PROCEDURE

Our school aims to provide a good education for all our children. The Headteacher and other staff work very hard to build positive relationships with all parents, and to ensure good communications with parents/carers and others in the community. Matters seldom reach the stage of a formal complaint. The vast majority of parents/carers let us know their worries and we are able to address them and reach agreement or understanding. Despite everybody's best efforts, however, problems can arise which may result in a complaint being made. The school believes that complaints must be dealt with seriously, in a positive manner. By doing so, this not only enables specific situations to be resolved promptly but can also result in improvements applicable to the school and community as a whole.

This document sets out the school's procedure for addressing complaints. It should be used only when informal attempts to resolve problems have been unsuccessful. If you have any concerns about the school or the education provided, you are encouraged to discuss the matter first with your child's class teacher at the earliest opportunity. The school considers any concerns very seriously and most problems can be resolved at this stage.

Please note that this procedure does not apply to issues concerning the curriculum, collective worship, admissions, exclusion appeals, decisions about your child's special educational needs or grievances by or against staff. These are the subject of separate procedures, copies of which can be obtained from the school.

Except those complaints listed in the paragraph above, all other complaints are handled by the school according to the arrangements set out below.

## **Aims and Objectives**

The school will give careful consideration to all complaints and deal with them fairly and honestly. We will provide sufficient opportunity for any complaint to be fully discussed, and aim to resolve it through open dialogue and mutual understanding.

## **General Principles**

- The aim of these guidelines is to balance the rights and responsibilities of pupils, parents, school staff and Governors, and to recognise that responsibilities rest with each of these.
- Any complaint raised needs to be treated seriously and courteously and given the time necessary for the matter to be dealt with properly. It is important that the complainant has confidence in these procedures and knows that the matter will be impartially investigated.
- The complaints procedure should be easily accessible and well publicised.
- Complaints should be dealt with as quickly as possible, consistent with fairness to all.
- Dates and times of conversations should always be recorded and made available to investigators as necessary.

- A complaint is not part of any staff disciplinary process. Staff who may be questioned as part of a complaints procedure must be treated fairly and have an opportunity to put their case. They should be offered support in dealing with any investigation into a complaint.
- Any member of 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 as a result of the investigation. If, however, during the course of considering a complaint, the governing body conclude that disciplinary procedures should be initiated, they will consider this as a separate action, as there is an entirely separate procedure for schools to follow in terms of dealing with staff disciplinary matters.
- Confidentiality must be maintained at all times. All conversations and correspondence must be treated with discretion. Parents must feel confident a complaint will not disadvantage their child. Anonymous complaints should be disregarded unless someone else can substantiate the complaint. All parties to a complaint will need to accept that some sharing of information will be inevitable if the complaint is to be investigated fully.
- All staff and governors should have the opportunity to take part in training to raise awareness of the school's procedures and to develop their skills in dealing with people who wish to complain.
- All complaints should be recorded and monitored to allow any lessons to be learned by the school.

## **1. Stage 1 - dealing with informal complaints and concerns**

### **1.1 Guidelines**

1.1.1 The vast majority of concerns and complaints can be resolved informally, often straight away by the class teacher or the Senior Leadership, depending on whom the complainant first contacts. Where parents approach a governor at this stage, the governor needs to refer the parent to the member of staff most likely to help. Parents may contact the Attendance and Behaviour Officer who will arrange for the appropriate member of staff to respond.

1.1.2 Parents must 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 a parent. At first it may be unclear whether a parent is asking a question or expressing an opinion rather than making a complaint. A parent/carer may want a preliminary discussion about an issue to help decide whether he or she wishes to take it further.

### **1.2 Procedure - Stage 1**

1.2.1 Parents/carers need to be given an opportunity to discuss their concerns with the appropriate member of staff who can clarify the nature of their concern and reassure them that the school wants to hear about it. The member of staff may explain to the parent/carer how the situation arose. It may also be helpful at this point to identify what sort of outcome the parent/carer is looking for. The Senior Leadership Team must be informed of any informal complaint at this stage.

1.2.2 The member of staff will need to respond appropriately, taking into account the seriousness of the complaint. In many cases this will lead to immediate resolution of the issue.

1.2.3 If the member of staff first contacted cannot deal immediately with the matter, or if s/he needs to refer the matter to someone else, s/he will need to make a clear note of the date, name and contact address/phone number of the complainant. In either case the member of staff should subsequently ensure that appropriate action is taken to deal with the matter within 24 hours.

