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ODST Statutory Policy Guidance (All Schools require a policy on this topic/area. All local governing bodies will follow and have due regard to this guidance when drafting their local policy.)

## **ODST Model School Complaints Policy**

### **Introduction**

It is in everyone's interest that complaints about a school 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, a school must be clear about the procedures they will apply when they receive a complaint.

The underlying principle is that concerns ought to be handled, if at all possible, without the need for formal procedures. The requirement to have a complaints procedure need not in any way undermine efforts to resolve the concern informally.

In most cases the class teacher will receive the first approach and it is helpful when staff are able to resolve issues on the spot. This may include offering a clear explanation; in some cases accepting that a situation could have been handled better whilst in other cases an apology may be appropriate.

### **General Principles**

#### **Definitions.**

- Where the term "relevant body" has been used within this procedure, this means the Board of Trustees of ODST;
- Unless indicated otherwise, all references to "school" include both schools and academies;
- Unless indicated otherwise, all references to "teacher" include the Headteacher;
- Unless indicated otherwise, all references to 'staff' include both teaching and support staff.

#### **Consistency of Treatment and Fairness.**

The relevant body is committed to ensuring consistency of treatment and fairness and will abide by all relevant employment and equality legislation.

#### **Delegation.**

The relevant body has chosen to delegate some of its functions to local governing bodies as set out in this procedure.

#### **Monitoring and Evaluation.**

Any feedback or concerns regarding the procedure should be reported back in the first instance to the ODST Ethos and Curriculum Committee.

#### **Date of Review**

The procedure will be reviewed as required by the Board of Trustees of ODST to take account of any revised guidance from the local Safeguarding team and to any legislative changes and / or national policy development.

### **The Responsibility of the School**

1. Under the Education (Independent Schools Standards) (England) Regulations 2010 academies are required to have in place a procedure to deal with complaints relating to the school and to any community facilities or services that the school provides. The law also requires the procedure to be publicised.
2. The Local Governing Body (LGB) has delegated responsibility on behalf of the Trustees of ODST for the school and for ensuring that all pupils receive an appropriate and high standard of education. The Headteacher is responsible for making decisions on a daily basis about the school's internal management and organisation. The school should make it clear that parents and others should direct complaints to the school in most circumstances.
3. This model policy and procedure (see Appendix 1) will apply to all ODST schools. It is not intended to cover those matters for which there is a specific statutory process to object, complain or appeal.
4. Concerns about allegations of child abuse and staff discipline must be dealt with through the separate agreed procedures that have been adopted for these purposes. Similarly, separate procedures will apply in relation to appeals relating to admissions, special needs assessment and exclusions.
5. Schools should make all parents aware of the existence of their complaints procedure. The school website would be a suitable mechanism for doing so.

### **The Responsibility of ODST and the LA**

6. For most complaints, parents cannot take their appeal further than the LGB and neither ODST (as the employer) nor the Local Authority will investigate school matters on a parent's behalf nor would they review how the school has dealt with a complaint. The only grounds on which ODST may review the LGB panel's decision on a complaint are with regard to the tests of illegality, irrationality or procedural impropriety; i.e. ODST would review whether the LGB complaints panel has acted fairly and reasonably but it would not consider the detailed submissions put as evidence to the complaint panel by both parties. Any such panel would be expected to comprise a combination of Trustees, committee members and/or officers of the ODST. If, following these steps, you still feel that the school has acted unreasonably or not followed the correct procedures, you can write to the Secretary of State for Education via <http://www.education.gov.uk/help/contactus/df>

### **Using the Complaints Procedure**

7. The resolution of a complaint can be an opportunity for the school to improve its practice and develop further a strong partnership with parents.
8. The complaints procedure should be easily accessible and well publicised, so that parents know how to raise concerns.

9. It is desirable for any complaint to be addressed by a member of staff/governor at a level closest to the cause of concern.
10. Procedures should be as speedy as possible and ensure fairness to all involved. Suggested time- scales are provided in the model for schools to adopt or adapt to suit their circumstances (Appendix 1).
11. Confidentiality is important in securing the confidence of all concerned. Conversations and correspondence must be treated with discretion. Parents need to feel confident that a complaint will not disadvantage their child. However, the parties to a complaint should realise that some information may have to be shared in order to carry out a thorough investigation.
12. If the investigation of a complaint shows that it is justified, then the school should consider how to respond to it in an appropriate way.
13. All complaints should be recorded and monitored to identify issues and allow any lessons to be learned by the school.
14. Staff and governors in schools should have the opportunity to take part in training or briefing to raise their awareness of the procedures and develop their skills in dealing with people who wish to complain.

