

The Ridings High School: Complaints Procedures

Background

The main aim of this policy document is to detail the procedures to be followed in respect of **general complaints** received by the school:

General Complaints because there will be a number of complaints which fall within certain categories for which there is a specific and set procedure, which must be followed and for which it is not open to Governors to determine their own procedures and policies. These are:

- i) complaints about the curriculum, under section 23 of the Education Reform Act 1988, as consolidated in the 1996 Education Act;
- ii) complaints about admission to the school;
- iii) complaints about failure to assess a child's special educational needs;
- iv) the exclusion of pupils from school;
- v) child protection.

A summary of the procedure to follow in each of the above cases is given in **Appendix 1**

Referral of Complaints

- All complaints should be directed to the school initially, in an attempt to settle differences **informally** wherever possible.

Either initially to the subject teacher/tutor with regard to simple procedural issues.

Or Head of Faculty/Department or Head of Year if the issues are more complex or **not** satisfactorily resolved.

Or members of the Senior Management Board

Or the Headteacher where issues are considered to be more serious or remain unresolved.

However, parents always have a right to make a formal complaint to the Governing Body at any stage, if they so wish, and should be so informed.

Teaching staff, and holders of posts of responsibility, may decide to refer complaints to senior members of staff, either for advice, or to undertake resolution of the identified complaint. **This should always be the case if a teacher is accused of abusing pupils either verbally or physically.**

- In the case of complaints which fall outside those for which there is a specific and set procedure, and unless the complaint is against the actions of a Governing Body itself, the Governors will have the prime responsibility for dealing with any complaints which it has not been possible to resolve at school level. In such cases, if the complainant has contacted the Education Service directly then the Education Service will refer the complainant back to the Chair of Governors for consideration.
- If at any stage during the investigation of the complaint it becomes apparent that the complainant is seeking some form of financial compensation, then the investigation should be suspended while advice/comments are sought from the school's insurers on

how to proceed. If the advice received is to put the complaint in the hands of the insurers, and not dealt with by the Governors, the Governors have a duty to write to the complainant and inform them.

- **The Chair of Governors** should be the first person to **approach only** in cases which could involve disciplinary or legal action against the Headteacher.
- For Governors' role see **Appendix 2**.

Resolution of Complaints

- Parents/Guardians or others are encouraged to raise concerns for resolution **on an informal basis** at school level, as previously indicated.
- It is good practice for staff to keep a written record of any complaint made even if dealt with informally. Details should be recorded of:
 - The nature of the complaint.
 - How the complaint was dealt with, and by whom.
 - The manner in which it was resolved (or unresolved).
- Principles to be followed
 - Ensure accuracy of the record of the complaint.
 - Communicate the substance of the complaint to any relevant party, including a person who may be the subject of a complaint (unless this may be related to alleged child abuse).
 - Seek to ensure a prompt response detailing a proposed time-scale which allows sufficient time for relevant enquiries to be made, and for responses to be obtained from relevant personnel. (In some circumstances, usually formal complaints, teaching staff who are the subjects of complaints may wish to seek advice from their Professional Associations and should be advised to do so. This will affect the time-scale.)
 - Keep all parties informed of up-to-date progress, especially if there are unexpected delays.
 - Ensure a thorough and fair investigation which addresses all the points at issue.
 - Confidentiality should be respected. It is a matter for only relevant parties, whether parents/guardians, staff or pupils.
 - Provide adequate feedback to the complainant in resolving the complaint. This should seek to establish positive relations and trust for the future.
 - Provide appropriate feedback internally to relevant personnel. This should inform future service delivery and developments.
- Where complaints are not resolved with staff, other than the Headteacher, parents should be encouraged to pursue the issue with the Headteacher.
- For the informal complaints process **see Appendix 5**
- If discussions between the Headteacher and the complainant fail to resolve the issue then the parent should make a formal complaint to the Governing Body (via Chair of Governors).
- For the formal complaints process **see Appendix 6**.

- Parties to the complaint should not be brought together as part of the investigation but, in some situations, it may be appropriate **subsequently** to bring them together as an aid to resolution. This may be recommended as an outcome from the investigation.
- If the complaint is not satisfactorily resolved it should be referred to the Headteacher for further informal consideration, or to the Governing Body for formal consideration, if unable to resolve the complaint informally.
- All staff should retain “notes” relating to informal consideration of complaints for submission **either** to the Headteacher **or** Governing Body, if required. Parents are entitled to see any submission made by the school but with any reference to the third parties deleted.

