

Ellis Guilford School

Complaints Procedure

Reviewed: April 2017

Next Review:

Approved at the meeting of the Governing Body held on:

Signed:

Position:

To be reviewed:

Under Section 29 of the Education Act 2002, the governing body of all maintained schools and nursery schools in England are required to have in place a procedure to deal with complaints relating to the school and to any community facilities or services the school provides. The law also requires the complaint procedure to be publicised (see Appendix B).

This complaints procedure covers all complaints about any provision of facilities or services that Ellis Guilford provides with the **exceptions** listed in Appendix C, for which there are separate (statutory) procedures.

There are certain other complaints which fall outside the remit of the governing body's complaints procedure, for example, staff grievances or disciplinary procedures.

Allegations of abuse against a member of the school staff must be reported to the Headteacher immediately. Allegations of abuse against the Headteacher must be reported to the Chair of Governors immediately. Immediate contact must be made by the Headteacher or Chair of Governors with the Local Authority Child Protection Officer.

For complaints that do not fall within the definition of curriculum complaints, the responsibility for dealing with them falls entirely on the governing body. Nottingham City Council may not take over this responsibility, and appeals against governing body decisions and procedures would be heard by the Secretary of State.

Any complaints concerning the conduct of school staff will be handled in accordance with the schools internal disciplinary procedures. The details of such an investigation will remain confidential. Extended Schools: the governing body will ensure that any third party provider offering activities and services through the extended schools programme has their own complaints procedure in place. If a third party provider's complaints process is exhausted and the matter is not resolved and it will be referred to a Governors' Complaints Panel. This ensures that the Governors are kept aware of complaints about provision.

Who can make a complaint?

Any person, including members of the general public, may make a complaint about any provision of facilities or services that Ellis Guilford provides, unless separate statutory procedures apply (such as exclusions or admissions). The school must not limit complaints to parents or carers of children that are registered at the school.

Ellis Guilford School Complaints Procedure

Complaints received from Parents, Carers and Guardians

Each level of the procedure set offers the opportunity for concerns and complaints to be resolved as quickly as possible.

Level 1 – Informal

Parents, carers or guardians should, in the first instance, make an appointment to speak to the class teacher or a head of house about the concern. It is best to resolve issues at this point.

Guidance on informal level 1:

- *Concerns should initially be handled informally in a manner that offers the best way of resolving issues.*
- *A class teacher or head of house should offer an appointment to discuss the issue as quickly as possible, as this will give both parties time to talk about it calmly and politely without being interrupted. This can allow parties to remain calm. It will also show a commitment to resolving issues.*
- *It is important for parents to recognise that schools are busy organisations and that it may not be possible to offer an appointment straight away.*
- *The parties involved should be encouraged to offer their view of what would be a realistic resolution to the problem.*

Level 2 - Informal

Parents, carers or guardians dissatisfied with the result of the discussions with the class teacher or head of house should ask for an appointment to meet with the member of Senior Leadership Team (SLT) having responsibility for that subject or house.

If a resolution to the issue is proving difficult to find, the Headteacher, a member of the leadership team, a Deputy Headteacher or Assistant Headteacher can speak to one member of the governing body about the issue who may be willing to offer informal intervention. However, there is no obligation on any governor to become involved at this level.

If everyone involved is unable to resolve the issue then it may be necessary to ask for information or support from Nottingham City Council. The issue that is the focus of the complaint will determine the person contacted. The Headteacher, member of the leadership team, Deputy Headteacher or Assistant Headteacher should advise on who the complainant should contact.

Guidance on informal level 2:

- *It is always best to resolve issues informally at the earliest possible time but if the person is not satisfied with the result of the talk with the teacher or head of house then he/she can ask for an appointment to meet with the member of Senior Leadership Team (SLT) having responsibility for that subject or house.*
- *It is in everyone's interest, particularly the child or children, for concerns and complaints to be sorted out quickly and smoothly.*
- *The aim should be that discussions end on a positive note with no bad feeling.*
- *It is good practice for the member of Senior Leadership Team (SLT) having responsibility for that subject or house to write a letter to parents summarising what has been agreed regarding the issue.*

- *The member of Senior Leadership Team (SLT) having responsibility for that subject or house may feel that a particular governor's input would be helpful in bringing about a resolution but there is no obligation on any governor to become involved at this level.*
- *The advice from a Children's Services Representative will be designed to help facilitate a resolution to the problem as quickly as possible.*

It is hoped that most problems will have been resolved by now.

Level 3 – formal complaint letter to Headteacher

An issue that has not been resolved through the informal levels 1 and 2 can become an official complaint.

Parents, carers or guardians wishing to move to level 3 must write a formal letter of complaint to the Headteacher. The letter will need to set out clearly the issues which have previously been discussed and why the parent, carer or guardian considers the issue to be unresolved.