#### **Dealing with Complaints – Formal procedures**

15. The formal procedures will need to be invoked when initial attempts to resolve the issue are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further.
16. A complaint is distinct from any formal disciplinary procedure. 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 before responding to any investigation into a complaint.
17. If it becomes apparent that the complaint has the potential to be a disciplinary issue or if the complaint is against any member of staff, it is for the Headteacher or designated senior member of staff or, in the case of the Headteacher, the Chair of Governors or designated governor, to determine if it is a disciplinary or capability matter. If this is the case, the matter will be dealt with by following the appropriate (disciplinary or capability) procedure and the complainant will be notified that this is the outcome of their complaint, i.e. “The matter has been referred to the appropriate procedure”.

#### **Vexatious Complainants**

18. There may be occasions, when, despite all stages of procedures having been followed, the complainant remains dissatisfied. If the complainant tries to re-open the same issue, the Chair of Governors should inform them in writing that the procedure has been exhausted and that the matter is now closed.

#### **Third party providers**

19. Where a complaint is about something for which the school is not responsible, the complaint should be redirected and the complainant informed without delay.

## Appendix 1: School Complaints Procedure for \_\_\_\_\_ School

### Introduction

Governors of ..... School has adopted the following procedure to deal with formal complaints from members of the school community or general.

### Dealing with concerns at the earliest opportunity

1. If parents, pupils or members of the public have concerns they should:
  - a. Discuss their concerns with the member of staff most directly involved and, if not satisfied;
  - b. Discuss their concerns with a senior member of staff and, if not satisfied; (this stage will not apply in small schools);
  - c. Discuss their concerns with the Headteacher.
2. At each stage in the procedure, schools will want to keep in mind ways in which a concern or complaint can be resolved. It might be sufficient to acknowledge that the concern or 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.
3. Complainants should be 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.
4. Equally, an effective procedure will identify areas of agreement between the parties. It is also of importance to clarify any misunderstandings that might have occurred as this can create a positive atmosphere in which to discuss any outstanding issues.
5. Only where all these avenues have been tried and found unsatisfactory should the complainant take a complaint to the Chair of Governors or Clerk to the Local Governing Body (LGB).
6. If the Headteacher considers s/he can do no more to resolve the complaint it should be stated explicitly that the complainant can write to the Chair of Governors if not satisfied.

### Principles informing our complaints procedure

7. This procedure is designed to:
  - be well publicised and easily accessible;
  - 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;
  - allow a mediation process if agreed by the complainant;
  - allow for a hearing of a panel of Governors, where appropriate;
  - respect people's desire for confidentiality, wherever possible;

- address all points of issue, provide an effective response and appropriate redress where necessary;
- allow opportunity for learning and improvement where applicable.

### **Making a Complaint to the Local Governing Body**

8. Where informal attempts have been unsuccessful in resolving a complaint, the complainant should write to the Chair of Governors or Clerk to the LGB at the school address. The envelope should be marked 'FOR IMMEDIATE ACTION' and staff in the school office must ensure that the letter is forwarded without delay.
9. The complainant will be asked to complete a complaint form (Annex 1) if they have not already done so. The Chair of Governors or Clerk will offer to help an individual to complete the form if appropriate. On receipt of the complaint form the Chair of Governors (or other governor) will:
  - 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.
10. At this point the chair of governors will decide whether the complaint should go straight to the governors' complaints panel or whether a mediation stage should be offered. Mediation can only proceed if the complainant and the Headteacher are willing for it to be tried. If mediation is not successful, the complaint will be considered by the governors' complaints panel.

### **Mediation**

11. Mediation can be a good way to resolve a complaint because:
  - It gives both complainant and Headteacher another opportunity to hear each other's points of view (with a third party facilitating);
  - It gives the third party an opportunity to help Headteacher and complainant identify and build on areas of agreement;
  - It gives Headteacher and complainant a structure within which they can resolve remaining differences;
  - If both complainant and Headteacher emerge from the mediation satisfied, that is the best foundation for a continuing positive relationship between them;
  - Even if the complaint continues to a governors' panel, the issues to be considered are likely to be much clearer following the mediation.

Mediation may elicit one or more of the responses listed below from either party:

- an acknowledgment that the complaint is valid in whole or in part;
- 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.

### **Governors' Complaints Panel**

12. Where the complainant is still not satisfied that their complaint has been dealt with fully and properly, they may choose to take it to a panel of Governors.

