North Yorkshire County Council

Children and Young People's Service

Hemingbrough CP School

GENERAL COMPLAINTS PROCEDURE

November 2014

Governing Board Policy
Date adopted: April 2015

A responsive County Council providing excellent and efficient local services

Model Complaints Policy

Hemingbrough CP School

Complaints Policy

Background

The Education Act 2002 requires Governing Boards of schools to have a procedure to deal with complaints about the school and any facilities or services that the school provides. The procedure must also be publicised.
From 31July 2012 under section 45 of the Education Act 2011 the duty on Local Authorities to consider complaints about the curriculum, sex education and religious worship in maintained schools was removed.
Also, from 1 August 2012 complaints about maintained schools not resolved by the school that would have been considered by the Local Government Ombudsman or the local authority should now be addressed to the Secretary of State for Education.
The school has accordingly adopted a complaints procedure in accordance with the following principles.

The Complaints Procedure covers all staff and services etc. offered by the school. It also covers Governors and the Full Governing Board where appropriate*.

Definition of a Complaint

A complaint is any expression of dissatisfaction about the school and any community facilities or services that the school provides.

Principles of the Procedure

Informal resolution – If possible, complaints will be resolved through informal discussion and negotiation.

The procedure will be easy to understand and to use – the language will be simple and can be made available in different languages and formats where necessary.

Publicity and accessibility – The procedure will be well publicised and easily accessible to all via:

- ✓ posters;
- ✓ leaflets sent out with other school material;
- ✓ information in the School Prospectus;
- ✓ on the school website at: (www.hemingbrough.n-yorks.sch.uk)
- ✓ information at parents' days, and at other appropriate school events.

Impartiality and confidentiality – all complaints will be dealt with impartially and subject to the need to investigate the matter fully, in confidence.

Time limits – complaints will be dealt with within clear time limits and everyone will be kept fully informed.

Stage 1
We will acknowledge receipt of a written complaint in writing within 5 working school days, and will confirm:

- Details of the complaint to be investigated

- Who will investigate the complaint
- Confirm a substantive response to the complaint will be given within 20 working school days of receipt. If the timescale cannot be met an explanation of the revised timescale will be given

Should the complaint go to Stage 2 the Chair or designated Governor will send an acknowledgment letter within 5 working days of receiving the request and tell the complainant that a substantive response to the complaint will be given within 20 working days of receipt. If the timescale cannot be met an explanation of the revised timescale will be given.

Should the complaint proceed to Stage 3 the clerk will acknowledge the request in writing within 5 working days of receiving the request. The Clerk will set a date for the panel within 20 working days within 20 working days of receiving the request. Within 5 working days following the hearing of the panel the clerk will inform all parties concerned in writing of the decision of the panel. The complainant will also be informed that if he or she remains dissatisfied they may write to the Department for Education, 2nd Floor, Piccadilly Gate, Manchester, M1 2 WD or go to https://www.gov.uk/complain-about-school for more details.

Support – complainants will be encouraged to be supported by a friend or adviser.

Full and fair investigation –

a. the complaint will be fully investigated;
b. if necessary and at the discretion of the Chair of the Governing Board an independent person will be appointed by the Chair to conduct the investigation;
c. the principles of fairness and impartiality will be fully observed at all times.
d. If the complaint is justified appropriate redress will be offered.

Addressing any problems – any issues identified through the investigation of the complaint as requiring action will be addressed.

Support for staff – staff will be given the same level of support as the complainant.

Anonymous complaints – Will be investigated but only insofar as it is possible and practicable.

Vexatious complaints – will be assessed to decide whether any new issues have been raised. If so then these will be investigated in accordance with the Complaints Procedure.

Training – all staff will be briefed in handling complaints to seek to ensure that a consistent approach is taken to all complaints received.

Persistent complainants – complaints will be thoroughly investigated but will not be re-opened unless relevant new issues are brought forward.

Monitoring – the Head teacher will keep records of all complaints and will report to the Governing Board on a regular basis.**

Review

This Policy shall be reviewed by the Governing Board every three years.

Adopted by Hemingbrough CP School Governing Board in April 2015

Date for Review: April 2020

**** This will be for monitoring purposes only and will present an overview of the types of complaints and data in terms of numbers etc. No details should be given in respect of names or other identifying features.**

***Where a complainant wishes to complain about a governor or the FGB they should be asked to write to the Clerk. If the complaint is about one governor the Chair will investigate or another governor if the complaint is regarding the Chair. The Appeal Panel can be used for the third stage where necessary. If the complaint is about the FGB the Clerk will contact the LA for support.**

Hemingbrough CP School

THE COMPLAINTS APPEALS COMMITTEE – GUIDANCE FOR SCHOOLS

1st meeting of Governing Board in Academic year

The Complaints Appeals Committee - Establishment

General Procedure

At the first meeting in the autumn term Hemingbrough CP School governing Board will establish a Panel whose role it is to determine appeals against stage 2 decisions on formal complaints made under the school's complaints procedure. The Panel will only hear those complaints which have reached stage 3 of the procedure. i.e. after the complaint has already been investigated by the Headteacher/Chair of Governors.

Constitution

Whilst it is for the Governing Board to determine the constitution of the Panel it is strongly recommended that this should be any three governors, apart from staff governors and associate members, as available at the time of the appeal. Because of the need to provide confidence in the impartiality of the Panel staff governors should not be appointed to the Panel. Equally, associate members should not be appointed to the Panel because they may not vote on a range of issues including the budget, financial commitments of the governing Board, admissions and pupil discipline and may therefore find their effectiveness curtailed if any of these issues form part of the complaint.

Terms of reference

The terms of reference suggested for the Panel are:

"to consider appeals in respect of complaints made pursuant to the school's complaints procedure including full delegated authority to:

- dismiss the appeal in whole or in part;
- uphold the appeal 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."

Delegation

The Panel should be given full delegated authority to act.*

Date:
Names: _____
_____
_____
_____**(you may wish to have one reserve governor).**

*** These Governors must not be Staff Governors. In the case of a conflict of interest the Panel member can step down and another Governor can be asked to act on the appeal providing they have no prior knowledge of the case.**

Hemingbrough CP School

COMPLAINTS PROCEDURE

Exceptions to the Procedure

This procedure does not cover those areas of school life for which other procedures exist including:

	For further information contact:-
(a) staff grievance and capability procedures	Human Resources
(b) staff disciplinary procedures	
(c) child protection investigations	
(d) admission appeals[1]	Admissions Team
(d) exclusion appeals[2]	NYCC Behaviour Support Service

[1] In Foundation and Voluntary Aided Schools, complaints should be sent to the school's governing Board.

[2] In Foundation and Voluntary Aided Schools, complaints should be sent to the school's governing Board.

(e) appeals against the decisions of the LA about a child's special educational needs and provisions	SEN Officer

Complaints involving the following areas:	
(f) Human Rights	Schools are recommended to seek advice from Legal Services at County Hall.
(g) Race Relations	
(h) Sex Discrimination	
(i) Disability Discrimination	
(j) Age Discrimination	