



Witton Middle School Complaints Procedure

Overview

Since 1 September 2003 Governing Bodies (GBs) of all maintained schools and maintained nursery schools in England are required, under Section 29 of the [Education Act 2002](#), summarised in **Appendix A**, 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.

The procedure

Stage One: Complaint Heard by a Staff Member

It is in everyone's interest that complaints 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, all staff are made aware of the procedures so that they know what to do should they receive a complaint.

The school will respect the views of a complainant who indicates that he/she would have difficulty discussing a complaint with a particular member of staff. In these cases, the complaints co-ordinator (see Appendix E) will refer the complainant to another staff member. Where the complaint concerns the Headteacher, the complaints co-ordinator will refer the complainant to the Chair of Governors.

Similarly, if the member of staff directly involved feels too compromised to deal with a complaint, the complaints co-ordinator may consider referring the complainant to another staff member. The ability to consider the complaint objectively and impartially is crucial.

Where the first approach is made to a Governor, the next step is to refer the complainant to the appropriate person and advise them about the procedure. Governors should not act unilaterally on an individual complaint outside the formal procedure or be involved at the early stages in case they are needed to sit on a Panel at a later stage of the procedure.

Stage Two: Complaint Heard by Headteacher

Should the complainant be dissatisfied with the way the complaint was handled at stage one as well as pursuing their initial complaint. The Headteacher may delegate the task of collating the information to another staff member but not the decision on the action to be taken.

Stage Three: Complaint Heard by Governing Body's Complaints Appeal Panel

The complainant needs to write to the Chair of Governors giving details of the complaint. The Chair will then convene a Governing Body Complaints Panel.

The Governors' appeal hearing is the last school-based stage of the complaints process, and is not convened merely to rubber-stamp previous decisions.

Individual complaints would not be heard by the whole Governing Body at any stage, as this could compromise the impartiality of any Panel set up for a disciplinary hearing against a member of staff following a serious complaint.

The Panel will be drawn from the nominated members and may consist of three or five people. The Panel may choose their own chair.

Appendix B: Summary of dealing with complaints (including time scales)

Appendix C: The remit of the Complaints Appeal Panel
The role of the Clerk
The role of the Chair of the Governing Body
The role of the Chair of the Panel
Notification of the Panel's decision

Appendix D: Checklist for a Panel Hearing

Appendix E: The complaints co-ordinator

Appendix F: The Complaints Form

Prepared by: *Governors*

Responsibility of: *Governors*

Agreement Date: *Summer 2014*

Review Date: *currently under review*

This Policy was prepared giving due regard to the disabilities and/or special education needs, age, race, religion or belief, sex/sexual orientation, gender/gender reassignment, marriage and civil partnership, pregnancy and maternity of the children and staff at Witton Middle School and its community.

This Policy appears on the School's website.

Section 29 of the Education Act 2002 requires that:

(1) The governing body of a maintained school (including a maintained nursery school) shall –

establish procedures for dealing with all complaints relating to the school or to the provision of facilities or services under section 27, other than complaints falling to be dealt with in accordance with any procedures required to be established in relation to the school by virtue of a statutory provision other than this section, and publicise the procedures so established.

(2) In establishing or publicising procedures under subsection (1), the governing body shall have regard to any guidance given from time to time (in relation to England) by the Secretary of State.

Section 39 of the Education Act 2002 provides the following:

“maintained school” means a community, foundation or voluntary school, a community or foundation special school or a maintained nursery school;

“maintained nursery school” means a nursery school which is maintained by a local education authority and is not a special school;

Summary of Dealing with Complaints

Stage 1 (informal) →

Complaint heard by staff member

- Ensure complaints co-ordinator informed of outcome

Issue resolved

Issue not resolved

Stage 2 (formal) →

Complaint heard by Headteacher

- Acknowledge receipt of complaint (*within three school days*)
- Write to complainant with outcome of investigation (*within 10 school days*)
- Ensure complaints co-ordinator informed of outcome