Headteachers should consider the complaint and discuss a resolution with the complainant. The Headteacher should respond to the complainant in writing within 10 school days of receipt of the letter.

Guidance on level 3- formal:

- *An unresolved issue can now move to a formal complaint. This is a serious step to be taken. In consideration of future home/school relationships everyone concerned will need to Negotiate an agreement and concentrate on finding a resolution to the issue.*

If the complainant is unhappy about the decision that the Headteacher has made as a result of the level 3 complaint, this does not become a complaint about the Headteacher. If the complainant feels the complaint has not been resolved he/she should proceed to Level 4, a Governors' Complaints Panel.

Level 4 – formal complaint requesting a Governors' Complaints Panel.

Time Scales:

Receipt of complainant's letter	Acknowledgement within 5 school days
Receipt of complainant's letter	Governors' Panel meeting within 15 school days (unless this goes into school holidays)
Written documentation sent to Governors' Panel Members and complainant and Headteacher	5 school days before meeting.
Governors' Panel members decision communicated to all concerned	As soon as possible but within 10 school days of Meeting.

Complainants wishing to move to level 4 of the formal complaints procedure will need to write a letter to the Chair of Governors to request that a Governors' Complaints Panel meets to hear the complaint. This formal complaint letter must be received within 20 school days of the last meeting

with the Headteacher concerning the issue. The complainant should write to the Chair of Governors at the school address marking the envelope 'urgent and confidential'. The letter will need to set out the complaint that has previously been formally discussed with the Headteacher and show why the matter is not resolved. Additionally it should detail what actions would resolve the complaint. A template letter is included as **appendix A** to this complaints procedure.

Before the meeting:

The Chair of Governors should:

- appoint a clerk to the Governors' Complaints Panel
- acknowledge the complainant's letter in writing within 5 school days of receipt
- arrange for a panel of governors to meet within 15 school days of receipt
- provide the Headteacher with a copy of the complainant's letter, and request written documentation relevant to the complaint from the school.

The clerk should send both the complainant's letter and the school documentation to the Governors' Complaints Panel members, complainant and Headteacher (and anyone else involved in the meeting) at least 5 school days before the date of the meeting.

The complainant and Headteacher will be invited to attend the Governor's Complaints Panel meeting to give a verbal statement in support of their documentation. Each of them can bring someone to support them if they wish.

At the meeting:

The complainant and Headteacher (or his/her representative) should provide all the relevant information they wish and the Governors' Complaints Panel members should clarify any points. After the complainant and Headteacher (or his/her representative) have provided all the information they wish, the Chair will ask all parties to leave except the panel members and the clerk. In order for the panel to make a considered decision, it is necessary for both the Headteacher (or his/her representative) and the complainant to make available **all** materials they intend to present to the panel a minimum of 5 working days prior to the meeting.

After the meeting:

The Governors' Complaints Panel will write to all concerned within 10 school days to explain their decision and suggest a resolution to the problem, if appropriate. The decision of the Governor's Complaints Panel is final.

The decision of the Governors' Complaints Panel will not be investigated. If, however, the complainant feels that the School and Governors have not followed the school's complaints procedure correctly, he/she can contact Nottingham city Council for assistance. In this case he/she should ring Governor Services on 0115 8764589, who will arrange for an officer to contact him/her.

A complaint may be made to the Secretary of State for Education if a person believes that a governing body or LA is acting 'unreasonably' or is failing to carry out its statutory duties properly (see sections 496 and 497 of the Education Act 1996). However, intervention can only occur if the governing body or the LA has failed to carry out a legal duty or has acted unreasonably in the performance of a duty. Intervention would have to be expedient in the sense that there would have to be something that the Secretary of State could instruct either party to do to put matters right. The Secretary of State must be satisfied that a decision is unreasonable in the sense that no reasonable authority or governing body, acting with due regard to its statutory responsibilities, would have reached that decision.

Guidance on level 4 - formal:

Before the meeting:

The Complaints Panel must be made up of at least three members and a clerk. It is important that the panel 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. In deciding the make-up of the panel, governors need to try and ensure that it is a cross-section of the categories of governor and sensitive to the issues of race, gender and religious affiliation

At the meeting:

The aim of the meeting, which needs to 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 the complainant might not be satisfied with the outcome if the hearing does not find in their favour. It may only be possible to establish the facts and make recommendations which will satisfy the complainant that his or her complaint has been taken seriously.

