



# Alexandra SCHOOL

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## Complaints Procedure

**Approved and adopted 30 June 2016**

# COMPLAINTS PROCEDURE

## **A. Introduction**

Alexandra School endeavours to provide the best education possible for all of its pupils in an open and transparent environment. We welcome any feedback that we receive from parents, pupils and third parties, and we accept that not all of this will be positive.

Parents are encouraged to come to the school to talk about their concerns. The school has an open door policy and staff are available to see parents before and after school and at other times by appointment.

The school aims to keep parents informed when they have made a complaint and adheres to the timescales stated in this procedure. Where concerns are raised the school intends these to be dealt with fairly, openly, promptly and without prejudice.

In order to do so, the governing board of Alexandra School has approved the following procedure which explains what you should do if you have any concerns about the school.

### **Definition of a Complaint**

A 'complaint' within the terms of these procedures is an expression of dissatisfaction by a person or persons with a legitimate interest in the school, but not employed by the school. These procedures do not deal with complaints about the standard of teaching of members of the teaching staff. Some specific concerns are dealt with under alternative policies, given below.

- Pupil admissions are the responsibility of the Royal Borough of Kingston Local Authority.
- Staff grievance, capability or disciplinary issues are covered by the school's relevant procedures.
- Complaints concerning a third party used by the school should be directed to the third party themselves.
- Anonymous complaints will be handled under the Whistleblowing Policy.

### **Raising concerns**

It is hoped that a concern can be resolved without formally invoking this procedure. If you are concerned about anything to do with the education that the school is providing, you should make an appointment to discuss this with your child's class teacher or another relevant member of staff. The member of staff will attempt to resolve the matter. That member of staff has a duty to inform the Headteacher if the issue is not resolved after the meeting.

All concerns will be dealt with confidentially, although the staff member may need to take notes if they feel that the matter may need to be taken further or it may arise again in the future. Any such notes will be kept in accordance with the principles of the Data Protection Act 1998. However, such notes would be able to be used to as evidence if further investigation was required, or if the concern became a formal complaint.

### **Safeguarding**

Wherever a complaint indicates that a specific child's wellbeing or safety is at risk, the school is under a duty to report this immediately to the local authority. Any action taken will be in accordance with the school's Safeguarding Policy which can be found on the school's website.

### **Social Media**

In order for complaints to be resolved as quickly and fairly as possible, Alexandra School requests the complainants do not discuss complaints publically via social media such as Facebook or Twitter. Complaints will be dealt with confidentially for those involved and we expect complainants to observe confidentiality also.

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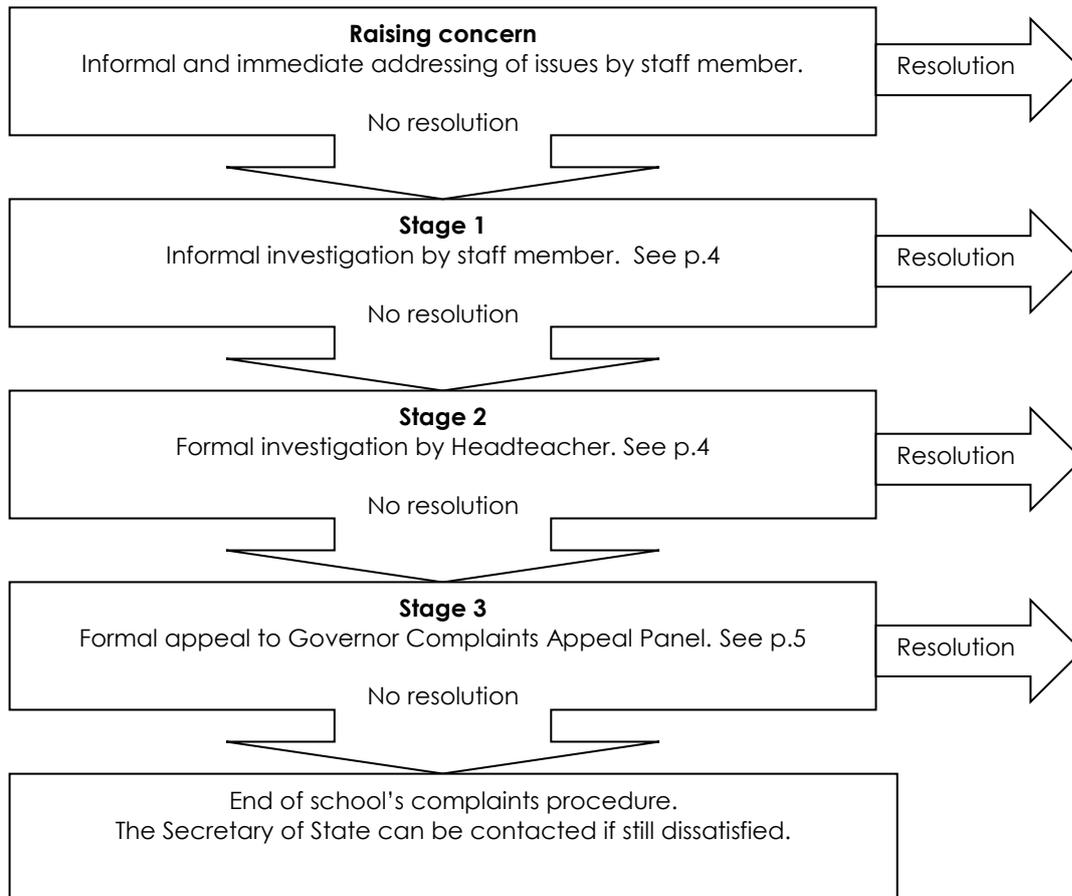
## Complaints that result in staff capability or disciplinary action