NB If a complaint indicates that there may be a need for disciplinary action to be taken against a member of staff, the advice of the South Gloucestershire Education Personnel Manager will be sought. Should it be decided that there is a case to answer:

- The complaints procedure will be suspended.
- The disciplinary investigation will be conducted according to the South Gloucestershire Education Service Personnel guidelines.
- The complainant should be informed of the suspension of the complaints procedure and, on a regular basis, as to the likely timescale for its reactivation.
- The resolution of the complaint will be notified to the complainant at the conclusion of the disciplinary proceedings, although details of any disciplinary action will not be released.

Appeals

- Complainants will have a right of appeal to the Local Education Authority, if they consider that the Governing Body has acted unreasonably, or not dealt with their case fairly and according to the Governors’ published policy and practice.
- Complainants have the right of appeal to the Secretary of State for Education and Employment, under sections 68 and 99 of the 1944 Education Act, as consolidated in the 1996 Education Act, if they consider that a Local Education Authority has acted unreasonably.

Access to Policy

- A copy of this policy is issued to all staff and all members of the governing body.
- A copy of the policy is available for public scrutiny on application to the Senior Management Board.
- Where parents wish to pursue a formal complaint a copy of the policy will be made available.

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Specific complaints for which the governing body's procedures do not apply.

The following complaints fall within certain categories for which there is specific procedure and timescale. Unless otherwise stated, the duty to consider these complaints rests either with the Education Service or the Corporate Services Department of the Council.

1 **Complaints about the curriculum**, under Section 23 of the Education Reform Act 1988, as consolidated in the 1996 Education Act

The complaints which are covered in this category are as follows:

- i) the provision of a curriculum, including religious education and worship, which meets the general requirements of Section 1 and 2 of the Act;
- ii) the implementation of the National Curriculum and compliance with Orders and Regulations made about its requirements and exceptions to its provision;
- iii) provision to pupils of compulsory school age of courses leading to an external qualification, only if that qualification and the associated syllabus or syllabus criteria have been approved;
- iv) provision of religious education and worship as required by the Act and other enactments;
- v) establishment of a Standing Advisory Council on Religious Education (SACRE) and review of the agreed syllabus for the area if the SACRE so requires;
- vi) the need to act reasonably in deciding whether or not to be associated with an application for exemption from all or part of the National Curriculum in order to carry out development work;
- vii) in the case of a Governing Body, consideration of appeals by parents about the temporary withdrawal of pupils from part or all of the provisions of the National Curriculum;
- viii) operation of charging policies in relation to the curriculum;
- ix) compliance with regulations about the provision of information;
- x) compliance with any other enactments relating to the curriculum.

In all cases concerning complaints against the curriculum, the initial point of contact in the Education Service is Mary Rose, Senior Adviser (01454 863184).

2 **Complaints about admission to school.**

Community Schools (ie The Ridings)

- i) If a place at the parents' preferred school is not available and parents are not prepared to accept the place offered at another school, then they have the right of appeal to an Appeal Committee established under Section 7 of the Education Act 1980, as consolidated in the 1996 Education Act.

- ii) Parents have the right to appeal for more than one school if they wish to. Appeals for each school must be made separately in writing by the parent and include:
 - name, address and date of birth of the child;
 - name of the preferred school;
 - reasons for preference;
 - grounds for the appeal.
- iii) The appeal should be sent to The Director of Education, South Gloucestershire Council, Education Service, Bowling Hill, Chipping Sodbury BS37 6JX and marked for the attention of "Schools and Community Services Section".
- iv) The parents' appeal will be notified to the Director of Corporate Services who will give parents notice of the date, time and place at which the Appeal Committee is to meet.
- v) Parents have the right to appear and speak at the Appeal Hearing.
- vi) Any complaint about the conduct of an appeal panel or decision of the panel should be put, in writing, to the Director of Corporate Services, South Gloucestershire Council, The Council Offices, Castle Street, Thornbury, South Gloucestershire BS35 1HF.

3 Complaints about failure to assess a child's special educational needs

Details relating to complaints regarding special educational needs and disabilities can be found in the school's Special Educational Needs and Disability Discrimination Policy.

