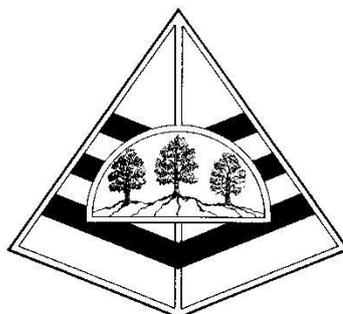


# GENERAL COMPLAINTS PROCEDURE

## FERNDOWN MIDDLE SCHOOL



<b>Policy to be reviewed by Governor Committee:</b>	<b>Finance and Staffing</b>
<b>Frequency:</b>	<b>3-Yearly</b>
Reviewed:	05/11/14
Reviewed:	

*This policy has been reviewed in line with the 8 principles set out in the Single Equality Policy and an initial screening Equality Impact Assessment has been carried out.*

# General Complaints Procedure

## **Part A: Complaining about the actions of a member of staff other than the headteacher.**

### **1) Informal Stage**

The complainant is normally expected to arrange to communicate directly with the member of staff <sup>1</sup> concerned. This may be by letter, by telephone or in person by appointment. Many concerns can be resolved by simple clarification or the provision of information and it is anticipated that most complaints will be resolved by this informal stage. [In the case of serious concerns it may be appropriate to address them directly to the Headteacher <sup>2</sup>] An unreasonable refusal to attempt an informal resolution may result in the procedure being terminated forthwith. [Any dispute in relation to the “reasonableness” may be determined through the review process]

### **2) Formal Stage**

If the complaint is not resolved at the informal stage the complainant must put the complaint in writing and pass it to the Headteacher<sup>2</sup>, who will be responsible for its investigation.<sup>3,4</sup>

The complainant should include details which might assist the investigation, such as names of potential witnesses, dates and times of events, and copies of relevant documents. In addition the Headteacher<sup>2</sup> may meet with the complainant to clarify the complaint.<sup>5</sup>

The Headteacher<sup>2</sup> will collect such other evidence as he/she deems necessary. Where this involves an interview with a member of staff, who is the subject of the complaint, that member of staff may be accompanied by a friend or representative if he/she wishes.

The investigation will begin as soon as possible and when it has been concluded, the complainant, and the member of staff concerned, will be informed in writing of the outcome. This may be to the effect that:

- There is insufficient evidence to reach a conclusion, so the complaint cannot be upheld
- The concern is not substantiated by the evidence
- The concern was substantiated in part or in full. Some details may then be given of action the school may be taking to review procedures etc... but details of the investigation or of any disciplinary procedures will not be released
- The matter has been fully investigated and that appropriate procedures are being followed, which are strictly confidential. [e.g. where staff disciplinary procedures are being followed]

The complainant will be told that consideration of their complaint by the headteacher is now concluded.

If the complainant is not satisfied with the manner in which the process has been followed, the complainant may request that the Governing Body review the process followed by the Headteacher<sup>2</sup> in handling the complaint. Any such request must be made in writing within two weeks of receiving notice of the outcome from the

Headteacher, and include a statement specifying any perceived failures to follow the procedure. The procedure described in Part C will be followed.

If the complainant considers that the decision of the Headteacher is perverse, or that the Headteacher has acted unreasonably in considering the complaint, then the complainant may bring a complaint against the Headteacher under part B of this procedure. This will provide an opportunity for the evidence to support such a complaint to be investigated.

## **Part B: Complaining about the actions of the Headteacher**

### **1) Informal stage**

The complainant is usually expected to arrange to speak directly with the headteacher. [In the case of serious concerns it may be appropriate to raise them directly with the Chair of the Governing Body<sup>6</sup>] Many concerns can be resolved by simple clarification or the provision of information. If the matter is not resolved, and if both parties agree, then a third party may be invited to act as a mediator at a further meeting. A refusal, unreasonably, to attempt an informal resolution may result in the procedure being terminated forthwith.

### **2) Formal Stage**

If the complaint is not resolved at the informal stage the complainant must put the complaint in writing and pass it to the Chair of the Governing Body<sup>6</sup> who will determine which of the agreed procedures to invoke<sup>3,4</sup>. If it is determined that the complaint is "General", the Chair<sup>6</sup> will arrange for its investigation.

The complainant should include details which might assist the investigation, such as names of potential witnesses, dates and times of events, copies of relevant documents etc. In addition the complainant will be invited to meet with the Chair<sup>6</sup> to present oral evidence or to clarify the complaint.<sup>5</sup>

The Chair<sup>6</sup> will collect such other evidence as is deemed necessary. This may include the interviewing of witnesses and others who may provide relevant information.

The headteacher will be provided with a copy of the complaint and any additional evidence presented by the complainant or collected by the Chair<sup>6</sup>. Once there has been an opportunity for the headteacher to consider this, he/she will be invited to meet separately with the Chair<sup>6</sup>, in order to present written and oral evidence in response. The headteacher may be accompanied at this meeting by a friend or representative.

When the investigation has been concluded, the complainant and the headteacher will be informed in writing of the outcome. The complainant will not be informed of any disciplinary/capability action.

The complainant will be told that consideration of their complaint by the Chair<sup>6</sup> is now concluded.

