



Complaints Policy

1. Introduction

This policy is based on the principle that where at all possible, complaints will be dealt with informally. Where this proves unsuccessful the formal procedures will give the complainant a route to ensuring the issue is appropriately considered.

This document has been prepared to support a process for dealing with complaints. It is intended that this document will clarify how complaints can be made by parents, pupils, members of the public, and also how the school will respond.

Schools will have a complaints procedure in order to meet recommendations laid down in the DfES Guide to the Law for School Governors (Chapter 5: 21-24). In October 2000 The Human Rights Act came into force, and schools will be mindful to give consideration to Article 6, 'The Right to a Fair Trial'. North Tyneside Schools Services recommend that all schools will have a publicised complaints procedure.

This document does not cover complaints in the following areas:

- Curriculum
- Sex and Relationships
- Admissions
- SEN
- Child Protection

Separate statutory provision has been made for complaints within these areas (see page 4 - Definition of complaint).

Complaints concerning statutory and advisory services provided directly by The Local Education Authority are dealt with under North Tyneside Council's Corporate Complaints Procedure, details of which are available from the Council's Customer Services Function or call centres - Tel 0191 200 5000.

2. Publicising the Policy

The school's governing body will include in the school's prospectus, details of how to obtain a copy of the school's complaints policy.

3. Monitoring the Policy

School governing bodies will review their policy on an annual basis and monitor the number of complaints received, how these were dealt with and any action taken.

4. Recording Information

Where formal procedures are being followed details of complaints will be recorded at all stages. Accurate information of the investigation will be recorded, to avoid confusion at any later stage; this includes names, times, dates of events etc. Records will be dated and signed by the investigator.

5. Confidentiality

Complaints will be handled confidentially and information will only be given on a need to know basis. It is not advisable for complaints to be discussed at whole governing body meetings as this may prejudice any involvement of governors at a later stage.

6. Carrying out an Investigation

The extent of the investigation and number of pupils, staff or others to be interviewed will clearly vary on a case by case basis but some broad principles can be identified.

- Where a parent has complained, he/she will be interviewed to clarify the issues raised in the complaint and to listen to any concerns the parent may have. Parents will be reassured that their complaint is being taken seriously and that the matter will be fully investigated and any outcome reported back to them,
- At the outset of an investigation, the person undertaking the investigation will identify and not down who needs to be interviewed. Others may be added or deleted to the list at a later stage as information emerges.
- It is usual to interview individual children away from others who may have been involved in the matter causing the complaint. It is often appropriate to interview individual pupils privately, preferably with another adult present. A note of the information provided can be taken at the same time and then signed and dated by the interviewer (*contemporaneous note*). It is usual to ensure that the surroundings for the meeting are comfortable and familiar to the interviewee.
- Always make a note of interviews undertaken at the time of the meeting and sign and date them.
- If an allegation of a serious nature is made, for example bullying, theft or a significant number of lesser allegations, the parents of the alleged perpetrator(s) will be informed with an explanation that the matter is being investigated. It would be appropriate to invite parents to discuss the problem and interview the children in the parent(s) presence. (If the parent cannot be present, it is appropriate to have a member of staff, not involved in the matter, to act in a support role of the child). It would be appropriate to advise the parent of the outcome of the investigation and the reasoning behind it.
- If during an investigation a child will be distressed, it would not be appropriate to continue at that point. It may not be necessary or appropriate to resume later.
- A report of the investigation will be prepared. This will reference the issues of the complaint, details of the investigation and any conclusion reached.

7. Definition of a complaint

"An expression of dissatisfaction which needs a response from the school"

Most issues can be amicably resolved within the school. Every effort will be made to resolve these informally. However, where issues cannot be resolved and you are not satisfied, our concerns may be submitted in writing and this would then form a 'complaint' which will be responded to using these procedures.

A complaint is not considered under these procedures if it relates to:

- Curriculum
- Sex and Relationships
- Admissions
- Exclusions
- Special Educational Needs
- Child Protection

All these areas are dealt with under their own specific procedures as follows:

Curriculum and Sex Education: Education Act 1996 Part V Chapter 1 and the Schools Standards and Framework Act 1998 Part 11

Parents may make a complaint if they believe that the LEA or the governing body are failing to:

- Provide the national curriculum in the school or for a particular child
- Follow the law on charging for school activities
- Offer only approved qualifications or syllabuses
- Provide the information that they have to provide
- Carry out any other statutory duty relating to the curriculum, or are acting unreasonably in any of the above cases.