1.2.4 Where the concern relates to the specific actions of the Headteacher, the parent should be given the opportunity to meet with the Head of School to resolve the problem. In some circumstances the complainant may prefer to contact the chair of governors; this should be respected.

1.2.5 The staff member dealing with the complaint should discuss the outcomes, and any agreed actions, with the complainant.

1.2.6 If the issue remains unresolved or the complainant is not satisfied with the outcome the complainant should be advised about how to proceed with their complaint (Stage 2) and about any independent advice available to them.

## **2. Stage 2 - Formal consideration by the Headteacher (or other appropriate person)**

### **2.1 Guidelines**

- 2.1.1 It should by now have become clear that the concern is a definite complaint. In some cases the Headteacher will already have been involved in looking at the matter. In others, it will be their first involvement. In either case, it will be helpful for the Headteacher (or member of staff designated to investigate the complaint) to adhere to these guidelines to ensure consistency amongst cases and to make sure that nothing happens at this stage, which could make it difficult for the later stages to proceed smoothly.
- 2.1.2 As the Headteacher has responsibility for the day to day running of their school, he has responsibility for the implementation of the complaints procedure, including decisions about his own involvement at the various stages. One of the reasons for having the various stages in a complaints procedure is to reassure the complainant that more than one person is hearing their complaint.
- 2.1.3 The Headteacher will need to make arrangements to ensure that their involvement does not predominate at every stage of a particular complaint. For example, arrangements may be made for other staff to deal with concerns at stage one, while the Headteacher deals with contact with complaints at stage two. Even at this stage the Headteacher may designate another member of staff to collect some of the information from the various parties involved. If the Headteacher has been extensively involved at stage one it may be more appropriate for the chair of governors to manage the stage two proceedings.

### **2.2 Procedure - Stage 2**

- 2.2.1 Stage two complaints should always be in writing, using the complaint form (Appendix A) unless the complainant is unable to express the complaint in written form (advice and support is available from the LA's Equalities and SEN teams as appropriate).
- 2.2.2 The complainant's letter should be acknowledged in writing within three working days of receiving the stage two complaint. The acknowledgement will give a brief explanation of the school's complaints procedure, a target date for providing a response to the complaint and the name of person dealing with it. This will normally be within 10 school working days. Where this is not possible, a letter needs to be sent to the complainant explaining the reasons for the delay and giving a revised target date.
- 2.2.3 It should be possible even at this stage to reach an agreed solution to the problem. It needs to be considered that the aim is to progress the matter for the good of the child, their parents/carers and the school. Prolonging a complaint longer than necessary may be harmful to any or all parties involved.
- 2.2.4 The Headteacher (or designated member of staff) will need to provide an opportunity for the complainant to meet with him/her to supplement any of the information provided previously at the informal stage. It will need to be made clear to the complainant that they can, if they wish, be accompanied to any meeting by a friend, relative, representative or advocate who can speak on their behalf. The school should also provide interpreting

facilities if they are required. It is also recommended that the Headteacher meet the complainant with another member of staff present to record the proceedings.

- 2.2.5 Where required, the Headteacher will interview witnesses and take statements from those involved. If the complaint centres on a pupil, the pupil should also be interviewed. It is good practice that when pupils are interviewed in a formal situation, the children's parents are invited to be present. If this is not possible then a member of staff who is known and trusted by the pupil should be invited to attend.
- 2.2.6 Once all relevant facts have been established, the Headteacher will invite the complainant to a meeting to discuss the outcomes and resolve the matter directly. A written response will follow, to include a full explanation of the decision and the reasons for it. Where appropriate, this will include what action the school will take to resolve the complaint.
- 2.2.7 If no response to the school's letter to the complainant is received within 10 working school days of the date of the letter the complaint will be considered closed.
- 2.2.8 Where the complaint at stage two is against the Headteacher, arrangements should be made for the proceedings under this stage to be conducted by a single governor (usually the chair of governors or vice chair of governors).
- 2.2.9 If it appears that disciplinary action will be taken against a child or member of staff, immediate regard must be paid to the relevant procedures and the investigation to proceed accordingly.

