

Children and Young People's Service

[Alverton Community Primary School](#)

GENERAL COMPLAINTS POLICY



A responsive County Council providing excellent and efficient local services

[Alverton Community Primary School](#)

Complaints Policy

Background

The Education Act 2002 requires governing bodies of schools to have a procedure to deal with complaints about the school and any facilities or services that the school provides. The procedure must also be publicised.

From 31 July 2012 under section 45 of the Education Act 2011 the duty on Local Authorities to consider complaints about the curriculum, sex education and religious worship in maintained schools was removed.

Also, from 1 August 2012 complaints about maintained schools not resolved by the school that would have been considered by the Local Government Ombudsman or the local authority should now be addressed to the Secretary of State for Education. The school has accordingly adopted a complaints procedure in accordance with the following principles.

Definition of a Complaint

A complaint is any expression of dissatisfaction about the school and any community facilities or services that the school provides. This may come to the school in a variety of ways. It may not always be obvious that the person is complaining, e.g. a letter may come into school and be sent to the whole of the Governing Board without being headed "Complaint" but obviously containing information which requires investigation. It is very important that if a letter or verbal report may be interpreted as a complaint that the Headteacher seeks clarification from the person who has written the letter before any further action is taken.

If it is looking like the letter will be interpreted as a complaint it is vital that it is NOT read by all governors as the governing Board will not be able to carry out the complaints procedure in the correct manner and may be subject to criticism by the DFE at the end of the process. Complaints should NEVER be discussed at the full Governing Board for this reason.

Framework of Principles

An effective Complaints Procedure will:

- encourage resolution of problems by informal means wherever possible;
- be easily accessible and publicised;
- be simple to understand and use;
- be impartial;
- be non-adversarial;
- allow swift handling with established time-limits for action and keeping people informed of the progress;
- ensure a full and fair investigation by an independent person where necessary;
- respect people's desire for confidentiality;
- address all the points at issue and provide an effective response and appropriate redress, where necessary;
- provide information to the school's senior management team so that services can be improved.

Investigating Complaints

It is suggested that at each stage, the person investigating the complaint (the designated governor or Headteacher), makes sure that they:

- acknowledge the complaint letter in writing within 5 working days;
- establish what has happened so far, and who has been involved;
- clarify the nature of the complaint and what remains unresolved;

- meet with the complainant or contact them (if unsure or further information is necessary);
- clarify what the complainant feels would put things right;
- interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish;
- conduct the interview with an open mind and be prepared to persist in the questioning;
- keep notes of the interview.

Resolving Complaints

At each stage in the procedure schools will want to keep in mind ways in which a complaint can be resolved. It might be sufficient to acknowledge that the complaint is valid in whole or in part. In addition, it may be appropriate to offer one or more of the following:

- an apology;
- an explanation;
- an admission that the situation could have been handled differently or better;
- an assurance that the event complained of will not recur;
- an explanation of the steps that have been taken to ensure that it will not happen again;
- an undertaking to review school policies in light of the complaint.

It would be useful if complainants were encouraged to state what actions they feel might resolve the problem at any stage. An admission that the school could have handled the situation better is not the same as an admission of negligence.

An effective procedure will identify areas of agreement between the parties. It is also of equal importance to clarify any misunderstandings that might have occurred as this can create a positive atmosphere in which to discuss any outstanding issues.

Vexatious Complaints

If properly followed, a good 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 GB is able to inform them in writing that the procedure has been exhausted and that the matter is now closed. Remember it is the complainant who may be vexatious not the complaint so new complaints should be investigated in the usual manner.

Time-Limits

Complaints need to be considered, and resolved, as quickly and efficiently as possible. An effective complaints procedure will have realistic time limits for each action within each stage. However, where further investigations are necessary, new time limits can be set and the complainant sent details of the new deadline and an explanation for the delay.

Monitoring – the Head teacher will keep records of all complaints and will report to the Governing Board on a regular basis.*

Recording Complaints

The school should record the progress of the complaint and the final outcome. A complaint may be made in person, by telephone, or in writing. 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 can be kept and a copy of any written response added to the record.

Review

This Policy shall be reviewed by the Governing Board every three years or sooner pending the introduction of new legislation.

Adopted by **Alverton Community Primary School** Governing Body on **4.11.19**

Date for Review: **October 2021**

*** This will be for monitoring purposes only and will present an overview of the types of complaints and data in terms of numbers etc. No details should be given in respect of names or other identifying features.**

Alverton Community Primary School

THE COMPLAINTS APPEALS COMMITTEE – GUIDANCE FOR SCHOOLS

1st meeting of Governing Body in Academic year

The Complaints Appeals Committee - Establishment

General Procedure

At the first meeting in the autumn term Alverton School governing body will establish a Panel whose role it is to determine appeals against stage 2 decisions on formal complaints made under the school's complaints procedure. The Panel will only hear those complaints which have reached stage 3 of the procedure. i.e. after the complaint has already been investigated by the Headteacher/Chair of Governors.

Constitution

Whilst it is for the governing body to determine the constitution of the Panel it is strongly recommended that this should be any three governors, apart from staff governors and associate members, as available at the time of the appeal. Because of the need to provide confidence in the impartiality of the Panel staff governors should not be appointed to the Panel. Equally, associate members should not be appointed to the Panel because they may not vote on a range of issues including the budget, financial commitments of the governing body, admissions and pupil discipline and may therefore find their effectiveness curtailed if any of these issues form part of the complaint.

Terms of reference

The terms of reference suggested for the Panel are:

“to consider appeals in respect of complaints made pursuant to the school's complaints procedure including full delegated authority to:

dismiss the appeal in whole or in part; uphold
the appeal 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.”

Delegation

The Panel should be given full delegated authority to act.*

Date:

**Names: Izzie Wilkinson
Geoff Bush
Penny Schofield**

*** These Governors must not be Staff Governors. In the case of a conflict of interest the Panel member can step down and another Governor can be asked to act on the appeal providing they have no prior knowledge of the case.**

Alverton Community Primary School

COMPLAINTS PROCEDURE

Exceptions to the Procedure

This procedure does not cover those areas of school life for which other procedures exist including:

	For further information contact:-
(a) staff grievance and capability procedures	Human Resources
(b) staff disciplinary procedures	
(c) child protection investigations	
(d) admission appeals ¹	Local Area Office
(d) exclusion appeals ²³	Local Area Office – Behaviour Support Service
(e) appeals against the decisions of the LA about a child's special educational needs and provisions	Local Area Office – SEN Officer

Complaints involving the following areas:	
(f) Human Rights	Schools are recommended to seek advice from Legal Services at County Hall.
(g) Race Relations	
(h) Sex Discrimination	
(i) Disability Discrimination	
(j) Age Discrimination	

¹ In Foundation and Voluntary Aided Schools, complaints should be sent to the school's governing body.

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