

COMPLAINTS BY PARENTS

Reference Points

- Apprenticeships, Skills, Children and Learning Act ("The Act") 2009 (Chapter 10, Part 2, sections 206-224)
- Education Act 2002 (Section 29)
- DfES 'School Complaints Procedure Toolkit', available via www.governornet.co.uk
- 'Complaints by Parents – Procedure' (see attached appendix)
- 'Dealing With and Reporting Racist Incidents – Guidance for School in Lincolnshire'

Contact Point

Schools Liaison Officer (01522/782030)

Action Points

From 1st September 2003, all maintained schools are required to have a procedure in place for dealing with complaints relating to the school and any community facilities or services that the school provided. The procedure must be published.

A 'School Complaints Procedure', once adopted by the Governing Body, should be recorded in the publication scheme and copies made available upon request.

- Governing Bodies should draw up a set of written rules (a policy) for dealing with complaints quickly and, as far as possible, locally.
- The existence of the policy should be notified to parents.
- The complaints procedure, attached as an appendix, is offered as a suggestion only and Governing Bodies should amend it as they see fit so that it best suits the particular circumstances at their school. However, it does meet the DfES criteria, published in 2003.
- Where Governing Bodies are asked to respond to complaints they should ensure that individual complaints are referred to a Complaints Committee, or to the Chair of Governors if it is necessary to follow the school's disciplinary procedure, and not raised at full Governing Body meetings.
- The Governing Body and the Headteacher should be advised of the outcome of the investigation into a complaint and of any recommendations made by the Complaints Committee arising from their investigations.
- No Governor should deal with a complaint alone.

The Richmond School

COMPLAINTS BY PARENTS - PROCEDURE

GUIDANCE for PARENTS:

Introduction

In The Richmond School all staff are dedicated to giving all children the best possible education and caring properly for their health, safety and welfare at all times. We are committed to working closely with parents and believe that the school and parents must work together in partnership, each carrying out their own particular responsibilities to help pupils gain the most from their time in school.

If you feel that something is not going quite as you would like it to, that we are doing something that you are unhappy with, or not doing something that you feel we should, PLEASE TELL US ABOUT IT.

- The first step:

Please arrange to discuss any concerns with your child's class teacher, or with the particular teacher concerned. We hope that most problems can be sorted out this way.

- The second step:

If, after speaking to your child's teacher, you do not feel that your complaint has been properly dealt with, or if your concern is about the conduct of a particular teacher, then you should discuss the matter with the headteacher. In almost all cases we can sort things out satisfactorily in this way.

- The third step:

If you are still concerned about the matter, unless the complaint is about the conduct of the headteacher, you should make a formal written complaint to the headteacher. You should then receive a written response.

- Taking matters further:

If your complaint is about the conduct of the headteacher, or if you are dissatisfied with the headteacher's response to your formal complaint letter, then you need to contact the governors.

You should send written details of your complaint, with any correspondence and evidence to support your complaint, to the Clerk to the Governors at the school address. If, for some reason, you do not feel able to do so, you should contact the Clerk, via the school, who will produce a typewritten statement for you to sign.

The governors will investigate your complaint and write to advise you of the outcome.

- The Final Stage

The decision of the governors is normally final; however if you are dissatisfied with the governors' response, you can take your complaint to a final stage, to an external body. If your complaint is about the school, that the governors have not followed agreed school policies or procedures properly, then you should contact the local

Government Ombudsman on 0300 0610614 or 0845 6021983, or by email advice@lgo.org.uk or see their website at www.lgo.org.uk/schools

