

SIR FREDERIC OSBORN SCHOOL



COMPLAINTS PROCEDURE

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Signed by: _____ (print name)	Signature: _____

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COMPLAINTS PROCEDURE

School based complaints procedure

Section 29 of the Education Act 2002 requires all maintained School Governing Bodies to adopt and publicise a complaints procedure.

At Sir Frederic Osborn School we aim to ensure that:

- your complaint is dealt with honestly, politely and in confidence;
- your complaint will be looked into thoroughly and fairly;
- if your complaint is urgent we will deal with it more quickly;
- we will keep you up-to-date with progress at each stage;
- you will get an apology if we have made a mistake;
- you will be told what we are going to do to put things right.

Investigating Complaints

When investigating a complaint the school will:

- establish what has happened so far and who has been involved;
- clarify the nature of the complaint and what remains unresolved;
- meet with the complainant or contact them (if unsure or further information is necessary);
- clarify what the complainant feels would put things right;
- interview those involved in the matter and/or those complained of, allowing them to be accompanied if wish;
- conduct the interview with an open mind and be prepared to persist in the questioning; keep notes of the interview.

Resolving Complaints

When resolving a complaint the school may offer one or more of the following if relevant:

- 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 light of the complaint.

Vexatious Complaints

A vexatious complaint is likely to involve some or all of the following:

- the complaint arises from a historic and irreversible decision or incident;
- contact with the school is frequent, lengthy, complicated and stressful for staff;
- the complainant behaves in an aggressive manner to staff when he/she presents his/her complaint or is verbally abusive or threatening;
- the complainant changes aspects of the complaint partway through the complaint process;
- the complainant makes and breaks contact with the school on an ongoing basis; or
- the complainant persistently approaches the school (and in some cases the Local Authority) through different routes about the same issue in the hope of getting different responses.

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The school will try and resolve all complaints but this will, at times, be dependent on the co-operation of the complainant. In instances where there is a complete breakdown of relations between the complainant and the school, a decision may be made to restrict contact. Any restrictions imposed will be appropriate and proportionate. The school may implement one or more of the following restrictions when dealing with vexatious complaints:

- requesting contact in a particular form (e.g. letters only);
- requiring contact to take place with a named member of staff (e.g. Headteacher);
- restricting telephone calls to specified days and times;
- asking the complainant to enter into an agreement about his/her future contact with the school;
- informing the complainant that if he/she still does not follow this advice, (as stated above), correspondence that does not present significant new matters or new information will not necessarily be acknowledged, but should be kept on file;
- if the complainant tries to reopen an issue that has already been examined through the complaints procedure, the Chair of the Board of Governors is able to inform them in writing that the procedure has been exhausted and that the matter is now closed.

Examples of types of complaint

Complaint made by a Governor about a member of Staff

This should be dealt with through the complaints procedure outlined in this document. The Governor concerned would have to withdraw from any meeting at which the complaint or its outcome was being discussed. If the complaint is related to the *conduct* of a member of staff, it would be more appropriate to invoke the school's Disciplinary Procedures.

Complaint by a member of staff against an individual Governor acting in a personal capacity

The Chair of the Board of Governors, (or the Vice-Chair if the complaint is against the Chair), should attempt to resolve the matter informally. If such a resolution is not possible, and with the agreement of the Governor concerned, a Panel of Governors could be set up to consider the matter as under the normal complaints procedure in this document.

Complaint by a member of staff against the action/decision of the Board of Governors

If the decision was taken at a meeting of the full Governing Body the matter would have to be put on the agenda for review at another meeting and if the decision was then confirmed that would be the end of the matter. (For this reason it is important that matters that could potentially lead to a complaint or appeal are routinely dealt with by a committee with delegated authority, in order to allow for an appeal or a rehearing by an unprejudiced second group of Governors). If a committee or individual with delegated authority took the original decision then a Panel of Governors who were not involved in the decision should review the matter, ensuring that the member of staff concerned was given an opportunity to state his/her case to the Panel. Any decision by the Panel would be final.

Complaint by a member of the public (not a Parent)

Complaints from members of the public are most likely to be dealt with by the Headteacher and beyond that the Chair of Governors.