### **3. Stage 3 – Consideration by the Governing Body**

#### **3.1 Guidelines**

- 3.1.1 Complaints only rarely reach this stage, but it is important that governing bodies are prepared to deal with them when necessary. At this stage schools would normally seek advice from the LA.
- 3.1.2 It is important that this appeal should not only be independent and impartial, but that it is seen to be so. As such, only governors with no prior knowledge or involvement in the case should sit on the committee. It is important that individual governors do not become involved with complaints at an earlier stage because of potential prejudice. If governors are approached about a complaint they should not respond but advise the complainant to follow the complaints procedure.
- 3.1.3 As this may be the last chance for a solution or compromise to be reached, every effort should be made to reach agreement through conciliation or mediation. Help and advice from the LA may be particularly helpful at this stage. Parents/carers are also encouraged to seek advice at this stage if they have not previously done so.
- 3.1.4 Complaint appeals should be in written format. In only exceptional circumstances (see para 2.2.1 above) should a school consider progressing an oral appeal. The appeal should outline clearly why the complainant feels their case has not been dealt with and should be based on evidence or supported by witness statements.
- 3.1.5 All complaints that reach this stage will have done so because the complainant has not been satisfied by the Headteacher's response at stage two or the original investigation by the chair of governors or vice-chair of governors, where the complaint had been about the Headteacher. It is important that the governing body views the complaint as being against the school rather than an individual staff member whose actions may have led to the original complaint.

#### **3.2 Procedures**

- 3.2.1 Following receipt of a stage three appeal the procedures outlined below will need to be followed.
- i. The clerk to the complaints committee will write to the complainant to acknowledge receipt of the written request within five school days. The acknowledgement will inform the complainant that the complaint will be considered by the governing body complaints committee, within 20 working school days of receiving the request.
  - ii. The letter will also explain that the complainant and the Headteacher have the right to submit any further documents relevant to the complaint. Both parties should send further documentation to the clerk at least eight school working days before the meeting. All concerned, including the complainant, should receive any relevant documents at least five school days prior to the meeting. The notification to the complainant should also inform him/her of

their right to be accompanied to the meeting by a friend/advocate/interpreter. The letter should also explain how the meeting would be conducted.

- iii. The clerk to the governors will convene the meeting of the governors' complaints committee. This shall consist of 3 governors, none of whom shall have had prior knowledge of the case or other potential conflict of interest. The chair shall be appointed annually by the governing body and should not be the chair of the staff committee or discipline committee. In the event of non-availability, a chair will be nominated by the chair of governors. The Headteacher and staff governors are not eligible to sit on the complaints committee. In the event of a vote in the complaints committee a majority decision is permitted.
- iv. The committee may invite members of staff and other witnesses directly involved in matters raised by the complainant to produce a written report, or to attend the meeting. Attendance of other staff or interested parties at the meeting is at the discretion of the chair of the committee.
- v. It is the responsibility of the chair to the committee to ensure that the meeting is properly minuted and may decide to bar electronic recordings of the proceedings.

A model procedure for conduct of the meeting is attached as Appendix B.

3.2.2 The aim of the meeting will be to resolve the complaint and achieve reconciliation between school and the complainant. However, it has to be recognised that sometimes it may only be possible to establish facts and make recommendations as to future actions that will satisfy the complainant that his or her complaint has been taken seriously.

3.2.3 The committee should remember that some parents/carers are unused to dealing with groups of people in formal situations and may feel inhibited when speaking to the committee. It is therefore recommended that the chair of the complaints committee ensures that the proceedings are as informal as the situation allows, and does their best to put the complainant at their ease.

3.2.4 Witnesses will be invited to the hearing and give statements but withdraw once they have done so.

3.2.5 As a general rule, no evidence or witnesses previously undisclosed should be introduced into the meeting by any of the participants. If either party wishes to do so, the meeting will be adjourned so that the other party has a fair opportunity to consider and respond to the new evidence.

3.2.6 At the conclusion of the meeting the chair should explain that the committee will consider its decision and write to both parties with the outcome within 15 working school days.

3.2.7 The Headteacher, the complainant and any witnesses should then withdraw to allow the committee to reach its decision. This should cover:

- a. Findings on the substantive complaint.

