

Complaints Policy

July 2016



THE JO RICHARDSON

SUCCESS FOR ALL

COMMUNITY SCHOOL

ACHIEVE

Principles underpinning the process

The school is committed to ensuring that all complaints are acted upon fairly. The complaints process should:

- be simple to understand
- be impartial
- be non-adversarial
- deal with issues promptly
- respect confidentiality
- provide an effective response and redress, where appropriate
- influence how the school operates in future if there are opportunities for improvement

Stage 1: Complaint initially heard by staff member

- recommended maximum timescale for response: 10 working days from receipt of complaint
- any complaint or concern should be resolved informally whenever possible
- staff should always try to resolve a complaint, not make the situation worse
- the Student Planner advises parents about who they should contact in particular situations
- all staff should record any conversation with the complainant on the usual school forms, and a copy placed on a student's file, where appropriate
- all staff should follow all procedures outlined in the 'Communications' section of the Staff Handbook

Stage 2: Complaint heard by Headteacher

Where a situation is not resolved, the complainant should write to or email the Headteacher, outlining their concerns.

- the Headteacher should acknowledge receipt of the complaint in writing within 24 hours
- the Headteacher should then investigate the complaint and make contact with the complainant to pass on the findings of the investigation. This should usually be done within 10 working days
- this feedback should be designed to resolve the complaint, regardless of whether the complaint itself is found to be fully justified, partly justified or unfounded

The response from the Headteacher may include any of the following:

- an apology
- a clear acknowledgement that the school has been at fault
- an explanation of the steps that are being taken to avoid such a problem in the future
- an explanation of any misunderstanding on the part of the complainant about what may have happened
- a clarification of school policy, if necessary
- any actions that may help in providing the complainant with redress

Stage 3: Complaint heard by Governing Body

- if the Headteacher is unable to resolve the complaint, or if the Headteacher is the subject of the complaint, then the complainant should write directly to the Chair of Governors
- recommended maximum timescale for response: 20 working days from receipt of complaint
- the school should also make available to the Governing Body all the records of how matters have been handled
- the Chair of Governors should decide whether to deal with the matter directly or convene the complaints panel
- if the decision is taken not to deal directly, the Governing Body complaints panel should be convened
- a written invitation to the hearing should be sent to the complainant

The meeting should follow the following procedures:

- the complainant is invited to outline their complaint
- witnesses may be called in to support the complainant
- the Headteacher has the opportunity to question the complainant and/or witnesses
- the Headteacher responds to the complaint
- witnesses may be called to support the Headteacher
- the complainant may question the Headteacher and/or witnesses
- the panel may ask questions at any point
- the complainant sums up
- the Headteacher sums up
- both parties leave while the panel deliberates in confidence

The Chair of the panel writes to both parties within three days, informing them of the decision.

Stage 4: Complaint heard by the Secretary of State for Education

- Please put your concerns in writing directly to:
Department for Education
School Complaints Unit
2nd Floor, Piccadilly Gate
Store Street
Manchester
M1 2WD
- Alternatively, this can be done online at www.education.gov.uk/help/contactus
- If a complaint has completed the local procedures and the complainant remains dissatisfied, they have the right to refer their complaint to the Secretary of State. The Secretary of State has a duty to consider all complaints raised but will only intervene where the governing body has acted unlawfully or unreasonably and where it is expedient or practical to do so.
- The School Complaints Unit (SCU) considers complaints relating to LA maintained schools in England on behalf of the Secretary of State. The SCU will look at whether the complaints policy and any other relevant statutory policies were adhered to. The SCU also looks at whether statutory policies adhere to education legislation. However, the SCU will not normally re-investigate the substance of the complaint. This remains the responsibility of schools.
- The SCU will not overturn a school's decision about a complaint except in exceptional circumstances where it is clear the school has acted unlawfully or unreasonably. If the SCU finds that the school has not handled a complaint in accordance with its procedure, they may request that the complaint is looked at again.
- If legislative or policy breaches are found, the SCU will report them to the school and the complainant, and where necessary, ask for corrective action to be taken. The SCU normally also seeks written assurances as to future conduct. Failure to carry out remedial actions or provide written assurances could ultimately result in a formal Direction being issued by the Secretary of State in accordance with her powers under sections 496 and 497 of the Education Act 1996.
- The Local Government Ombudsman has no formal role in the handling of school complaints for Barking and Dagenham Schools from 1st August 2012

Serial and persistent complaints

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 is able to inform them in writing that the procedure has been exhausted and that the matter is now closed at school level.

This does not preclude a complaint being escalated to Stage 4. The Secretary of State for Education will make an independent judgement about each case.