Admissions: School admissions appeals are subject to the Code of Practice for School Admission Appeals 1999 based on the School Standards and Framework Act Part 111 Chapter 1.

Exclusions: Issues relating to exclusions are dealt with under the Schools Standards & Framework Act 1998 Part 1112 Chapter V.

SEN: Special Education Needs matters are dealt with under Education Act 1996 Part IV and The Education (SEN) Regulations 1994.

Child Protection: All child protection matters are dealt with under The Children Act 1989 and circular 10/95.

The LEA (or Diocese if appropriate) can provide advice on how to make a complaint regarding any of the above.

Definition of Review

The 'Review' is the hearing that takes place with members of the Governing Body. It provides an opportunity for the complainant to have their complaint heard and also, where necessary, to consider the process by which it has been handled. It is considered

and determined by at least three governors who have had no prior knowledge of the complaint. The governors will make a decision based on the information presented to them by the complainant and by the school.

Definition of days

Throughout the policy time-scales are identified. All days referred to be 'school days'.

Definition of Committee

A Committee of no less than 3 governors will be established to hear a complaint. Governing Bodies may form their committee at the beginning of each academic year in line with other committee setting procedures, or identify three governors at the time of the complaint. In either case, governors undertaking the review will have had no prior knowledge of the complaint matter.

Support to Staff at Review by Governing Body

Staff are entitled to bring a friend or representative to support them at a committee meeting of the governing body reviewing a complaint. A friend or representative may also support any witnesses invited to present evidence.

LEA support to schools and parents

The LEA (or Diocese if appropriate) can provide advice and support to school staff and governors at any stage of a complaint. Either the Link Adviser to the School or Governor Services may provide this.

Parents may also seek advice from the LEA (or Diocese if appropriate) - a Parent Partnership Officer is available to support and advise parents at any stage. Contact the Parent Partnership Officer on 200 6983.

The process for dealing with complaints

Complaints against members of Staff

Stage 1: The First Contact

The class teacher can deal with the majority of issues that parents, in particular, may wish to raise quickly and informally. This will be encouraged so that parents can have their concerns resolved to their satisfaction at an early stage.

However, where parents wish to formalise the process then they will be encouraged to raise any concerns with the class teacher who will:

Investigate the complaint and report back to the complainant via a note or telephone call

The nature of the complaint, that it is was dealt with informally and by whom will be recorded and placed on file.

If the parent is still unhappy then the teacher will suggest that the parent see the Headteacher. Some Headteachers operate an 'open door' system, particularly in primary schools. Heads of Year in High Schools may be the most appropriate contact - parents will be advised by the teacher of how contact will be made. A copy of the School's Complaints Procedure will be given to the parent at this stage

Stage 2: Consideration by the Headteacher:

If the parent is not satisfied with the Teacher's response, the parent will make the Headteacher aware of the complaint within 10 school days of receipt of the teacher's response. This will be in writing by the parent and/or recorded by the Headteacher to ensure that everyone is very clear what the focus of the complaint is (preferably using the Complaints Record Form - see Annex C).

If the complaint cannot be resolved satisfactorily without an investigation then, within 5 school days of receipt of the complaint, the Headteacher will acknowledge receipt and give a target date for any investigation to be completed. The Headteacher will investigate the complaint and interview all concerned. It is advisable that the parent is interviewed and, where appropriate, the child/children concerned. A parent or, with the parent's agreement, a member of staff not involved in the process will accompany each child. The Headteacher will record the findings and contact the parent with the outcome within the target date set. If circumstances force a delay in the process then the Headteacher will notify the parent in writing, explaining the reason for the delay and give an alternative date for completion of the investigation.

The response to the complaint will be in writing and the complainant reminded how to proceed to the next stage.

Stage 3: Review by Governing Body:

Will a parent wish to proceed to this stage, then the request for the review will be made, in writing, to the Chair of Governors within 10 school days of receipt of the Headteacher's response. The Chair of Governors will acknowledge receipt of the request

within 5 school days of its receipt and give details of the procedure and process to be followed. The letter will also give an indication of the timescales for concluding the review - this will normally be within 25 days of the Chair of Governors receiving the request.

The Chair of Governors will establish a committee of no less than three governors, who have had no prior knowledge of the complaint, to review the complaint. It is recommended that the Chair of the Vice Chair (if not previously involved) be on the committee, along with a parent governor.

If the Committee considers that an extension is required, the Chair of the Committee will write to the complainant explaining the reasons for the delay and giving an alternative date for the committee to meet.