Complaint by a parent whose child no longer attends the school

Where parents have removed their child from the roll of a school it is clearly impossible for the Board of Governors to put things right for that child. However, the Board of Governors has a duty of care to the students who remain on roll and will investigate the circumstances to satisfy themselves that no-one had acted inappropriately and that procedures and policies had been followed correctly. Whilst it is not necessary to convene a Governors' Complaints Panel, it would be good practice to inform parents whether the complaint had been upheld or otherwise and of any changes to practice and

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procedures which have been agreed by the Board of Governors.

Complaint procedures

Informal stage

Most concerns, or potential complaints, can be resolved informally by offering the complainant a full discussion with the member of staff who is best able to help. If a complainant moves straight to Stage 1 of the complaint process without going through the informal stage, then the complaint will, under the professional discretion of the Headteacher, be delegated back to the relevant members of staff.

The contact details of key members of staff can be found on the school website or by phoning the school directly.

Stage 1

Once a complaint has gone through the informal stage without resolution the complainant will need to directly contact the Headteacher, who will acknowledge the complaint within 5 working days. A meeting will be arranged between the Headteacher, key staff and the complainant to resolve the complaint made. The meeting will be arranged no later than 10 working school days after receiving the complaint. At the meeting the complainant will be given the opportunity to discuss the complaint and identify what actions they feel are appropriate to rectify the situation. If Governors become involved in Stage 1, they cannot be involved with Stage 2 of the complaints procedure.

If the complaint is about the provision the school is making for a child's Special Educational Needs, then the complainant might find it helpful to talk to the named SEND Officer where this applies. The Parent Partnership Service will be able to provide advice on the procedures the Local Authority has in place for resolving disputes between schools and parents over SEND provision. Schools should give parents wishing to complain further a copy of the Complaints Procedure and ask them to set out their complaint in a letter or by completing the complaint form.

Stage 2

If the complainant feels that no resolution has been made at Stage 1, then the complainant will need to write directly to the Chair of Governors. The Chair of Governors will acknowledge the complaint in writing within 10 working school days. In the case of Special Educational Needs complaints, the Chair of Governors must inform the Local Authority Complaints Manager.

If the Chair of Governors, or other Governors, have been involved in earlier discussions to try and help settle the disagreement at Stage 1, then arrangements should be made for another Governor with no prior involvement to take charge of the investigation and consideration of the complaint.

It may be helpful to offer the complainant an opportunity to talk about the complaint in the course of the investigation, prior to the complaint hearing. This might clarify the outstanding matters of complaint which remain unresolved and what outcome is sought by the complainant.

A Governors' Complaints Panel will be set up within 28 school days of the date of the written complaint. The Chair of Governors will issue a letter inviting the complainant to a hearing asking them to provide any documentation by a date at least 10 days before the hearing.

The complainant will be provided with full details of how the Governors' Complaints Panel will conduct the further investigation.

All relevant documentation will be circulated 7 days before the Governors' Panel meeting. A Governors' Panel will meet with all relevant parties to review the complaint and evidence presented. Complainants may be accompanied by a friend or representative who may speak on their behalf at the Governors' Panel meeting. This person could be an interpreter of their choice and complainants

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should be encouraged to do this where necessary.

The Chair of the Panel may invite to the meeting any person who may help establish the facts of the complaint. Complainants need to be told who this person is before the meeting.

Any member of staff required by Governors to attend any meeting or the hearing will have the opportunity to be accompanied or represented.

A member of staff named by a complainant in the complaint may also choose to attend even if not required to do so by Governors and may be represented. If this happens, parents should be told beforehand.

When the complaint has been fully investigated and the hearing has taken place, complainant should be notified of the findings in writing by the Chair of the Panel hearing the complaint or the Governor responsible for the investigation within 5 school working days of the hearing date.

The report, with findings, should, at the same time, be published to the Board of Governors as a confidential item and will, in addition, include any recommendations. A meeting of the Board of Governors must accept the findings but can accept, reject or reject in part, the recommendations. Personal details should not be disclosed, but an outline of the complaint hearing and findings should be given.

The Chair of Governors should write to the complainant to confirm any actions agreed by the Board of Governors. Any agreed actions must be implemented by whoever it applies to - this could be the Board of Governors as well as the Headteacher. The complainant should also be informed whether and how they can take their complaint further.

A copy of the report must be sent to the Headteacher and the Local Authority Complaints Manager in the case of a Special Educational Needs complaint, where there is a right in law to a third stage of complaint to the County Council.

What can complainants do if they are not satisfied with the outcome of the second stage of investigation?

In most cases it is expected that a complaint will be satisfactorily resolved following formal complaint to the Board of Governors. However, should the complainant remain dissatisfied, following the outcome of their Stage 2 hearing and wish to take their complaint further, they must do so within 28 days of receiving the written outcome of the hearing. After 28 days, neither the school nor the Local Authority (where appropriate) are under any obligation to investigate or progress the complaint any further.

When is there a third stage of complaint to the County Council and how does it work?

When it is a complaint about the way a school is providing for a child's Special Educational Needs. The complainant can complain further to the Local Authority by writing to their Complaints Manager.

The Complaints Manager will acknowledge the letter and will notify the Chair of Governors and the Headteacher. The Complaints Manager will arrange for the complaint to be investigated. The investigator will seek the comments of the Board of Governors and any other information or advice as necessary.

When the complaint has been fully investigated and considered the Complaints Manager will notify the complainant of the outcome in writing, giving the reasons for it, any action or proposed action to be taken and the further recourse available. A copy of this will be sent to the Headteacher, the Chair of Governors and to anyone else concerned in the investigation. This brings the third stage for Special Educational Needs complaints to a conclusion.

Complainants who remain dissatisfied following further investigation of their Special Educational

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Needs complaint by the Local Authority have the right to complain to the Secretary of State who may decide to conduct an additional investigation.

What happens when there is no statutory third stage of complaint to the County Council?

IF THE COMPLAINT IS ABOUT BULLYING, THE NATIONAL CURRICULUM, COLLECTIVE WORSHIP IN A COMMUNITY, VOLUNTARY-CONTROLLED, FOUNDATION OR TRUST SCHOOL OR ABOUT ANY OTHER GENERAL MATTERS: THERE IS NO THIRD STAGE OF INVESTIGATION BY THE COUNTY COUNCIL.

For the vast majority of complaints there is no right of further complaint or appeal to the LA beyond the school's Board of Governors.

If complainants have not yet complained to their child's school contact the Local Authority, Council Officers will ask the complainant for their written consent to share information regarding their complaint with the school in question. If the complainant declines to provide their consent, the matter will not normally be taken any further. If consent is provided, the Council will pass the complainant's concerns onto the school, whilst ensuring that the complainant is made aware that this will not necessarily result in the complaint against the school being resolved or the complainant achieving the outcome they were seeking.

Can complainants (parents) complain to anyone other than the County Council?

Parents have the right to complain to the Secretary of State at the Department for Education (under the Education Act 1996), if they believe that the Board of Governors or the Local Authority is acting or proposing to act unreasonably (section 496), or is failing to carry out a statutory duty (section 497). This has to mean that the LA or the Board of Governors is acting outside its powers, or misusing them. Only then would the Secretary of State follow up the complaint.

The Secretary of State will then contact the Board of Governors or LA for information. The contact details for the Secretary of State are as follows:

The Secretary of State Department for Education Sanctuary Buildings
Great Smith Street
London
SW1P 3BT
Telephone: 0870 000 2288

Website: www.education.gov.uk

What kind of record will be kept about complaints?

The County Council will formally monitor Special Educational Needs complaints escalated to it under the statutory third stage of the complaints procedure and The Priory School will formally record and monitor all Stage 2 complaints to the Board of Governors.

Useful contact details

Chair of Governors	The Headteacher's PA can tell you who this is and pass on any written correspondence	
Complaints Team Children's Services	www.hertsdirect.org/yourcouncil/hcc/childserv/comments/ Email: cs.complaints@hertscc.gov.uk	01992 588542
Parent Partnership Service (SEN)	www.hertsdirect.org/parentpartnership Email: parent.partnership@hertscc.gov.uk	01992 555847

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Black Minority Ethnic (BME) Achievement Team - If your complaint is about racial harassment or discrimination	www.thegrid.org.uk	01438 844752
ACE (Advisory Centre for Education)	www.ace-ed.org.uk	0808 800 5793
HertsHelp	www.hertsdirect.org/hertshelp	0300 123 4044
Family Lives	www.familylives.org.uk	0808 800 2222
Carers in Herts	www.carersinherts.org.uk	01992 586969
Children's Legal Centre	www.childrenslegalcentre.com	01206 873820
Citizen's Advice Bureau	www.citizensadvice.org.uk	08444 111 444