- b. Any appropriate action to be taken by the school or the complainant.
  - c. Where appropriate, any suggested changes to the school's systems or procedures to ensure that problems of a similar nature do not happen again.
- 3.2.8 A report and any recommendations should be reported to the school's governing body at the next full meeting.
- 3.2.9 A written statement outlining the decision of the committee must be sent to the complainant, Headteacher and the LA. If any disciplinary action is to be taken against a member of staff, then to protect his/her rights, only the phrase "appropriate action has or will be taken" should be used.
- 3.2.10 The governors will need to ensure that a copy of all correspondence is kept on file, marked as confidential, in the governors' records. These records should be kept separately from the pupil's personal records.
- 3.2.11 It is good practice that the Headteacher reports termly to governors on compliments and complaints received together with the outcome reached.

#### **4. Further action**

- 4.1 Except in the circumstances outlined in the introduction there is no further right of appeal for complainants.
- 4.2 Complaints may be made to the Schools Complaints Unit (SCU), Department for Education, 2<sup>nd</sup> Floor, Piccadilly Gate, Manchester, M1 2WD or seek guidance here <https://www.gov.uk/complain-about-school>

#### **5. Mediation**

- 5.1 Mediation is a process in which a neutral third party guides the people who are involved in a disagreement through a sequence of steps to a solution, which is identified, chosen and agreed by them.
- 5.2 In some circumstances it might be possible to access a mediation service or other similar services that are developing nationally. Such action could only occur if both parties are willing to participate, in that they would have to decide upon the terms of the outcome sought, as it is not the role of the mediator to provide solutions.
- 5.3 The mediator is impartial, s/he will not take sides, offer advice or solutions but will help parties to communicate and explore options.
- 5.4 Mediation is a voluntary process; it cannot take place without the agreement of both parties.

**Appendix A**  
**School Complaints Procedure**

**Complaint form**

**Please complete and return to the Head of School 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 have you already taken to try and resolve the complaint.  
(Who did you speak to and what was the response?)

## School Complaints Procedure

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:

## Appendix B

### Model procedure for the conduct of a complaint hearing at Stage Three

1. The chair of the committee should invite everybody into the room, introduce them and explain the role of each person.
2. The chair should explain to all present that the purpose of the meeting is to review the complaint, resolve any differences and achieve reconciliation between the school and the complainant.
3. The chair should then outline the proposed procedure for the meeting. S/he should listen to any concerns about the procedure but has the final decision about the arrangements:
  - a) The complainant will outline the complaint and may call witnesses.
  - b) The Headteacher will be given the opportunity to seek clarification from the complainant and/or witnesses.
  - c) The committee may seek clarification from the complainant and/or witnesses.
  - d) The Headteacher will be given the opportunity to respond and call witnesses.
  - e) The complainant will be given the opportunity to seek clarification from the Headteacher and/or witnesses.
  - f) The committee may seek clarification from the Headteacher and/or witnesses.
  - g) The complainant will be given the opportunity to sum up.
  - h) The Headteacher will be given the opportunity to sum up.
  - i) Both parties will then leave the room to allow the committee of deliberate.
4. The committee will then arrive at its decision. This will cover:
  - a. Findings on the complaint. (The panel can dismiss the complaint in whole or in part; or uphold the complaint in whole or in part)
  - b. Appropriate action to be taken by the school.
  - c. Any recommended changes to the school's systems or procedures.
5. The decision must be notified to all parties within 15 school days.

## **Roles and Responsibilities**

### **The Role of the Clerk**

It is recommended that any panel of governors considering complaints be clerked. The clerk would be the contact point for the complainant and be required to:

- set the date, time and venue of the 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 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.

### **The Role of the Chair of the Governing Body or the Nominated Governor**

The nominated governor role:

- check that the correct procedure has been followed;
- if a hearing is appropriate, notify the clerk to arrange the panel;

### **The Role of the Chair of the Panel**

The Chair of the Panel has a key role, ensuring that:

- the remit of the panel is explained to the parties and each party has the opportunity to put their case forward without undue interruption;
- the issues are addressed;
- key findings of facts are made;
- parents and others who may not be used to speaking at such a hearing are put at ease;
- the hearing is conducted in an informal manner with each party treating the other with respect and courtesy;
- the panel is open minded and acting independently;
- 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;
- 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 it would be useful to give all parties the opportunity to consider and comment on it.

## **School Complaints Procedure**

### **Checklist for a Panel Hearing**

The panel needs to take the following points into account:

- The hearing is as informal 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
- Both parties leave together while the panel decides on the issues
- The chair explains that both parties will hear from the panel within a set time scale

Next review January 2018