The Headteacher cannot be a member of the committee, as they will be expected to respond to the complaint.

The full governing body will only be informed that a complaint is being heard - details will be with-held to ensure that the remaining members of the governing body are available will the outcome result in any action being taken under other procedures eg disciplinary.

The Clerk to the Governing Body will invite all relevant documentary information to be submitted by the complainant and the Headteacher. All such information will be made available to the committee, complainant and Headteacher by the Clerk at least 5 school days before the date of the hearing.

The Role of the Committee

The Chair of the Committee will ensure that the complaint procedure is followed appropriately and that the complainant is given the opportunity for the complaint to be considered fairly. (Article 6: Human Rights Act).

The Committee will consist of at least 3 governors who have had no prior knowledge of the complaint.

The Committee may seek the support of officers of the LEA at any stage in the process.

The Committee will set a date for a hearing to take place within 25 school days of the Clerk to the Governing Body receiving the request. All parties involved will be notified of the date of the hearing at least 15 school days before the meeting takes place and be given a specific date by which to return all documentation for despatch to all parties as indicated below.

All parties will submit their documentary information by the specific date to the Clerk to the Governing Body who will ensure that these are made available to all relevant parties at least 5 school days before the date of the hearing. Papers may be shared with anyone accompanying a party.

Will the complainant or the Headteacher wish to invite other parties to the hearing, other than a friend or representative, then agreement will be sought from the Chair of the Committee in advance. Attendance at the hearing by other members of staff as witnesses or otherwise, is at the discretion of the Chair of the Committee.

The Clerk will take minutes of the hearing. These minutes will remain confidential to the parties involved. The outcome only will be reported to the whole Governing Body.

If either the complainant or the Headteacher wishes to produce new information at the hearing, then the Chair of the Committee may determine that an adjournment is appropriate to allow this information to be considered by the Committee and the other party.

To ensure a fair hearing the following procedure will normally be followed at the meeting.

- Both parties will be invited into the meeting at the same time
- The chair of the committee will explain the process and protocol to be followed
- The complainant to present his/her complaint
- The teacher to ask questions of the complainant
- The committee to ask questions of the complainant
- The teacher to present his/her response to the complaint
- The complainant to ask questions of the headteacher
- The committee to ask questions of the headteacher
- Representation by headteacher as investigator
- The teacher is invited to sum up his/her case
- The complainant is invited to sum up his/her case

The Chair of the Committee will then explain that the Committee will make its decision and inform the complainant and Headteacher in writing within 5 school days. All parties except the Committee and the Clerk will leave.

The committee will consider the complaint and the evidence presented.

They will:-

- Decide, on the basis on the information presented at the meeting, whether the complaint is justified, in whole or in part.
- Decide on any appropriate action to be taken.

Decisions made by the panel are binding and final.

It may be that the member of staff and Headteacher would consider the member of staff's attendance to be unnecessary. In this case, the role of the member of staff in the above procedure would be taken by the Headteacher. If this approach is to be adopted, the complainant and the Chair of the Committee will be advised no later than the point at which notification of the date of the panel is given to the parties ie 15 days prior to meeting.

It will be noted that this approach may undermine the member of staff's ability to fully present their case and may result in a less than satisfactory explanation of issues.

Further advice and guidance concerning the appropriateness of the member of staff's attendance can be sought from the LEA or Diocese.

Consideration by the LEA

Complaints received by the LEA will only be considered if they are covered by statutory requirements*. In all other cases, complaints must be handled by the school's own Complaints Procedure.

Matters relating to the Child Protection or Staff Disciplinary/Grievance will be dealt with under separate procedures.

***NB**

Under the Education Reform Act 1988, The Education Act 1996 and the School Standards and Framework Act 1998, statutory provisions are provided for in relation to the following

- Curriculum
- Sex Education
- Admissions
- Exclusions
- SEN
- Child Protection

All these areas are dealt with under their own specific procedures as follows:

Curriculum and Sex Education: Education Act 1996 Part V Chapter 1 and the School Standards and Framework Act 1998 Part II

Parents may make a complaint if they believe that the LEA or the Governing Body are failing to:

- Provide the national curriculum in the school or for a particular child
- Follow the law on charging for school activities
- Offer only approved qualifications or syllabuses
- Provide RE and daily collective worship
- Provide the information that they have to provide
- Carry out any other statutory duty relating to the curriculum or
Are acting unreasonably in any of the above cases

Admissions: School admissions appeals are subject to the Code of Practice for School Admission Appeals 1999 based on the School Standards and Framework Act Part III Chapter I

Exclusions: Issues relating to exclusions are deal with under the Schools Standards & Framework Act 1998 Part III Chapter V.

SEN: Special Education Needs matters are deal with under Education Act 1996 Part IV and The Education (SEN) Regulations 1994.

Child Protection: All child protection matters are deal with under The Children Act 1989 and Circular 10/95.

The LEA (or Diocese if appropriate) can provide advice on how to make a complaint regarding any of the above.

Complaints against the Headteacher:

Stage 1: Consideration by Chair of Governors

Any complaint about a Headteacher will be made in writing to the Chair of Governors. Where the Chair of Governors has had previous involvement the matter will be referred to the Vice Chair or another Governor.

Within 5 school days of receipt of the complaint the Chair of Governors will acknowledge receipt and give a target date for any investigation to be completed. The Chair of Governors will investigate the complaint and interview all concerned. It is advisable that the parent is interviewed and, where appropriate, the child/children concerned. A parent, or with the parent's agreement, a member of staff not involved in the process will accompany each child. The Chair of Governors will record the findings and contact the parent with the outcome within the target date set. If circumstances force a delay in the process then the Chair of Governors will notify the parent in writing explaining the reason for the delay and give an alternative date for completing of the investigation

A response to the complaint will be in writing and the complainant reminded how to proceed to the next stage.

Further advice to Chair of Governors undertaking this process is available from the LEA (or Diocese if appropriate).

Stage 2: Review by Governing Body

Will the complainant wish to proceed to this stage, then the request for the review will be made in writing to the Clerk to the Governing Body within 10 school days of receipt of the Chair of Governor's response. Where the Clerk to the Governing Body is also the School Secretary, confidentiality must be maintained to ensure no conflict of interest arises.

The Vice Chair of Governors will acknowledge receipt of the request within 5 school days and give details of the procedure and process to be followed. The letter will also give an indication of the time-scales for concluding the review - this will normally be within 25 days of receipt of the request by the Clerk to the Governing Body.

Will an extension be required, the Chair of the Committee will write to the complainant explaining the reasons for the delay and giving an alternative date for the committee to meet.

The Vice Chair of Governors will establish a panel of no less than three governors, who have had no prior knowledge of the complaint, to review the request.

It is recommended that the Vice Chair of Governors be on the committee along with a parent governor, providing they have had no prior involvement/knowledge of the complaint.

The Chair of Governors, having undertaken the investigation, will be required to provide information on the outcome of their investigation and their findings.

The full Governing Body will only be informed that a complaint is being heard - details will be with-held to ensure that the remaining members of the Governing Body are available will the outcome result in any action being taken under other procedures eg disciplinary.

The Clerk to the Governing Body will invite all relevant documentary information to be submitted by the complainant, Headteacher and Chair of Governors. All such information will be made available to the committee, complainant, Headteacher and Chair of Governors at least 5 school days before the date of the hearing.

The Role of the Committee

The Chair of the Committee will ensure that the complaint procedure is followed appropriately and that the complainant is given the opportunity for the complaint to be considered fairly (Article 6: Human Rights Act).

The Committee may seek the support of officers of the LEA at any Stage in the process.

The Committee will set a date for a hearing to take place within 25 school days of the Clerk to the Governing Body receiving the request. All parties involved will be notified of the date of the hearing at least 15 school days before the meeting takes place and be given a specific date by which to return all documentation for despatch to all parties as indicated below.

Will the complainant or the Headteacher wish to invite other parties to the hearing, other than a friend or representative, then agreement will be sought from the Chair of the Committee in advice. Attendance at the Hearing by other members of staff as witnesses or otherwise, is at the discretion of the Chair of the Committee.

The Clerk will take minutes of the hearing. These minutes will remain confidential to the parties involved. The outcome will be reported to the whole Governing Body.

If either the complainant or the Headteacher wishes to produce new information at the hearing, then the Chair of the Committee may determine that an adjournment is appropriate to allow this information to be considered by the Committee and the other party.

To ensure a fair hearing the following procedure will normally be followed at the meeting:

- Both parties will be invited into the meeting at the same time
- The Chair of the Committee will explain the process and protocol to be followed
- The complainant to present his/her complaint
- The Headteacher to ask questions of the complainant
- The committee to ask questions of the complainant
- The Headteacher to present his/her response to the complaint

- The complainant to ask questions of the Headteacher
- The committee to ask questions of the Headteacher
- Representation by Chair of Governors as investigator
- The Headteacher is invited to sum up his/her case
- The complainant is invited to sum up his/here case

The Chair of the Committee will then explain at the Committee will make its decision and inform the complainant and Headteacher in writing within 5 school days. The complainant will also be informed of their right to appear to the Secretary of State. All parties except the Committee and the Clerk will leave.