Governors Complaints Procedure

- If a parent is not satisfied with the response from the Headteacher regarding their complaint or if their complaint is about the Headteacher, then he/she is entitled to take their complaint to the Governing Body.
- All complaints to the Governing Body must be initiated by means of a letter, detailing the complaint and accompanied by any supporting evidence, and sent to the Clerk to the Governors, care of the school. The Clerk will then ensure the complaints process is commenced as soon as practicable. (a complainant can request that the Clerk to the Governors write down the complaint on their behalf where writing a letter is difficult).
- The Governors have appointed a minimum of three of their number to form a Complaints Committee to investigate and consider the complaint. It is recommended that the Chair of Governors is not on this committee. Those Governors chosen should ideally have no knowledge whatsoever of the details surrounding your complaint or of the complainant.
- It is appreciated this may not always be possible, particularly in some rural schools. However, the Governing Body always strive to find an impartial selection of Governors whenever possible.
- Once the Complaints Committee has been formed, they must then decide how they wish to investigate the complaint.
- The Governors effectively have two options available. They can choose to deal with the complaint by means of an oral hearing or through written representations, but in making this decision they must be sensitive to any needs the complainant has. The LA advises that, wherever possible, it should be through written representations.
- If the Governors elect to have an oral hearing, the parent will be invited to attend a meeting where they will be able to put their complaint personally to the Governors. The headteacher will also be present to respond to the complaint. Teachers should not attend. If their evidence is needed, it should either be obtained via the headteacher, or where this is not appropriate, by a governor either before or after the meeting with the parent. The Governors will only make a decision about the complaint once they have heard the parent's and the school's evidence.
- The structure of such a meeting should be flexible. However, it is anticipated it will follow a similar process to exclusion or admission appeals. The complaints committee should have familiarised themselves with the written complaint before the meeting opens and will have an opportunity to ask any questions, as will the headteacher. The complaint should then be responded to by the

headteacher with questions from both parties being permitted. Each party can then be asked to summarise their position. Both parties will then leave to allow the Governors to make their decision in private.

- Either the complainant or the Headteacher will be entitled to bring a representative with them if they wish. Although it would not normally be necessary, either party may bring a legal representative if they wish. Either party intending to bring a representative would be expected to contact the Clerk to the Governors prior to the hearing to notify them of the same.
- If the Governors do not wish to hold an oral hearing; that decision being at the discretion of the Complaints Committee, the investigation will proceed by way of written representations.
- Should the Governors elect to adopt this procedure, the Clerk to the Governors will write to the complainant, outlining the procedure.
- The complaint will be forwarded to the Headteacher who will then have 7 days in which to respond.
- That response will then in turn be sent to the complainant for comment, any responses to be provided within 7 days.
- Finally, that response will go to the Headteacher who has 7 days in which to respond to the clerk.
- A copy of the headteacher's final response will be sent to the complainant with the advice that it is only for their information and that any further response from the parent will not be considered except in exceptional circumstances.
- All the responses are then put before the Complaints Committee for consideration.
- For the avoidance of doubt, all communication should be through the Clerk to the Governors, neither party should send their response to the other directly.
- Regardless of which method is adopted, the Complaints Committee must take a robust approach and not simply endorse the decision of the headteacher without any consideration of the evidence.
- The Complaints Committee must have all the necessary evidence to make their decision. If they are not satisfied and require further evidence from either party, they should adjourn and request that information. The Complaints Committee should only make their decision if they are satisfied they have sufficient evidence in with which to make a final decision.
- The decision of the Complaints Committee should be given to the complainant in writing within five working days of the decision. Providing the procedures as

laid down in the Complaints Policy are followed then there is no right of appeal following this decision.

- A parent who is dissatisfied can contact the LA. The Schools' Liaison Officer will not look at the merits of a complaint but may investigate how the Complaints Committee has dealt with it. Occasionally, this will require the Complaints Committee to consider the matter further.
- The decision letter should outline the nature of the complaint, the factors taken into consideration and the decision of the Complaints Committee. There is therefore no need for minutes to include any other information.
- Under the Data Protection Act, parents can request to have sight of all documents relating to their complaint, subject to restrictions as detailed in Section A06 of The Schools Admin handbook.

It is important that the complaint and the investigation papers are not attached to the child's file as they do not relate to the child. However, The Richmond School will keep a central record of complaints received.

Approved by Governing Body on 23.03.11

Signed *Stephanie Blanchard Hall*

FORMAL COMPLAINT TO GOVERNORS

This action should only be taken once the headteacher has responded in writing to a formal complaint OR if the complaint is about the headteacher.