If the complainant is not satisfied with the manner in which the process has been followed, or considers that the decision of the Chair<sup>6</sup> is perverse, or that the Chair<sup>6</sup> has acted unreasonably in considering the complaint, then the complainant may request that the Governing Body review the handling of the complaint by the Chair<sup>6</sup>.

Any such request must be made in writing within two weeks of receiving notice of the outcome from the Chair<sup>6</sup>, and include a statement specifying any perceived failures.

### **Part C: Review Process**

Any review of the process followed by the headteacher<sup>2</sup> (Part A) or the Chair<sup>6</sup> (Part B) shall be conducted by a panel of three members of the Governing Body.

The review will normally be conducted through a consideration of written submissions, but reasonable requests to make oral representations should be considered sympathetically.

The panel will first receive written evidence from the complainant.

The panel will then invite the headteacher<sup>2</sup> or the Chair<sup>6</sup>, as appropriate, to make a response to the complaint.

The panel may also have access to the records kept of the process followed.

The complainant, and the headteacher<sup>2</sup> or the Chair<sup>6</sup>, as appropriate, will be informed in writing of the outcome. This may be to the effect that:

- There is insufficient evidence to reach a conclusion, so the complaint cannot be upheld
- The concern is not substantiated by the evidence
- The concern was substantiated in part or in full but that the procedural failure did not affect the outcome significantly so the matter is now closed.
- The concern was substantiated in part or in full and the Governing Body will take steps to prevent a recurrence or to rectify the situation [where this is practicable].

### **What to do if you are unhappy with the school and governing body's response**

Your next step is to contact the Local Government Ombudsman (LGO) if you have been unable to resolve your concern with the school. To contact the LGO you can telephone their Advice Team on 0300 061 0614 or 0845 602 1983 (8.30am to 5.00pm Monday to Friday). You will be able to discuss your complaint with one of their advisers who can explain what to do next. Alternatively you can text the LGO on 0762 480 4299, email: [advice@lgo.org.uk](mailto:advice@lgo.org.uk) or complete an online complaint form at [www.lgo.org.uk/making-a-complaint](http://www.lgo.org.uk/making-a-complaint)

### **Superscripts**

- <sup>1</sup> or other designated post-holder/middle manager, such as a Key-stage Co-ordinator, Head of Department, Head of Year.
- <sup>2</sup> or other designated member of staff on behalf of the headteacher [in such case the head must be satisfied that the process has been conducted properly and accept responsibility for the same]
- <sup>3</sup> Alternatively the complainant may be referred back to the informal stage of the procedure.

- 4 If the complaint is judged to be vexatious, then the complainant will be informed that their complaint will not be accepted and will not be investigated.
- 5 it may be appropriate to offer the complainant the opportunity to be accompanied by a friend at any such meeting.
- 6 or designated governor responsible for investigating complaints

## Appendix 1

### What if I have Concerns about Aspects of my Child's Education?

#### A GUIDANCE LEAFLET FOR PARENTS

Dorset's schools have excellent relationships with their parents. From time to time however you may have a concern about aspects of your child's education. Schools will be happy to look into these concerns. Most concerns are resolved by informal discussion with school staff. This leaflet answers some of the most commonly asked questions.

**Q. What if my complaint is to do with admissions, curriculum, exclusions or special educational needs?**

**A.** There is a separate statutory complaints procedure for dealing with your complaint. It cannot be dealt with under the school's complaints procedure. Dorset Local Authority's telephone numbers for guidance if you wish to make a complaint relating to these areas are as follows:

- **Admissions:** 01305 221060
- **Curriculum:** 01305 254698
- **Exclusions:** 01258 455202
- **Special Educational Needs:** 01305 224888

**Q. What do I do if I have a concern about my child's education?**

**A.** You should discuss your concern with the school.

**Q. What if my child is no longer on the school roll?**

**A.** The school will set aside your complaint and take no further action under this policy. The headteacher or Chair of Governors will write to you closing the matter on behalf of the school.

**Q. What if I take my child off the school roll during the time my complaint is being considered?**

**A.** The school will set aside your complaint and take no further action under this policy. The headteacher or Chair of Governors will write to you closing the matter on behalf of the school.

**Q. Who should I contact at the school?**

**A.** It would be sensible to contact the member of staff dealing with the issue in the first instance. This should be by letter, telephone or in person (by prior appointment). He or she will know from clear, written internal procedures how to deal with the matter.

**Q. What if my concern is to do with an individual employee of the school?**

**A.** If your concern is to do with the conduct or competence of an individual employee it will be looked into by the school. If necessary it will be dealt with

under the school's disciplinary procedures. It cannot be dealt with under the school's complaints procedure.

**Q. Should I contact a school governor?**

A. The governor should advise you to raise your concern with the member of staff concerned. In the interests of fairness governors can only be involved if the matter becomes a formal complaint.

**Q. Should I contact the Local Authority (LA)?**

A. The LA will advise you to raise your concern with the headteacher.

**Q. What if my concern remains unresolved?**

A. What happens next depends on the nature of your concern. Provided your child is still on the school roll there are formal procedures dependent on the nature of the concern.

**Q. What if my complaint is about the way the school is run, its policies or procedures, and/or their effect on my child?**

A. You should put your complaint in writing, using the appropriate complaints form, which can be obtained from the school office.

**We hope you find this guidance leaflet helpful. It has been produced by Dorset LA's Children's Services Directorate.**