Issue resolved

Issue not resolved

Stage 3 (formal) →

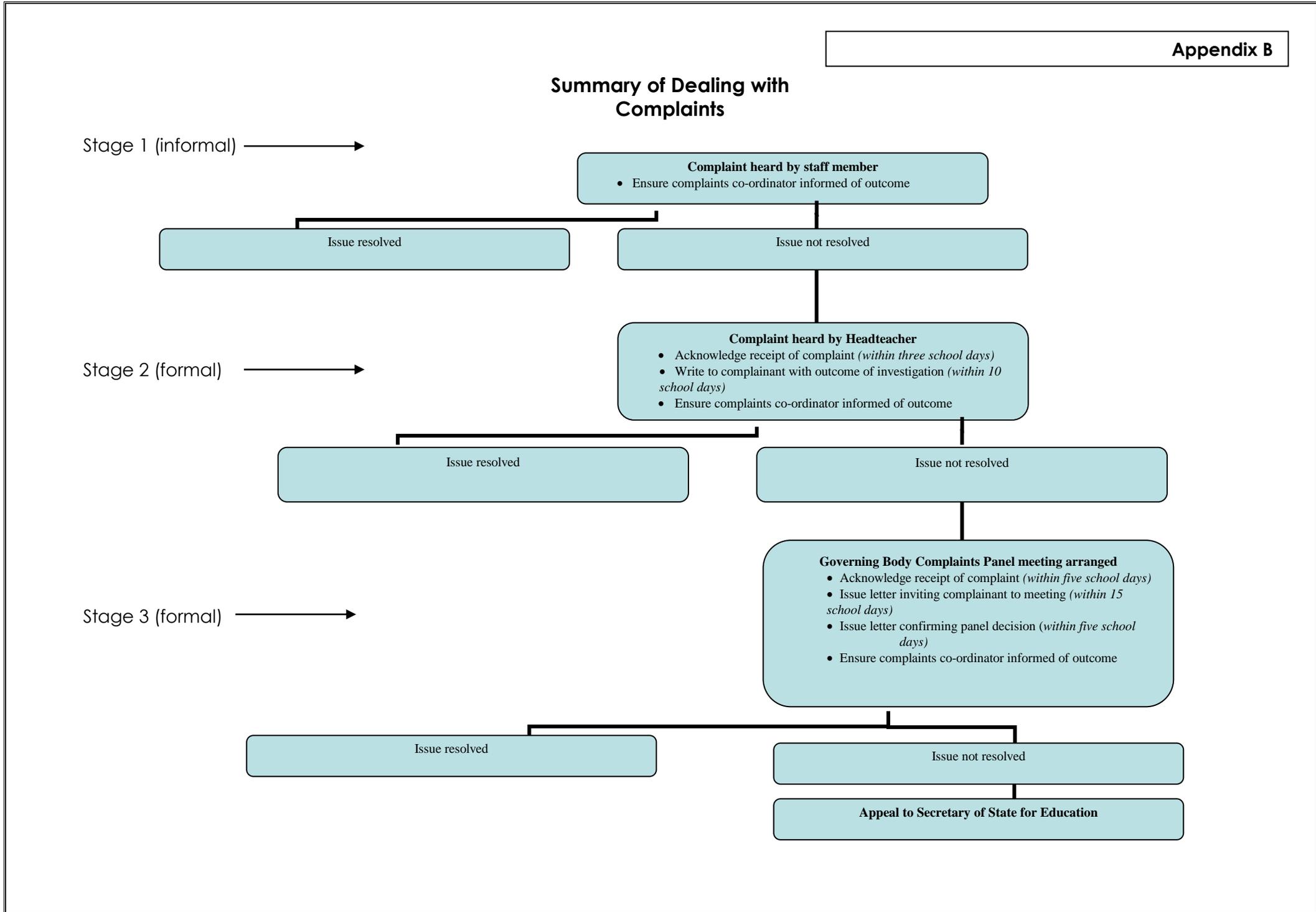
Governing Body Complaints Panel meeting arranged

- Acknowledge receipt of complaint (*within five school days*)
- Issue letter inviting complainant to meeting (*within 15 school days*)
- Issue letter confirming panel decision (*within five school days*)
- Ensure complaints co-ordinator informed of outcome

Issue resolved

Issue not resolved

Appeal to Secretary of State for Education



The Remit of The Complaints Appeal Panel

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.

There are several points which any governor sitting on a Complaints Panel needs to remember:

a. 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. 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.

b. 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. 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.

c. An effective Panel will acknowledge that many complainants feel nervous and inhibited in a formal setting. Parents/Carers often feel emotional when discussing an issue that affects their child. 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 informal and not adversarial.

d. Extra care needs to be taken when the complainant is a child. Careful consideration of the atmosphere and proceedings will ensure that the child does not feel intimidated. The Panel needs to be aware of the views of the child and give them equal consideration to those of adults. Where the child's parent/carer is the complainant, it would be helpful to give them the opportunity to say which parts of the hearing, if any, the child needs to attend.

e. The governors sitting on the Panel need to be aware of the complaints procedure.

The Role of the Clerk

Following recommendations of the DfE, any Panel or group of governors considering complaints will be clerked. The clerk would be the contact point for the complainant and be required to:

set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible;

collate any written material and send it to the parties in advance of the hearing;
meet and welcome the parties as they arrive at the hearing;
record the proceedings;
notify all parties of the Panel's decision.

The Role of the Chair of the Governing Body

To check that the correct procedure has been followed;
if a hearing is appropriate, notify the clerk to arrange the panel.

The Role of the Chair of the Panel

The Chair of the Panel has a key role, ensuring that:

the remit of the Panel is explained to the parties and each party has the opportunity of putting their case without undue interruption;
the issues are addressed;
key findings of fact are made;
parents/carers and others who may not be used to speaking at such a hearing are put at ease;
the hearing is conducted in an informal manner with each party treating the other with respect and courtesy;
the Panel is open minded and acting independently;
no member of the Panel has a vested interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure;
each side is given the opportunity to state their case and ask questions;
written material is seen by all parties (if a new issue arises, all parties will be given the opportunity to consider and comment on it).

Notification of the Panel's Decision

The Chair of the Panel needs to ensure that the complainant is notified of the Panel's decision, in writing, with the Panel's response within five school days. The letter needs to explain if there are any further rights of appeal and, if so, to whom they need to be addressed.

The panel needs to take the following points into account:

The hearing is as informal as possible.

Witnesses are only required to attend for the part of the hearing in which they give their evidence.

After introductions, the complainant is invited to explain their complaint, and be followed by their witnesses.

The Headteacher may question both the complainant and the witnesses after each has spoken.

The Headteacher is then invited to explain the school's actions and be followed by the school's witnesses.

The complainant may question both the Headteacher and the witnesses after each has spoken.

The Panel may ask questions at any point.

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.

Both parties leave together while the Panel decides on the issues.

The Chair explains that both parties will hear from the Panel within five school days.

The complaints co-ordinator is currently the Office Manager.



Witton Middle School

Complaints Form

Please complete and return to The Office Manager who will acknowledge receipt and explain what action will be taken.

Your name:

Pupil's name:

Your relationship to the pupil:

Address:

Postcode:

Day time telephone number:

Evening telephone number:

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)?**

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

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

Signature:

Date:

Official use

Date acknowledgement sent:

By who:

Complaint referred to:

Date: