



Complaints Policy

DETAILS OF POLICY	
Original Policy Created by:	Forest Moor School
Date of adoption:	February 2016
By whom:	Governing Body
Parties communicated to: (e.g. Parents, Staff etc.)	Staff, Parents and Students
Methods of Communication:	School website, internal e-mail, staff meetings.
Did these methods work to ensure the policy communicated effectively?	Yes
Review Date:	February 2019
Reason for Review: (e.g. review date, change of legislation, incident occurrence leading to necessary changes etc.)	
Persons responsible for audit review of policy:	Governing Body

Complaints Policy

Background

The Education Act 2002 requires governing bodies 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 31 July 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.

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;
- ✓ on the school website at: www.forestmoorschool.co.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.

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 Body 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 Body on a regular basis.*

Review

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

*** 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.**

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	Local Area Office
(d) exclusion appeals ²	Local Area Office – Behaviour Support Service
(e) appeals against the decisions of the LA about a child's special educational needs and provisions	Local Area Office – SEN Officer

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

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

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	

PROCEDURE

a) Informal Stage

- Anyone with a concern about any aspect of the school is encouraged to raise their concern, either personally or through someone else, with their child's class teacher, a senior member of staff or with the Headteacher. Everything possible should be done at this stage to resolve the matter.
- If the concern cannot be resolved by informal means then the person expressing the concern will be told of the option of pursuing a formal complaint and be provided with a copy of this procedure.

b) Formal Complaint – Stage One – Investigation by a designated member of staff/Headteacher

- Formal complaints must be detailed in writing (a complaints form is attached for this purpose). To ensure that the complaint is properly investigated it must be as clear as possible. If necessary clarification will be sought from the complainant about any aspect of the complaint which is unclear;
- If a complainant requires help to put their complaint in writing then they will be offered the opportunity to meet with the designated member of staff/Headteacher who will make a written note of the complaint and agree it with the complainant;
- The designated member of staff/Headteacher will send an acknowledgement within 5 working days of receiving the written complaint and will confirm:
 - ✓ details of the complaint to be investigated;
 - ✓ who will be investigating the complaint;
 - ✓ that a substantive response to the complaint will be given within 20 working days of receipt. If this timescale cannot be met an explanation will be given with a revised timescale;
- The complaint will be recorded including date;
- The designated member of staff/Headteacher will investigate the complaint in accordance with the principles of the Complaints Policy;
- The designated member of staff/Headteacher will write to the complainant within 20 days of receipt of the complaint (or by date given in the acknowledgement letter) and advise him/her of the outcome of the investigations in writing.
- If the complaint is upheld the complainant will be informed accordingly and given an indication of the steps that will be taken to put matters right. The school will seek guidance from Legal Services at County Hall

before making any admissions which may lead to a legal claim. If, on the basis of the information available, it is not possible to arrive at a definitive decision on the complaint the complainant will be informed accordingly with the reasons why;

- The complainant will also be informed that if they are dissatisfied with the outcome of the investigation then they have the right to appeal against the outcome to the Chair of the Governing Body and how to do it.

c) Formal Complaint – Stage Two – The Chair of the Governing Body

- Requests for a stage two investigation must be in writing and addressed to the Chair of the Governing Body at the School;
- The Chair will send an acknowledgement 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 this timescale cannot be met an explanation will be given with a revised timescale;
- The request will be recorded including date;
- The Chair will investigate the complaint in accordance with the principles of the Complaints Policy;
- The Chair will write to the complainant within 20 days of receipt of the complaint (or by date given in the acknowledgement letter) and advise him/her of the outcome of the investigations in writing.
- If the complaint is upheld the complainant will be informed accordingly and given an indication of the steps that will be taken to put matters right. The Chair will seek guidance from Legal Services at County Hall before making any admissions which may lead to a legal claim. If, on the basis of the information available, it is not possible to arrive at a definitive decision on the complaint the complainant will be informed accordingly with the reasons why;
- The complainant will also be informed that if they are dissatisfied with the outcome of the investigation then they have the right to appeal against the outcome to the Complaints Appeals Panel and how to do it.

d) Formal Complaint – Stage Three – Complaints Appeals Panel Hearing

- Requests for a stage three hearing must be in writing and addressed to the Clerk to the Governing Body at the School;
 - ✓ the Clerk will acknowledge the request within 5 working days of receiving the request

- The Clerk will ask the investigator at Stage 1 to attend the hearing to present the school's case.
 - ✓ if written submissions are to be made by the Headteacher they should be submitted to the Clerk at least 10 working days before the hearing to enable copies to be provided to the committee, the complainant and any other relevant parties.

- At least 7 working days prior to the meeting the clerk will:
 - ✓ notify all parties of the date, time and place of the hearing;
 - ✓ provide all parties with a copy of any written representations submitted;
 - ✓ provide all parties with details of the format of the hearing;
 - ✓ ask the parties whether they have any particular needs for the meeting e.g. induction loop, translator etc;
 - ✓ confirm who will be in attendance at the hearing or whether they wish to rely upon written submissions.

- Within 5 working days following the hearing the clerk shall:
 - ✓ inform all the parties concerned in writing of the decision(s) of the Panel;
 - ✓ the complainant will also be informed that if he/she remains dissatisfied then they may write to the Department for Education, Castle View House, East Lane, Runcorn, Cheshire WA7 2G

THE COMPLAINTS APPEALS PANEL

Gov Body meeting autumn term 1st meeting

The Complaints Appeals Panel - Establishment

General (Procedure)

At the first meeting in the autumn term the governing body will establish a panel whose role 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

There will be a membership of three governors and will not include staff governors or associate governors.