- *Although this is a formal meeting, every effort should be made to make it as informal as possible for all concerned.*
- *Everyone attending should be in the room at the same time*
- *Consideration may need to be given to the seating arrangements to make everyone feel equal and comfortable.*
- *The clerk should take notes of the meeting, including listing who is present:*
 - ☐ *Governors, stating who is the Chair of the Governors' Complaints Panel*
 - ☐ *Headteacher (or his/her representative) and any other members of school staff*
 - ☐ *Parents and anyone accompanying them e.g. friend*
 - ☐ *Clerk*

These minutes will remain confidential.

- *The Chair of the Governors' Complaints Panel should open the meeting stating the purpose and the format of the meeting to clarify this to all in attendance.*
- *People present should introduce themselves stating their reason for being at the meeting.*
- *The Chair of the Governors' Complaints Panel should request a verbal statement from the complainant in support of his or her written letter of complaint and why she/he feels the issue has not been resolved. The Governors' Complaints Panel members can ask questions to make sure they understand the issue from the complainant's point of view.*
- *The Chair of the Governors' Complaints Panel should request a verbal statement from the Headteacher (or his/her representative) in support of his/her written account of the complaint and the steps taken to resolve the issue. The Governors' Complaints Panel members can ask questions to make sure they understand the issue from the Headteacher's point of view.*
- *The members of the Governors' Complaints Panel should make sure they fully understand the issues and ask any further questions to clarify any points that are still not clear to them.*
- *The chair of the Governors' Complaints Panel must ask the complainant and the Headteacher (or his/her representative) if they are satisfied that they have provided all the information they wanted or if there is something they wish to add and if they feel they have had a fair hearing.*
- *When the Governors' Complaints Panel members understand all the issues, the Chair will ask all parties to leave except the panel members and the clerk.*

After the meeting:

The Governors' Complaints Panel members then discuss the issues in private and the clerk remains to record the decision.

- The Panel members will need to consider the information, come to a decision and suggest a way to resolve the issue taking into account the best interests of the child or children.
- 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.
- When the Panel have reached a decision the clerk will inform everyone concerned in writing as soon as possible, but in any event, within 10 school days of the panel meeting. The letter needs to explain if there are any further rights of appeal and, if so, to whom they need to be addressed.

The decision of the Governor's Complaints Panel is final.

Once a Governor's Complaints Panel has heard a complaint, and it is clear that correct procedures have been followed, that specific complaint cannot be reopened. If a request is received in this respect, the Chair of Governors should inform the complainant that the matter is closed.

Concerns or complaints specifically about the Headteacher

If the concern or complaint is specifically about the Headteacher and is unable to be resolved at the informal stage, then it will be necessary for the complainant to formally complain to the Chair of Governors. The school will provide the Chair of Governor's name and the complainant should write to him or her at the school address marking the envelope 'urgent, private and confidential'. The Chair of Governors should acknowledge the complainant's letter in writing within 5 school days of receipt and contact a Governor Support Service Officer for advice.

Concerns or complaints specifically about a governor.

Complaints against Chairs of Governors

In the event of a formal complaint being made against the Chair of Governors, which is unable to be resolved at the informal stage, then it will be necessary for the complainant to formally complain to the Vice-Chair of Governors. The school will provide the Vice-Chair of Governor's name and the complainant should write to him or her at the school address marking the envelope 'urgent, private and confidential'. The Vice-Chair of Governors should acknowledge the complainant's letter in writing within 5 school days of receipt.

A governor who is the subject of the complaint would normally be advised of the situation immediately. However, if the complaint involves a child protection issue, child protection arrangements will come into force. The complaint will be considered to be a Level 4 – formal complaint and therefore will be considered by Governors' Complaints Panel. Complainants will be informed of the limited powers of such a committee in these circumstances. If the complaint is upheld or upheld in part, the committee may make recommendations to the Governing Body. If necessary the complaints panel may be composed of governors from another school within Nottingham City.

Complaints against Governors

A formal complaint against a governor other than the Chair should be referred to the Chair, who will investigate seek to resolve it. The school will provide Chair of Governor's name and the complainant should write to him or her at the school address marking the envelope 'urgent, private and confidential'. The Chair of Governors should acknowledge the complainant's letter in writing within 5 school days of receipt. A governor who is the subject of the complaint would normally be advised of the situation immediately. However, if the complaint involves a child protection issue, child protection arrangements will come into force. If it cannot be resolved by the Chair, the complaint will be considered to be a Level 4 – formal complaint and therefore will be considered by Governors' Complaints Panel. Complainants will be informed of the limited powers of such a committee in these circumstances. If the complaint is upheld or upheld in part, the committee may make recommendations to the Governing Body. If necessary the complaints panel may be composed of governors from another school within Nottingham City.

Governors co-opted or elected on to the governing body can be suspended for a period of up to six months. Governors appointed by the Local Authority can be suspended or removed from the governing body.