The committee will consider the complaint and the evidence presented.

They will:-

- Decide, on the basis of the information presented at the meeting, whether the complaint is justified, in whole or in part.
- Decide on any appropriate action to be taken.

Decisions taken by the panel is binding and final.

It may be that the Headteacher and Chair of Governors would consider the Headteacher's attendance to be unnecessary. In this case, the role of the Headteacher in the above procedure would be taken by the Chair of Governors. If this approach is to be adopted, the complainant and the Chair of the Committee will be advised no later than the point at which notification of the date of the panel is given to the parties ie 15 days prior to meeting.

It will be noted that this approach may undermine the Headteacher's ability to fully present their case and may result in a less than satisfactory explanation of issues.

Further advice and guidance concerning the appropriateness of the Headteacher's attendance can be sought from the LEA or Diocese.

Consideration by the LEA

Complaints received by the ELEA will only be considered if they are covered by statutory requirements*. In all other cases, complains must be handled by the school's own Complaints Procedure.

Matters relating to Child Protection or Staff Disciplinary/Grievance will be dealt with under separate procedures.

***NB**

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- Curriculum
- Sex Education

- Admissions
- Exclusions
- SEN
- Child Protection

All of these areas are deal with under their own specific procedures as follows:

Curriculum and Sex Education: Education Act 1996 Part V Chapter 1 and the Schools Standards and Framework Act 1998 Part II

Parents may make a complaint if they believe that the LEA or the *Governing Body* are failing to:

- Provide the national curriculum in the school or for a particular child
- Follow the law on charging for school activities
- Offer only approved qualifications or syllabuses
- Provide RE and daily collective worship
- Provide the information that they have to provide
- Carry out any other statutory duty relating to the curriculum, or
Are acting unreasonably in any of the above cases

Admissions: School admissions appeals are subject to the Code of Practice for School Admission Appeals 1999 based on the Schools Standards and Framework Act Part III Chapter 1

Exclusions: Issues relating to exclusions are dealt with under the Schools Standards & Framework Act 1998 Part III Chapter V.

SEN: Special Education Needs matters are dealt with under Education Act 1996 Part IV and the Education (SEN) Regulations 1994.

Child Protection: All child protection matters are deal with under the Children Act 1989 and circular 10/95.

The LEA (or Diocese if appropriate) can provide advice on how to make a complaint regarding any of the above.

Appendix A
Stages for Handling Complaints Against Members of Staff

Stage 1	<p>Complaint made to member of staff</p> <p>Satisfactory Outcome Reached?</p> <p style="text-align: center;">Yes No</p>
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Stage 2	<ul style="list-style-type: none"> • Formal complaint made to Headteacher in writing • Headteacher ensures complainant has a copy of School's Complaints Procedure • Investigation conducted, if necessary (in consultation with an appropriate officer where necessary) • Outcome reported in writing to complainant • Satisfactory outcome reached? <p style="text-align: center;">Yes No</p>
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Stage 3	<ul style="list-style-type: none"> • Complainant writes to Chair of Governors making formal complaint • Chair of Governors establishes Committee of at least 3 Governors to consider the complaint (in consultation with appropriate officers) • Committee hears complaint • Committee responds to complainant and Headteacher in writing <p style="text-align: center;">Yes No</p>
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Appendix B
Stages for Complaints Against Headteacher

<p>Stage 1</p>	<ul style="list-style-type: none"> • Complainant makes formal complaint in writing to Chair of Governors • Chair of Governors investigates complaint • Chair of Governors writes to complainant outlining outcome of investigation • Satisfactory outcome reached? <p style="text-align: right;">Yes No</p>
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<p>Stage 2</p>	<ul style="list-style-type: none"> • Request for review received by Clerk to the Governing Body • Vice Chair of Governors establishes panel of 3 Governors minimum • Panel hears complaint and responds to complainant in writing • Satisfactory outcome reached? <p style="text-align: right;">Yes No</p>
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**Appendix C
Confidential**

Complaints Record Form

Name of School Date

Name of Complainant

Address of Complainant

Tel No.

Name of child (if appropriate)

Complaint received by

Details of Complaint

Desired outcome

I agree that this is an accurate representation of my complaint

Signed by the Complainant

Date