4 Exclusion of pupils from school

Complaints against a Headteacher's decision to exclude a pupil from school, and the timescales within which these should be heard, are covered by the guidance given in Circular 10/99 and the Education Service current exclusion policy. (**NB** Government guidance regarding exclusions circular 10/99, Chapter 6 and Annex D, was superseded in January 2003.)

Further information or clarification can be obtained from the Assistant Education Officer (Schools and Community) 01454 8633302

5 Child Protection

All complaints involving an allegation of child abuse should be referred immediately to the Education Service, through discussion with the named contact officers. In cases where the allegation is against a member of staff, the Contact officer is Ron Bull, Personnel Manager, Personnel and Central Services 01454 863212.

For any allegation which is not against a member of school staff, the named contact officer is Fran Bennett, Principal EWO, Education Welfare Service 01454 863392.

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Role of Governing Body

- The Chair of Governors should be the first person to approach **only in cases which could involve disciplinary or legal action against the Head.**
- **The Governors** will have the prime responsibility for dealing with any **complaints which it has not been possible to resolve at school level.**
In such cases, if the complainant has contacted the Education Service directly, then the Education Service will refer the complaint back to the Chair of Governors for consideration.
- Individual complaints should not initially be raised at full meetings of the Governing Body. This is necessary in order to avoid prejudicing governors who may become involved at any subsequent stage of the process.
- Governors approached directly by a complainant should refer him/her to the Headteacher, or the Chair of Governors (in circumstances described above). It is important that the complaint is referred through the agreed procedure, and that **an individual Governor does not act unilaterally by investigating any complaint or by making a prior judgement about it.**
- Governors taking up a complaint on behalf of **either** an individual **or** a group should not take part in either any formal hearing of a complaint, or any subsequent appeal to consider disciplinary action. This is necessary to ensure that a complaint has been viewed objectively and a decision reached without prejudice.
- All complaints should be referred to the Chair of Governors, who will decide whether the complaint should be addressed **either** by the governor members of relevant committees **or** a small group of three governors convened specifically to address the complaint **or** the Education Service. **(See Appendix 3)**
- Governors involved in the initial investigation of a complaint will not be involved in any subsequent appeal.
- The full governing body will only become involved, after resolution, at the stage of reporting back the outcome of a complaint and any required action, whether in terms of disciplinary action, procedural or policy issues for the whole school, or both. The report will be in confidential session, only in summary form, to establish the reasons for any recommended outcome.
- The Governing Body should maintain a monitoring role by receiving regular reports on complaints received (eg termly).

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The Role of the South Gloucestershire Education Service.

- Unless the complaint falls within the specific areas outlined in Appendix 1, or unless the complaint is against the actions of the Governing Body, the Education Service would not be directly involved in investigating the complaint, unless the Governors requested this.
- **The role** of the Education Service in dealing with **general complaints** against schools is, therefore, **an advisory one**. Officers in the Education Service are always able to give advice to Headteachers and Governors at any stage in the process.
- All general complaints received by the Education Service will therefore, with the agreement of the complainant, be passed to the Chair of Governors for consideration as to how it should be investigated.
- There may be exceptional occasions when the Governors wish the Education Service to investigate a complaint on their behalf, or when circumstances warrant an 'external' investigation, in order to maintain Governors' impartiality. The service will report back to the Governors, with recommended action if appropriate.
- Even where the Education Service is not asked to investigate a formal complaint, Governors are encouraged to inform the Education Service as soon as a formal complaint is made, so that if the complainant at any time contacts the Education Service about the same complaint, it will be clear how the matter is being dealt with. **(See Appendix 4.)**

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Officers to Contact in the Education Service

Pat Vedmore, Education Officer, Schools and Community Services 01454 863152

- Advice on procedure
- Request for the Education Service to investigate a complaint
- Child Protection, allegations against a member of staff
- Admissions
- Exclusions

Ron Bull, Personnel Manager 01454 863212

- Staffing issues generally
- Staff grievance
- Staff disciplinary procedure

Trevor Daniels, Education Officer Special Educational Needs 01454 863170

- Assessment of children with Special Educational Needs

Mary Rose, Senior Adviser 01454 863184

- Complaints against the curriculum

Margaret Simmons-Bird, Governor and Staff Development Officer 01454 863185

- Complaints against the actions of a Governing Body

John Rowe, Risk and Insurance Manager 01454 864730

- Complaints involving potential claims for financial compensation.