Complaints made by persons or organisations other than Parents, Carers and Guardians

Care should be taken to ensure that the complaint being raised falls within the limits of this policy and is not an exception as listed in Appendix C. Normally, complaints from staff or representatives of staff would be made through other policies and procedures (whistleblowing, grievance and disciplinary).

All complaints made by persons or organisations other than parents, carers or guardians should be directed to the Business Director. The Business Director will log the complaint and aim to respond with an acknowledgement of the complaint within 24 hours. In the event that the complaint is against the Headteacher, the Business Director will direct the complaint to the Chair of Governors without investigation.

Dependent on the nature of the complaint, the Business Director should aim to respond to the complaint within 5 working days. Where it is envisaged that the complaint will require longer than 5 working days to resolve, the Business Director will inform the person/organisation making the complaint of the reason for the anticipated delay and inform them of an intended response date.

Although the Business Director may utilise the advice of other member of SLT, or other members of the school staff, he/she will retain the responsibility of responding to the complaint.

In the event that the response provided by the Business Director is not satisfactory to the complainant, the complainant will be informed that they have the right to refer this to the Headteacher. If a complaint is referred to the Headteacher, a further 5 day response time will be instigated. The final recourse for a complainant if they are still not satisfied is to refer the complaint to the Chair of Governors under the procedures listed in Level 4 of this policy.

Persistent and Serial Complainers

It is important to distinguish between people who make a number of complaints because they really think things have gone wrong, and people who are being difficult. Complainants can be frustrated and aggrieved and it is therefore important to consider the merits of the case rather than their attitude. Even though someone has made vexatious complaints in the past, it cannot be assumed that the next complaint is also vexatious. Each complaint must be considered as to whether it is vexatious or genuine. If a complaint is received and this is a repeat of an issue that has already been concluded by the school, and the school has already notified the complainant of the outcome, the school are entitled to disregard the complaint. After the Chair of Governors has responded to the complainant that the matter is resolved and re-stated the school's position once, no further correspondence is required for any repeated complaints subsequently received. This does not apply to fresh complaints from the same complainant about different issues/incidences.

Complaint letter template for Ellis Guilford School

Please complete and return to the Chair of the Governing Body who will acknowledge receipt and explain what action will be taken.

Complete pupil's name and relationship to pupil only if you are a parent, carer or guardian.

<p>Your name:</p> <p>Pupil's name:</p> <p>Your relationship to the pupil:</p> <p>Address:</p> <p>Telephone number(s):</p>
<p>Details of the complaint</p>
<p>What action, if any, have you already taken to try and resolve your complaint</p>
<p>What actions do you feel might resolve the problem at this stage?</p>
<p>Are you attaching any paperwork? If so, please give details.</p>
<p>Signature:</p> <p>Date:</p>

APPENDIX B

Publicising of complaints procedure

There is a legal requirement for the Complaints Procedures to be publicised.

The Governing Body will ensure that this procedure is available on the school website and that reference to the procedure is included in the following areas in order to signpost all stakeholders to the website:

- the school prospectus;
- any report/communication from the governors to parents;
- the information given to new parents when their children join the school;
- the information given to the children themselves;
- the home-school agreement;
- home school bulletins or newsletters;
- documents supplied to community users including course information or letting agreements;
- posters displayed in areas of the school that will be used by the public, such as reception or the main entrance;

APPENDIX C

COMPLAINTS NOT IN THE SCOPE OF THE PROCEDURE

<p>A□□□□□□□□□□□□□□□□□□□□</p> <p>Statutory assessments of Special Educational Needs (SEN)</p> <p>School re-organisation proposals</p> <p>Matters likely to require a Child Protection Investigation</p>	<p>Concerns should be raised direct with local authorities (LA). For school admissions, it will depend on who is the admission authority (either the school or the LA). Complaints about admission appeals for maintained schools are dealt with by the Local Government Ombudsman.</p>
<p>Exclusion of children from school</p>	<p>Further information about raising concerns about exclusion can be found at: www.gov.uk/school-discipline-exclusions/exclusions.</p>
<p>Whistleblowing</p>	<p>Schools have an internal whistleblowing procedure for their employees and voluntary staff. Other concerns can be raised direct with Ofsted by telephone on: 0300 123 3155, via email at: whistleblowing@ofsted.gov.uk or by writing to:</p> <p>WBHL, Ofsted Piccadilly Gate Store Street Manchester M1 2WD.</p> <p>The Department for Education is also a prescribed body for whistleblowing in education.</p>
<p>Staff grievances and disciplinary procedures</p>	<p>These matters will invoke the school's internal grievance procedures. Complainants will not be informed of the outcome of any investigation.</p>
<p>Complaints about services provided by other providers who may use school premises or facilities.</p>	<p>Providers should have their own complaints procedure to deal with complaints about service. They should be contacted direct.</p>