Terms of reference

The terms of reference 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 have full delegated authority to act.

Procedure

The Complaints Appeals Panel

STAGE 3

Receipt of complaint by the Clerk to the Governing Body

Clerk checks the school has followed the complaints procedure up to this point.

The Complaints Appeals Panel will only become involved after the complaint has been investigated at Stage 2 of the procedure.

The complainant should have written to and told the Clerk to the governing body that he/she remains dissatisfied with the Stage 2 decision and now wishes the matter to be considered by the committee at Stage 3.

Procedure

- The Clerk will acknowledge receipt of the complainant's letter within 5 working days of its receipt.
- The Clerk will make the necessary arrangements for the hearing to take place within 20 working days and will inform everyone of the arrangements made, giving at least 7 clear working days notice and provide everyone with the agenda setting out the format for the hearing.
- Written submissions must be submitted to the Clerk not less than 7 working days prior to the hearing to enable the Clerk to provide copies in advance to everyone concerned.
- Written representations when received should be sent by first class post to all the parties concerned.

The Hearing

The Clerk should arrive early to ensure that the arrangements for the hearing are in order.

The Appeal Panel should take its place in the hearing room without the complainant, Headteacher or witnesses being present and the clerk should take the opportunity to:

- clarify any procedural points with the Panel; and
- elect a Chair for the hearing.

The Clerk will check that all parties have received a copy of all papers to which they are entitled. It may be helpful to number the pages. If anyone has not received any of the papers they should be provided with a copy and given time to read them and if they request it they should be allowed to do this in private and if necessary confer with their friend/adviser.

The complainant and the Headteacher (but not witnesses) then be invited in to the hearing. **The complainant or the Headteacher, Chair of governors or designated member of staff should not be left alone with the Panel at any time.** The Clerk will remain in the room with the Panel to ensure all procedures are followed in a fair and equitable manner.

The Chair will open the hearing by introducing him/herself and the members of the Panel. He/she will inform everyone of the role of the Panel and stress that the Panel has had no prior involvement in the complaint and that it will look afresh at all the issues involved and arrive at its own decision on the matter(s). Also, that the decision(s) of the panel is final insofar as the school is concerned. The Chair should then invite everyone else present to introduce themselves and their role in the proceedings.

The Chair will confirm with everyone that they have received a copy of all relevant papers to which they are entitled.

The meeting should then follow the format set out in the agenda. If either of the parties wish to have a recess then the Chair will facilitate that, if at all possible, however the decision to allow a recess is entirely at the discretion of the Chair. If a recess is allowed there should be no discussion on the matters heard thus far and the complainant, the Headteacher, Chair of governors or designated member of staff should not be left alone with the Panel.

At the conclusion of the hearing the Chair of the Panel will inform the complainant and the Headteacher that the Panel will make its decision in private and that they will be notified of the outcome by the Clerk within 5 working days of the meeting.

Stage 3 Critical Timescales

Item	Action
Letter referring complaint to Panel	Acknowledge within 5 working days
Hearing	Within 20 working days
Despatch of Agenda	At least 7 clear working days before the hearing
Receipt of written submissions from complainant and Head	At least 7 working days before the hearing
Send out written submissions (if any)	As soon as possible after receipt
Letter to complainant giving decision of Panel.	Not more than 5 working days following the hearing

Please note, once a complaint has been reviewed at Stage 3, this would mark the end of the process. Should the complainant not be satisfied they can refer their complaint to the Secretary of State who will review the way the matter has been handled. Complaints should now be addressed to the Secretary of State, The Department of Education, Castle View House, East Lane, Runcorn, Cheshire, WA7 2GJ.

The LA will continue to provide support, advice and guidance on procedural matters to both schools and complainants. Support for Governors on legal, HR, financial and other matters will remain. If any assistance is required please contact the Governor Support Unit on:

Complainant Form

Forest Moor School

It will help us if you use this form to make your complaint but please write a letter if you prefer, covering all the points on the form. Please continue your answers on a separate sheet if there is not enough space on this form. When you have filled in the form, send it to The Head teacher (Rachel Wilkinson) or Chair of the Governing Body (Philip Turnpenny, c/o Forest Moor School).

We will only process your personal data in order to respond to your complaints. In general it will be used for administrative and statistical purposes.

Your name

Mr <input type="checkbox"/>	Ms <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Other
First name (BLOCK CAPITALS)				
Surname (BLOCK CAPITALS)				

Your address

Postcode

Daytime tel. no.	<input type="text"/>	Mobile tel. no.	<input type="text"/>
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Email address

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Do you have any special requirements, for example if English is not your first language, disabilities?

Have you contacted the school about this matter before? Yes No

If yes, who did you contact, when and how?

Have you received a reply? Yes No

If so, when was this?

Please explain your complaint and how would you like to see the matter resolved? Please use additional sheets if required.

If you have any documents to support your complaint, please send them with this form.
Please tick the box if you would like them returned to you.

We will send an acknowledgement within 5 working days of receiving your communication and will tell you what is happening. If a further response is required, this should reach you within 20 working days.

FOR OFFICE USE ONLY			
Complaint reference	<input type="text"/>	Date Received	<input type="text"/>
Acknowledgement sent	<input type="text"/>		
Substantive reply sent	<input type="text"/>		