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School Process (Informal Complaints)

- If it is clear that a complaint is to be dealt with formally, by the Governors, the recipient should neither enter into discussion about the complaint nor act upon it. It should be passed to the Headteacher for the Chair of Governors.
- On receipt of a complaint, from parents/guardians, pupils or others, the recipient must decide the course of action.
 - - Does it relate to me and can it be dealt with informally? - **Seek personal resolution.**
 - Does it relate to me, but are the complaints sufficiently serious for the complaint to be passed to a member of the Senior Management Board? - **Refer the complaint.**
 - Does it relate to another, identified member of staff. - **Refer to Head of Department/ Faculty/ Year** (whoever is relevant).
 - It is sufficiently serious* for the complaint to be passed to a member of the Senior Management Board - **Refer the complaint.**
 - Does it relate to issues of school policy/practice? - **Refer to relevant manager.**

If in doubt, seek advice from **either** your relevant line-manager (Administrative, Curricular or Pastoral) **or** a member of the Senior Management Board.

* “Sufficiently serious” would most likely relate to complaints of a very personal nature, including allegations which might be considered as child abuse – verbal, psychological or physical.

- Decisions regarding referral relate to
 - Advice related to specific process which **may** need to be followed.
 - Assistance in addressing issues which may arise.
 - Support in the face of distressing allegations.
- The line of action decided should be communicated to the complainant.

- In pursuing a complaint staff should:
 - acknowledge written complaint within two working days of receipt.
 - ensure accurate detail, especially if communicating to another. (If written complaint, points may need clarifying. If an oral complaint, seek to confirm accuracy as to the points to be pursued.)
 - ensure the agreement of pupils, if applicable, to the detailed substance of complaints made on their behalf.
 - obtain details of any possible “witnesses” who may be relevant to a complaint.
 - provide any person who is the subject of a complaint with the details, requesting, and allowing time for, any written response to the issues identified.
 - investigate thoroughly and fairly all relevant lines of enquiry.
 - encourage participants in the enquiry to write statements, sign and date them. If written “on their behalf”, such statements should also be signed and dated. (It is reasonable to seek clarification **but** any staff comments resulting from “clarification” should be noted separately. Perhaps use a copy of the original for amendments. Any amendments should be signed and dated.)
- Parties to the complaint should not be brought together as part of the investigation but, in some situations, it may be appropriate **subsequently** to bring them together as an aid to resolution. This may be recommended as an outcome from the investigation.
- If the complaint is not satisfactorily resolved it should be referred to the Headteacher for further informal consideration, or to the Governing Body for formal consideration, if unable to resolve the complaint informally.
- All staff should retain “notes” relating to informal consideration of complaints for submission **either** to the Headteacher **or** Governing Body, if required.

Parents are entitled to see any submission made by the school but with any reference to third parties deleted.

- **Keeping written records**
 - **all** complaints should be recorded.
 - a log of each stage (date, who involved, how resolved etc).
 - it is recommended that all records of complaints should be kept for six years.

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Governing Body Process (Formal Complaints)

- Where it is apparent that a formal complaint is to be pursued, the Chair of Governors will decide whether the complaint relates to

Either a category for which there is a specific and set procedure, **See Appendix 1**

Or a category which the Governing Body will pursue.

Or a situation warranting an 'external' investigation, by the South Gloucestershire Education Service, in order to maintain Governors' impartiality, **See Appendix 3**

- Where the category is to be pursued by the Governing Body, the Chair of Governors will decide whether it can be dealt with by

Either one of the existing standing committees (with the agreement of the relevant committee chairman).

Or a specially convened committee (3 members).

- Pursuit of any complaint is confidential. No governors other than those identified should be aware of complaint details.
- The designated body will conduct their enquiries according to the principles outlined in the policy document, and reflecting considerations similar to these found in **Appendix 5: School Process**.
- Where the results of informal enquiries exist the Headteacher will be requested to make available all relevant 'notes'. Alternatively, the Headteacher will be made aware of the issues raised and will be requested to provide a written response.
- All parties to the complaint must be given a fair opportunity to express their point of view. The complainant and the Headteacher (and/or relevant representative staff) may be required to attend a meeting of the group considering the complaint but parties to the complaint should not attend together. (Other relevant persons, including pupils, may also be requested to attend).
- The decision of governors is communicated to the complainant in writing.