If, at any formal stage of the complaint, it is determined that staff disciplinary or capability proceedings are necessary in order to resolve the issue, the details of this action will remain confidential to the Headteacher and/or the individual's line manager. The complainant is entitled to be informed that action is being taken and the eventual outcome of any such action, but is not entitled to participate in the proceedings or receive any detail about them.

## Procedure

If you need to raise an issue in the first instance, please do so with the relevant member of staff who will be happy to talk to you and seek to establish a solution. If you are not satisfied with this response and believe the issue has not been resolved, please use the following procedure as detailed below.

## Stages



## Timeframes

Alexandra School will endeavour to abide by timeframes stated under each stage but acknowledges that in some circumstances, this is not always possible due to the complexity of information needed to review a complaint or difficulties regarding individual's availability to deal with the complaint, for example. If it becomes apparent that it is not possible to complete any stage of the complaints procedure within a given timeframe, the individual responsible for handling the complaint will contact the complainant as soon as possible and come to an agreed timeframe that works for all parties involved.

Alexandra School reserves the right not to investigate complaints that have been made over six months after the subject of the complaint took place, except in exceptional circumstances. These are where the complaint is of an especially serious matter, where new evidence has come to light or where there is reasonable justification as to why the complainant has been unable to

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raise the complaint before this time. The Headteacher will review the situation and decide whether or not to enact the Complaints Procedure, informing the Chair of Governors of the decision.

## **Complaints about the Headteacher or the governors**

Where a complaint is about the Headteacher, the complainant should first directly approach the Headteacher in an attempt to resolve the issue informally. If the complainant is not satisfied with this outcome they should notify the Clerk to the Governors in writing via the school office. The Stage 2 process will then commence but with the Chair of Governors, or another Governor appointed by the Chair, carrying out the role of the Headteacher in the investigation.

Where a complaint regards a governor, the same process applies as for the Headteacher. Where a complaint concerns the Chair of Governors, the individual should contact the Clerk to the Governors. Informal resolution will be sought, but where this fails, the Complaints Procedure at Stage 3 will take immediate effect. The Vice Chair or an independent investigator will mediate any proceedings.

## **B. Stages of the Complaint**

### **Stage 1: Informal stage**

Where as a result of raising a concern the complainant still feels that the issue has not been addressed, or where the outcome has been that the complaint needs further investigation, they may progress by making an appointment to discuss it with the Headteacher or Deputy Headteacher.

The Headteacher (or Deputy) considers any complaint very seriously and investigates each complaint thoroughly. Most complaints are normally resolved at this stage and the complaint will be logged in the Complaints File.

It is hoped that all concerns will be dealt with informally, without the need for formal procedures. However, when an initial attempt to resolve an issue has been unsuccessful, and the person raising the concern remains dissatisfied, they may take the matter further by raising a formal complaint.

### **Stage 2: Formal investigation by the Headteacher**

The complainant may submit a formal complaint in writing to the Headteacher. Once received, this letter will be recorded in the Complaints File, along with the nature and details of the complaint. If the complaint is about the Headteacher, the complaint should be made in writing to the Chair of Governors. In this case, the Chair of Governors, or another Governor appointed by the Chair, will carry out the role of the Headteacher in the investigation. The Chair or Appointed Governor may seek advice from the Local Authority if needed.