13. Establishing a complaints panel:

- The LGB should agree the composition of the complaints appeals panel at the first meeting each year;
- As governors may not be available at all times LGBs are advised to agree the names of 4 or 5 possible governors from whom a panel may be drawn;
- The decision about the membership of a particular panel will depend on factors such as availability and will be made by the chair of governors;
- The panel will comprise of at least 3 members, none of whom will have had any previous direct involvement in the matter detailed;
- At least one member of the panel will be independent of the management and running of the school, for example a governor at another ODST school;
- When the Clerk of governors receives a copy of the complaint form he/she will inform the LGB that a complaint has been received and that it has been passed to the panel to deal with. No further information about the complaint should be shared with other governors.

14. There are several points which any governor sitting on a complaints panel needs to remember:

- It is important that the appeal hearing is independent and impartial and that it is seen to be so. No governor may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it;
- The aim of the hearing, which needs to be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant;
- The panel chair will ensure that the proceedings are as welcoming as possible. The layout of the room will set the tone and care is needed to ensure the setting is not intimidating and not adversarial;
- Governors sitting on the panel need to be aware of the complaints procedure and any other procedures relating to the complaint e.g. Anti-bullying policy.

15. The Chair of the Panel will be nominated by the Chair of Governors and is responsible for ensuring that both complainant and Headteacher are given a fair hearing and that the panel arrives at its judgement without fear or favour.

### Remit of the panel

16. The complaints 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 problems of a similar nature do not recur.

It may:

- Consider and, if appropriate, criticise the way in which an operational decision was communicated – but cannot overturn the decision itself;
- Consider the thoroughness with which the Headteacher/ LGB investigated a complaint about a member of staff – but cannot expect the Headteacher to provide details about confidential discussions with that staff member;
- Consider the manner in which a complaint about any decision was addressed – but cannot expect the Headteacher/ LGB to have changed the decision;
- Consider and, if appropriate, identify limitations in a policy or procedures –but cannot make or improve policy. (It can, however, recommend that the policy be reviewed by the LGB to

ensure that problems of a similar nature do not recur, and individual panel members can subsequently play their part in improving the policy);

- Consider whether it should recommend that the Headteacher/ LGB offer appropriate redress.

### **Format of a Panel Hearing**

17. An example of the format for a panel hearing is as follows:

- Complainant and Headteacher will enter the room where the hearing is taking place together;
- The chair will introduce the panel members and the Clerk and outline the process;
- The complainant is invited to explain the complaint;
- The Headteacher may question the complainant;
- The panel will question the complainant;
- The Headteacher is then invited to explain the school's actions;
- The complainant may question the Headteacher;
- The panel will question the Headteacher;
- 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 five working days;
- Both parties leave together while the panel decides on the issues;
- The Clerk will remain with the panel to clarify.

### **General Principles**

18. Certain principles underpin the format of a complaints hearing:

- The hearing should be made as unthreatening as possible to all parties;
- The panel may ask questions at any point. Panel members must find ways to ask probing questions while maintaining an air of impartiality;
- The Headteacher must have no contact with members of the governors' complaints panel except when the complainant is present to preserve the principle of neutrality. This means that Headteacher and complainant enter and leave the room where the hearing is held together;
- The chair of the panel should discourage the introduction of fresh documentary evidence at the hearing – there should be every encouragement to produce the evidence in advance so that both sides have time to study it;
- However, if new and relevant evidence is accepted by the chair, the chair will adjourn the hearing for a few minutes to allow everyone to read the document;
- Both parties must leave the hearing room during the adjournment.

### **Exceptional circumstances**

19. For the sake of clarity, the description above does not cover exceptional circumstances which might include:

- The chair of governors may not be able to find three governors who have no prior knowledge of the case: If a case has become a major talking point around the community, the chair can nominate three governors with minimal prior knowledge. If there are still insufficient governors able to sit on a panel, the governing body in consultation with ODST will put in place an alternative fair process;

- The complaint may not be against the Headteacher: A complaint to the governors' complaints panel will never be against a junior member of staff (it may be against the way the Headteacher handled a complaint against a junior member of staff) but it is conceivable that a senior manager will appropriately stand in for the Headteacher. That would need to be considered very carefully but if agreed the senior manager would be 'the Headteacher' for the purpose of the panel. There may be exceptional circumstances in which the complaint is against the chair of governors – e.g. for wilfully refusing to deal with a complaint. In those circumstances the procedure above would be adapted and every reference to 'Headteacher' would be read as 'chair of governors';
- The complainant and/or the Headteacher may wish to call witnesses: The use of witnesses is discouraged. In nearly every case, a complaints panel will want to work with written witness statements if appropriate, but there may be particular circumstances where the presence of witnesses is necessary to establish key facts. In those cases, witnesses must be agreed in advance. They will remain outside the hearing room until called in to give their evidence. They can be questioned by the panel members and the other party. They will leave the room when their evidence is completed;
- The complainant may be a pupil at the school: Good schools encourage pupils to raise concerns and would expect to resolve them before it becomes a formal complaint to the LGB. If it is not resolved, it would be very unusual if parents have not picked it up and made it a parental complaint. However, if a pupil is the complainant, panel members will wish to ensure that the same process is followed but special consideration is given to ensuring that the child is supported and does not feel intimidated. The panel needs to give the views of the child equal consideration to those of adults.

### Writing the decision letter

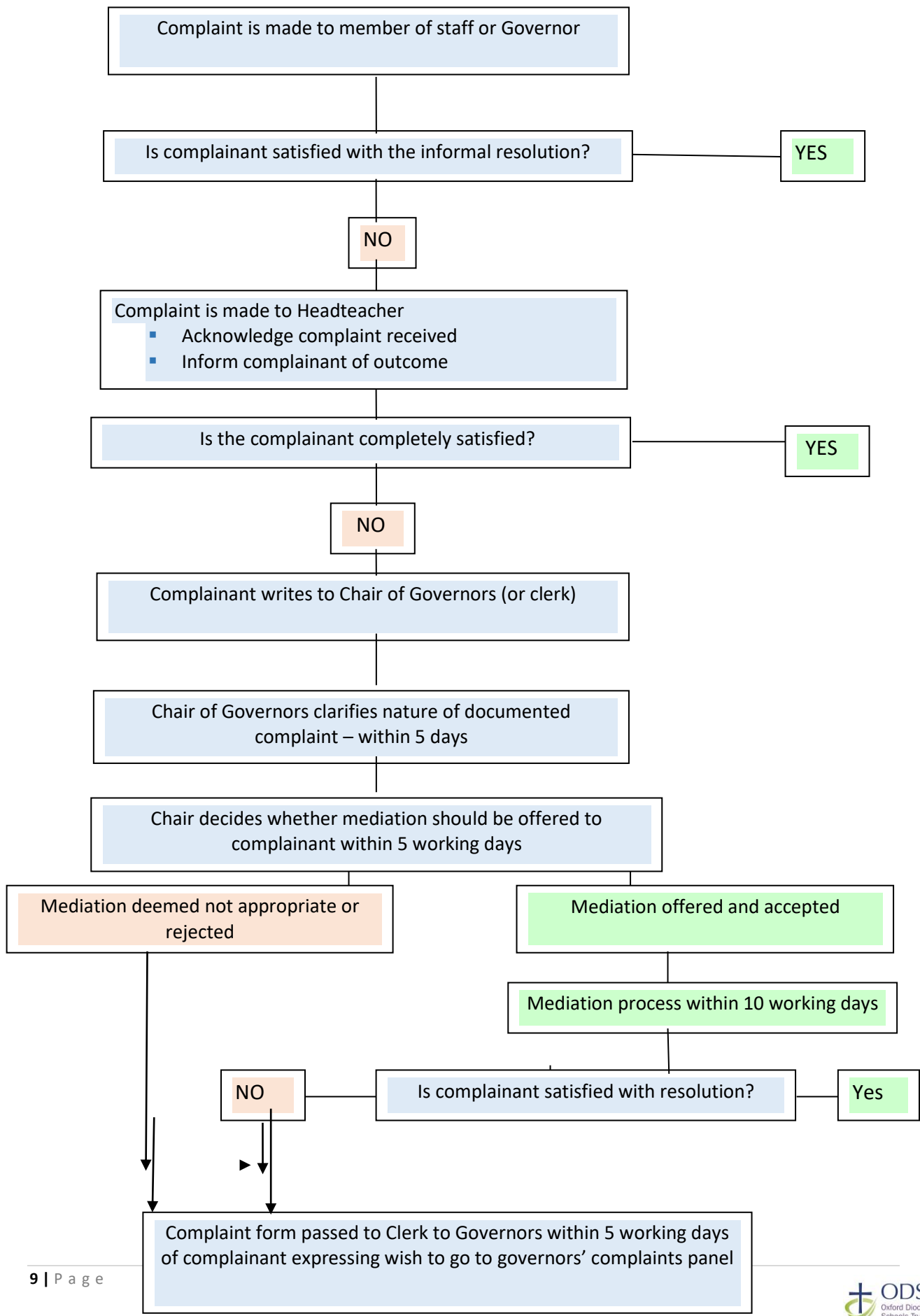
20. The Clerk should ensure that s/he has clear wording stating the panel decision about each of the issues that the panel considered before the panel is allowed to finish. The Clerk will use that wording to draft the decision letter. This should be sent to all members of the panel for checking. Once approved by all three panel members, it should be sent to the complainant with a copy to the Headteacher.
  - The letter should clearly express how seriously the panel considered the complaint;
  - The Clerk should be careful that the letter sticks to the facts and gives no hint of partiality;
  - The Clerk should ensure that the letter reaches the complainant and the Headteacher by the deadline stated in your policy and/or in a statement by the chair at the end of the hearing – usually five working days.

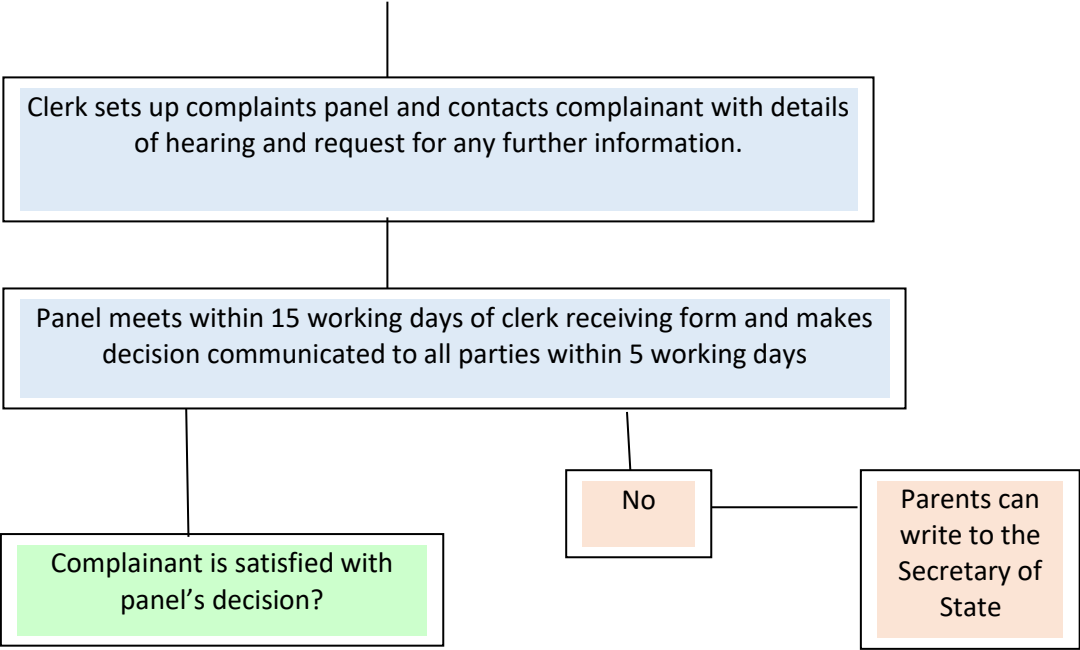
### Monitoring Complaints

21. As well as addressing an individual's complaint, the process of listening to and resolving complaints would contribute to school improvements. When individual complaints are heard, schools may identify issues that need to be addressed. The monitoring and review of complaints by the school and Governing body can be useful to evaluating the school's performance. Any discussion of complaints by the Governing body or others in the school community should not name or be able to identify individuals.

**The flowchart overleaf summarises the complaints process.**







## Annex 1- Model Complaint Form

This form can be used by any person making a complaint about the operation of the school which is not covered by an alternative specific procedure. Complaints will most often come from parents or carers but may also come from pupils/students or members of the public, e.g. school neighbours.

Anyone receiving this form should be advised verbally that help in completing it is available from the school. A member of school staff who is familiar with the process should be nominated to give help.

If it is appropriate for a member of staff to look into this complaint, it should be returned to the Headteacher.

If it is appropriate that it should be dealt with by a Governor, it should be returned to the Clerk to the Governors at the school.

### Model complaint form

\_\_\_\_\_ School

Please complete and return to \_\_\_\_\_ who will acknowledge receipt and explain what action will be taken.

Your name:

Address:

Postcode:

Daytime telephone number:

Evening telephone number:

If applicable, name of child(ren) at school:

Please give details of your complaint:

What action, if any, have you already taken to try and resolve your complaint? (Who did you speak to and what was the response?)

Your relationship to the school, e.g. parent, carer, neighbour, member of public:

What actions do you feel might resolve the problem at this stage?

Are you attaching any paperwork? If so, please give details.

Signature:

Date:

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*Official Use:*

*Date of acknowledgement sent:*

*By Whom:*

*Complaint referred to:*

## Annex 2 : Sharing your concerns about your child's education: A Parents' Guide

\_\_\_\_\_ School recognises that at times things can go wrong. This guidance will help you understand how to resolve concerns you may have about your child's education.

The school has procedures for dealing with concerns or complaints and we value any feedback about our services, including compliments and suggestions. If you are concerned about any aspect of your child's education, you should contact \_\_\_\_\_ at the school.

As a member of the Oxford Diocesan Schools Trust the school's Local Governing Body (LGB) has delegated responsibility for the school and for ensuring the well-being of pupils and that all pupils receive an appropriate and high standard of education.

The Headteacher is responsible for making decisions on a daily basis about the school's internal management and organisation. So you should contact the school if you are concerned about an issue such as:

- your child's academic progress;
- special education needs provision;
- your child's welfare;
- bullying;
- something that has happened in school.

### How do I complain to the school?

First, we hope you will speak to the relevant member of staff as soon as you have a concern. This is likely to be the class teacher. This informal approach is nearly always the quickest and most effective way of resolving your concerns.

If you feel that your concern has not been resolved, then it is important to speak to or write to the Headteacher who will look into your concern.

If you are unhappy with the Headteacher's response you should write with your complaint to the Chair of Governors/Clerk to the Local Governing Body at the school address. Mark your envelope 'FOR IMMEDIATE ATTENTION'.

### This is how your complaint will be handled

Within 5 working days the Chair of Governors will clarify the nature of your complaint by asking you to complete a complaint form and will offer help in completing the form, if appropriate.

Within 5 working days of receiving the form the Chair will decide whether mediation should be offered to help you and the Headteacher explore possible resolution.

If mediation is agreed, the Chair of Governors will endeavour to set up the meeting within 10 working days. If that timescale is not possible you will be told the reason.

If mediation is not deemed appropriate or if it is not successful, the Chair of Governors or Clerk will set up a panel of governors to meet within 15 working days to consider your complaint. The Clerk will provide details of the hearing and will request any further information you may wish to provide.

The complaints panel will consist of at least 3 members, usually governors but also including one member independent of the management and running of the school, who (as far as possible) will have no prior knowledge of the events being complained of. The panel will be supported by a Clerk who will take notes during the hearing and will stay with the panel while they make their decision in case governors need to be reminded about responses to a particular question. The panel will hear the complaint impartially and make their decision without fear or favour.

Five working days before the hearing the Clerk will send to you, the complainant, the Headteacher and the three panel members, copies of all papers submitted by both sides so that there is sufficient time to read the evidence before the hearing.

#### **At the hearing,**

1. You and the Headteacher will be invited into the room where the panel is being held at the same time;
2. After introductions, you, the complainant will be invited to explain your complaint;
3. The Headteacher may question you;
4. The panel will question you;
5. The Headteacher will be invited to explain the school's actions;
6. You, the complainant may question the Headteacher;
7. The panel will question the Headteacher;
8. The panel may ask questions at any point;
9. You, the complainant will then be invited to sum up your complaint;
10. The Headteacher will then be invited to sum up the school's actions and response to the complaint;
11. The chair will explain that you and the Headteacher will hear from the panel within five working days;
12. Both you and the Headteacher will leave together while the panel decides on the issues;
13. The Clerk will remain with the panel.

#### **Can I take my complaint further?**

For most complaints, you cannot take your complaint to the ODST. ODST will not investigate school matters on a parent's behalf. However, ODST may review the LGB panel's decision on the complaint having regard to the tests of illegality, irrationality or procedural impropriety; i.e. ODST would review whether the LGB complaints panel has acted fairly and reasonably. It would not consider the detailed submissions put as evidence to the complaint panel by both parties. Any such panel would be comprised of Trustees, committee members or officers of the ODST. If, following these steps, you still feel that the school has acted unreasonably or not followed the correct procedures, you can write to the Secretary of State for Education via <http://www.education.gov.uk/help/contactus/dfe>

August 2016