



# Complaints Procedure

Adopted: Summer 14

Review date: Summer 17

## Introduction

Keelman's Way School is dedicated to providing the best possible education and support for all its pupils. This means having a clear, fair, and efficient procedure for dealing with any complaints to or against the school, so that any issues that arise can be dealt with as swiftly and effectively as possible.

All school staff will be made aware of complaints procedures and expected to review this policy regularly in order that they are familiar with our process of dealing with complaints and can be of the most assistance when an issue is brought to their attention.

This procedure and the steps that it outlines should be referred to and followed by all pupils and their parents whenever an issue arises that causes them concern.

A complaint may be made if it is believed that the Local Authority (LA) or the governing body are failing to:

- Provide the national curriculum in the school or for a particular child
- Follow the relevant legislation on charging for school activities
- Offer only approved qualifications or syllabuses
- Provide RE and daily collective worship (except in circumstances where the parent has exercised their legal right to withdraw their child from RE and/or 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

For complaints against the governing body in relation to curriculum and sex education matters, the first formal stage of the procedure is for the governing body to consider the complaint. If the complainant is still not satisfied after this, he or she can put the complaint to the LA (Corporate Director for Children, Adults and Families). Complaints that relate to the LA's powers or functions only need to be considered by the LA.

If there is an allegation or concern about physical or sexual misconduct towards a child, or there is a belief that a child may be at risk of serious harm, the school may immediately refer the case to child protection and welfare services. If it is decided that there is cause for an official investigation, the decisions by these authorities will supersede those made by the school and outlined in this policy.

For more information on our school's provision for protecting our students, read our **child protection and safeguarding policy**, and the **allegations of abuse against staff** policy.

## This procedure does not apply to complaints about:

- Teacher Performance
- Staff Conduct
- Curriculum relating to the LA's powers or functions
- Sex Education relating to the LA's powers or functions
- Admissions
- Exclusions
- Special Educational Needs

➤ Child Protection

Each of these follows its own process of complaints and appeals which are outlined in their relevant policies such as the School's Capability Procedures, Schools' Disciplinary Procedures etc.

These policies can be found on the school website or on request from school.

## 2. Publicising the Policy (Delete as appropriate)

There is a legal requirement for the Complaints Procedure to be publicised. It is up to the Governing Body to decide how to fulfil this requirement.

Details of the Complaints Procedures are included in:

- On the school website
- Home school newsletters;
- A specific complaints leaflet which includes a form on which a complaint can be made

## 1. When an issue/concern first arises

Where a complainant has a concern he/she should initially inform the Head Teacher or Deputy Head Teacher either in person, over the telephone, or in writing. A record of the complaint made will be kept by the school for future reference. The complainant will then be invited to an informal meeting with the member of staff most appropriate for dealing with their concern.

We encourage parents to approach staff with any concerns they may have, and aim to resolve all issues with open dialogue and mutual understanding.

**If the complaint is about a member of staff (not including the head teacher),** the complainant should first raise this with the headteacher either in person or in writing, and a meeting can be arranged with the headteacher to discuss the issue.

**If the complaint is about the headteacher,** the complainant should raise their concern in writing with the chair of governors.

The chair of governors may refer complaints that are taken straight to them back to the appropriate member of staff if they do not warrant the governing body's involvement at that point.

The chair of governors can be contact by email: [pjohnson@keelmanswayschool.co.uk](mailto:pjohnson@keelmanswayschool.co.uk) or by post: Phil Johnson, Keelman's Way School, Campbell Park Road, Hebburn, NE31 1QY

### Initial informal meeting

Once a concern has been raised the complainant will be invited to attend an informal meeting with a member of staff or the headteacher to discuss their concerns.

The complainant is welcome to bring a friend, partner, or – in the case of a pupil who has raised a concern – a parent, to this meeting. It may be appropriate for a pupil to attend the meeting if their parent has raised a concern, depending on the nature of the issue.

Staff have a responsibility to ensure that the complainant understands any future points of action that have been agreed upon in this meeting and should make a record what has been discussed, as well as any outcomes and a plan of action, if one has been agreed.

All staff will do their best to ensure that the complainant's concerns are dealt with appropriately and efficiently but if we cannot come to an agreement, or the complainant remains dissatisfied with the outcome of the meeting, the complainant can make a formal complaint in writing to the headteacher.

## 2. Formal complaints

In order to ensure that complaints are processed efficiently and effectively, Keelman's Way School deals with formal complaints in three stages:

### **Stage 1:**

If the complainant does not feel that their concern has been dealt with as they would like, are unhappy with the outcome of the informal meeting, or feel that the issue is serious enough that it warrants it, the complainant can make a formal complaint in writing to the headteacher.

The school's complaints form can be found at the end of this policy (**Appendix 1**).

The headteacher should respond to the complaint in writing within 15 school days. He/she may already be aware of the situation. He/she will outline their investigation, findings and decision and any action to be taken as a result of the complaint.

The headteacher may call the complainant in for a meeting to discuss the issue, possible solutions, or to explain what has or will happen as a result of the complaint.

The headteacher will keep a record of all interactions with the complainant and other staff, meetings and decisions made in reference to the complaint.

**If the complaint is against a member of staff**, the headteacher will discuss the complaint with the member of staff concerned. If it is an allegation of abuse, a formal investigation may be instigated by the school or external child welfare authorities to whom the school reports. Please refer to our **allegations of abuse against staff policy** for an outline of this procedure.

### **Stage 2:**

If, having spoken to the headteacher, the complainant remains dissatisfied with the outcome of their complaint, the complainant may refer their complaint with the chair of governors. The complainant should refer their complaint in writing within 10 school days of receipt of the headteacher's response, explaining the reasons why they remain dissatisfied and the steps that have led up to taking this course of action.

The chair of governors will investigate the complaint and will respond to the complainant in writing within 20 school days outlining their investigation, findings and decision, and any action that has or will be taken. **If the Chair has decided not to take any further action** on the issue, the Chair will explain what he/she has decided, how the decision has been reached, and will outline the complainant's right of appeal.

## 3. Appeals

### **Stage 3:**

If the complainant remains dissatisfied following the Chair's investigation, they may appeal to the Complaints Committee of the governing body.

## **The Complaints Committee**

The Complaints Committee will be made up of members of the governing body. No member of the governing body can sit on the Committee if they have had any former knowledge or involvement in the case that is being dealt with at that time.

The Committee will give careful consideration to how the complainant can be made to feel most comfortable presenting to the Committee, especially in the case of a young child having to present or explain information.

The complainant must lodge an appeal in writing, within 10 school days following receipt of the Chairs response, explaining their concern and the steps that have led up to them taking this course of action, including the reasons why they disagree with the Stage 1 / Stage 2 findings.

A meeting of the Complaints Committee should be convened within 25 school days following receipt of complainant's letter of appeal.

The Clerk should make all such information available to the committee, complainant and headteacher at least 5 school days before the date of the hearing.

### **Hearing procedure**

The procedure for an appeal hearing is attached as **appendix 2**.

#### The role of the clerk

- 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, including witnesses, in advance of the hearing;
- Meet and welcome the parties as they arrive at the hearing;
- Make a written record of the proceedings;
- Notify all parties in writing of the Committee's decision.

#### The role of the Chair of the Committee

To ensure that:

- The remit of the Committee is explained to the parties (i.e. a fresh rehearing of the evidence submitted) and each party has the opportunity of putting their case forward and ask questions ;
- The issues are dealt with by the Committee
- Key findings of fact are made;
- Parents 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 each other with respect and courtesy;
- The hearing is conducted fairly, with each party having had the opportunity to hear all of the available evidence and comment on it;
- The Committee is open minded and acting independently;
- No member of the Committee has a vested interest or has had any involvement in an earlier stage of the procedure;
- Written material is seen by all parties. If substantial new issues are raised for the first time at the hearing an adjournment may be necessary to allow the Committee and the other parties to consider the issues.

#### **The Complaints Committee can:**

- dismiss all or part of the complaint
- uphold all or part of the complaint

- decide on the appropriate action to be taken to resolve the complaint
- Evaluate all the evidence available and recommend changes to the school's systems or procedures as a preventative step against similar problems arising in the future.

The Chair of the Committee should ensure that the both parties are notified of the Committee's decision and its reasons for its decision, in writing, within 5 schools days of the hearing. The letter should explain any further rights of appeal, and to whom they need to be addressed. For curriculum and sex education matters, the complainant may appeal to the LA.

The Committee's decision is final.

**Keelman's Way School will review and evaluate *all* complaints no matter how far they are taken or what the outcome to ensure that similar problems are avoided in the future or to see if they could have been managed any more effectively.**

#### **4. Complaints about the governing body to the Secretary of State**

The Secretary of State may hear a complaint and intervene if:

- the complaint relates to a failure by the governing body to carry out its statutory duties
- The complainant believes the governing body has or is acting unreasonably in the exercise or performance of its functions under certain legislation. The test for this is that no reasonable authority or governing body, acting with due regard to its statutory duties, would have reached that decision
- Intervention is expedient (i.e., there is an instruction the Secretary of State can give to one or other party that would put matters right).

The complainant should set out fully the concerns and reasons why the complaint is being submitted, enclosing all previous correspondence relevant to the complaint.

If a parent's complaint regarding an individual child is not resolved at school level or with the support of LA (where available), parents can make a written complaint to the Secretary of State. The Secretary of State for Education has the power to resolve disputes or complaints if he is satisfied that a governing body is acting or proposing to act "unreasonably" in the exercise of a power or the performance of a duty under the Education Acts or have not carried out a statutory duty at all.

#### **5. Role of Local Government Ombudsman (LGO)**

The LGO is able to investigate a variety of matters related to schools including:

- School admissions and allocations
- School transport
- Some aspects of special education needs
- School exclusions
- Complaints about tuition at home

#### **6. Staff complaints**

Staff who have a concern about a colleague or a volunteer should refer to our whistleblowing policy and staff discipline, conduct and grievance policies.

Policies are published on school website and shared area.

## 7. Other Matters

### Vexatious Complaints

If properly followed, a good complaints procedure will limit the number of complaints that become protracted. However, there will be occasions when, despite all stages of the procedures having been followed, the complainant remains dissatisfied. If the complainant tries to reopen the same issue, the Chair of the governing body should inform them in writing that the procedure has been exhausted and that the matter is now closed.

### Anonymous Complaints

The governing body will not consider anonymous complaints. Any anonymous complaints will be retained and the number reported to governors to enable governors to monitor any patterns of complaints.

### 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:

- The complainant should be interviewed to clarify the issues raised in the complaint and to listen to any concerns the parent may have. Parents should be reassured that their complaint is being taken seriously and that the matter will be fully investigated and any outcome reported back to them.
- It is advisable that staff seek professional advice before undertaking investigations against others members of staff.
- At the outset of an investigation, the person undertaking the investigation should identify and note down, what has happened so far, who has been involved and who needs to be interviewed. Others may be added to or deleted from the list at a later stage as information emerges. It is helpful if the complainant can give an indication at this stage of how they would like the matter to be resolved.
- 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, **with another adult present**. A contemporaneous note of the information provided during any interview should be taken at the same time and then signed and dated by the interviewer. 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. Conduct the interviews with an open mind and be prepared to persist in the questioning where necessary.
- 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) should be informed with an explanation that the matter is being investigated. It would be appropriate to invite these 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 for 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 should become distressed, it would not be appropriate to continue at that point and the interview should be adjourned. The investigating officer should consider whether or not s/he has obtained sufficient information and whether it is appropriate or necessary for the interview to resume at a later date.

A report of the investigation should be prepared. This should reference the issues of the complaint, details of the investigation and any conclusion reached including any action taken e.g. apology/explanation where appropriate.(Detail any relevant policies or procedures considered)

## Contact details

Keelman's Way School, Campbell Park Road, Hebburn, NE31 1QY.

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### Signed by:

\_\_\_\_\_ **The chair of governors** **Date: .....**

\_\_\_\_\_ **Headteacher** **Date: .....**

**This policy will be reviewed in 2017**



**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:**

## **PROCEDURE FOR COMPLAINTS HEARING**

1. Both parties enter the hearing together and introductions are made.  
*Note: The Committee may ask questions at any point.*
2. Complainant(s) requested to state their complaint to the Committee including the calling of witnesses, if any. The complainant(s) may wish to be accompanied at the meeting by a relative or family friend or other person of their choice.
3. The Chair of Governors may question both the complainant and the witnesses after each has spoken.
4. The Committee will request the Chair of Governors to respond to the complaint including the calling of witnesses, if any.
5. The complainant may question both the Chair of Governors and the witnesses after each has spoken.
6. The complainant is invited to sum up their complaint.
7. The Chair of Governors is invited to sum up the school's response to the complaint.
8. Both parties shall withdraw from the meeting.
9. The Committee should consider the complaint and the evidence presented and should:
  - 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
10. The complainant(s) and Chair of Governors will be informed in writing of the outcome of the meeting.
  - At no point will one party be allowed to remain in the hearing without the other party being present.

### **Witnesses**

Both parties are entitled to invite those witnesses that they consider to be relevant in supporting their case. Each witness should bring material facts that other witnesses called by the party have not presented, to ensure that the Committee has a clear understanding of the party's case. The Chair of the Committee has discretion to reduce the number of witnesses where the number is disproportionate to the issue and where witness statements indicate repetitive information. The Chair of the Committee may also ask either party to provide additional witnesses where further clarification is required.

The Committee will decide whether any witnesses should remain in the meeting after they have given their evidence.