1. The Headteacher will respond in writing within 10 working days (excluding those that fall in the school holidays) of the date of receipt of the complaint to acknowledge receipt of the complaint and explain what action will be taken, giving clear timeframes.
2. A log of all correspondence in relation to the complaint will be kept in accordance with the Data Protection Principles.
3. The Headteacher will consider all relevant evidence. This may include but is not limited to:
  - a statement from the complainant;
  - where relevant a statement from an individual who is the subject of the complaint;
  - any previous correspondence regarding the complaint;
  - any supporting documents in either case;

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- an interview with anyone related to the complaint.
4. The Headteacher may decide to have a meeting with the complainant (and where relevant, the subject of the complaint) if she feels that it would be appropriate for the investigation. The complainant may be accompanied by a friend or relative. An independent person not involved in the case may attend the meeting to take notes. At the start of the meeting the Headteacher may find it useful to go through the Formal Complaints Form in Appendix B with the complainant.
  5. The Headteacher may decide to have a meeting with the subject of the complaint, where relevant, or with other witnesses. Pupil witnesses will only be interviewed with another member of staff present.
  6. After considering the available evidence, the Headteacher can:
    - uphold the complaint and direct that certain action be taken to resolve it;
    - reject the complaint and provide the complainant with details of the stage three appeals process;
    - uphold the complaint in part. The Headteacher may find one aspect of the complaint to be valid, but not another aspect. She may direct certain action to be taken to resolve the aspect that she finds in favour of the complainant.
  7. The Headteacher must inform the complainant of her decision in writing within 20 working days (excluding those that fall in the school holidays) of having issued written acknowledgement of the receipt of the complaint. She must explain clearly why she has come to the decision. Any agreed actions as a result of the complaint must be detailed. Finally, the complainant must be provided with details of how to progress the complaint to stage three if the complainant is not satisfied.

### **Stage 3: Formal appeal heard by the Governing Body's Complaints Appeal Panel**

If the complainant wishes to appeal a decision by the Headteacher at stage 2 of the procedure, or is not satisfied with the action that the Headteacher took in relation to the complaint, the complainant is able to appeal this decision.

The complainant must write to the Chair of Governors at the school as soon as possible after receiving notice of the Headteacher's decision, briefly outlining the content of the complaint and requesting that a Complaints Appeal Panel is convened.

The Chair of Governors will check that the correct procedures have been followed in dealing with the complaint and whether a hearing of the Governing Body Complaints Appeal Panel is appropriate and, if so, ask the Clerk to convene a meeting.

The Clerk will organise the time and date of the appeal hearing, invite all the attendees, collate all the relevant documentation and distribute this 5 days in advance of the meeting. The Clerk will record the proceedings in the form of minutes and circulate these and the outcome of the meeting.

The complainant must request a Complaints Appeal Panel within 4 weeks of receiving the Headteacher's decision or it will not be considered, except in exceptional circumstances. On receipt of this written notification, the following steps will be followed:

1. The Clerk will write to the complainant within five working days (not including the school holidays) to confirm receipt of the appeal request and detail further action to be taken.

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2. The Clerk will convene a panel of three school governors. All three panel members will have no prior knowledge of the content of the complaint. If necessary, independent individuals may be invited on to the panel.
3. The appeal hearing will take place within 20 working days (excluding those which fall in the school holidays) of receipt of the date of the confirmation letter from the Clerk to the complainant, confirming the appeal.
4. In addition to the panel, the following parties will be invited, where applicable:
  - the complainant;
  - the Headteacher/Governor who dealt with the complaint at Stage 2;
  - where the complaint regards a member of staff, the staff member who is the subject of the complaint.

The complainant may bring a companion with them to the hearing if they wish. Where the subject of the complaint is a member of staff, that staff member is also able to bring a companion with them.

The companion will be a friend or colleague. Neither party is able to bring legal representation with them.

5. If the attendance of any pupils is required at the hearing, parental permission will be sought. Extra care will be taken to consider the vulnerability of children where they are present at a complaints hearing.
6. Where the complaint is about a Governor, the complainant may request that the appeal is heard by an entirely independent panel. It is at the discretion of the Governing Body whether to comply with this request. Where an entirely independent panel is required, timescales may be affected while the school sources appropriate individuals for the review.
7. The panel can make the following decisions:
  - 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.
8. All parties who attended the meeting will be informed in writing of the outcome of the appeal within 5 working days (excluding those which fall in the school holidays).

See Appendix A for guidance about a Complaint Appeal Panel.

This is the final stage at which the school will consider the complaint.

### **Further Stages**

If the complainant remains dissatisfied and wishes to take the complaint further, it can be referred to the Secretary of State for Education. The Secretary of State has a duty to consider all complaints raised but will only intervene where the governing body has acted unlawfully or unreasonably and where it is expedient or practical to do so.

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## **C. Resolving complaints**

Complaints may be resolved in a number of ways. It might be sufficient to acknowledge that the complaint is valid in whole or part. In addition, it might be appropriate to offer one or more of the following:

- an apology;
- an explanation;
- an admission that the situation could have been handled differently or better;
- an assurance that the event complained of will not recur;
- an explanation of the steps that have been taken to ensure that it will not happen again;
- an undertaking to review school policies in the light of the complaint.

It is useful if the complainant can state what actions they feel would resolve the problem.

## **D. Unreasonable complaints**

Where a complainant raises an issue that has already been dealt with via the school's complaints procedure, and that procedure has been exhausted, the school will not reinvestigate the complaint except in exceptional circumstances, for example where new evidence has come to light.

If a complainant persists in raising the same issue, the Headteacher will write to them explaining that the matter has been dealt with fully in line with the school complaints procedure, and therefore the case is now closed. The complainant will be provided with the contact details of the Department for Education if they wish to take the matter further.

Unreasonable complaints include the following scenarios:

- the complainant refuses to co-operate with the school's relevant procedures;
- the complainant changes the basis of the complaint as the complaint progresses;
- the complainant seeks an unrealistic outcome;
- excessive demands are made on the time of staff and school governors and the complaint is clearly intended to aggravate;
- the complainant acts in a way that is abusive or offensive.

The Headteacher will use her discretion to choose not to investigate these complaints. Where she decides to take this course of action, she must inform the Chair of Governors that she has done so, explaining the nature of the complaint and why she has chosen not to investigate. If the Chair deems it appropriate to, (s)he can redirect the Headteacher to investigate the complaint. The full complaints procedure will commence from stage one on this direction.

If the Chair upholds the Headteacher's decision not to look into the complaint and the complainant deems this decision to be so unreasonable that no other rational body in the same position would have made that decision, then the complainant may write to the Secretary of State for Education.

## **E. Relevant legislation and guidance**

The Equality Act 2010 <http://www.legislation.gov.uk/ukpga/2010/15/contents>

The Data Protection Act 1998 <http://www.legislation.gov.uk/ukpga/1998/29/contents>

Education Act 2002 <http://www.legislation.gov.uk/ukpga/2002/32/contents>

The Department for Education Best Practice Advice for School Complaints Procedures January 2016 <https://www.gov.uk/government/publications/school-complaints-procedures>

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## APPENDIX A

### **Checklist for a Complaints Appeal Panel Hearing**

The Panel will 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 evidence.
- After introductions, the complainant is invited to explain their complaint and be followed by their witnesses.
- The Headteacher/Governor involved in Stage 2 may question both the complainant and the witnesses after each has spoken.
- The Headteacher/Governor is then invited to explain the school's actions and be followed by the school's witnesses.
- The complainant may question both the Headteacher/Governor 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/Governor 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 a set time scale.

### **Roles and Responsibilities**

#### **Clerk**

The clerk is the contact point for the complainant and is required to:

- Set the date, time and venue for the hearing
- 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.

#### **Chair or Nominated Governor**

- Check that the correct procedure has been followed.
- If a hearing is appropriate, notify the clerk to arrange the Panel.

#### **Chair of the Panel**

The Panel will appoint its own Chair. The Chair is responsible for ensuring:

- All parties understand the remit of the Panel and that each party has the opportunity of putting their case without undue interruption.
- The issues are addressed.
- 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 the other with respect and courtesy.
- The Panel is open minded and acts 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.
- Written material is seen by all parties.

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## APPENDIX B

### Alexandra School Formal Complaints Form

Name	
Name of pupil, year group and your relationship to them (where applicable)	
Contact address	
Contact telephone	
Contact email address	
Details of the complaint	
Action taken so far (including staff member who has dealt with it so far) or solutions offered	
The reason that this was not a satisfactory resolution for you	
What action would you like to be taken to resolve the problem?	

Signed:

Date: