



COMPLAINTS POLICY AND PROCEDURE

(adapted from Wirral L.A guidance)

In accordance with [Section 29\(1\) of the Education Act 2002](#), all maintained schools must have *and* publish procedures to deal with all complaints relating to their school.

Kilgarth School has a four-stage complaints procedure to manage complaints from parents/carers, guardians and members of the general public starting with an informal stage for concerns and ending with an appeal to the Governing Body.

The first stage deals with concerns that have the potential to be managed by the majority of the staff during the course of their duties. Complaints dealt with at Stage 2 would be managed either by the Headteacher or a senior member of staff. When a formal complaint arises and is not dealt with to the satisfaction of the complainant, it will first be addressed by the Headteacher at Stage 3, if he has not been involved at Stage 2, then subsequently by the Governing Body at Stage 4.

Complaints not Covered by the Procedure

Exceptions	Who to contact
• Admissions to schools • Statutory assessments of Special Educational Needs • School re-organisation proposals	Concerns about admissions, statutory assessments of Special Educational Needs, or school re-organisation proposals should be raised with Wirral Local Authority Education Department.
• Management of Safeguarding	Under the Safeguarding policy, staff members are aware of their duty to raise concerns, where they exist, about the management of Safeguarding – this

	includes the attitude or actions of colleagues. If necessary, they will speak with the head teacher, the chair of the governing body or with the Local Authority Designated Officer (LADO). Parents, children and other people who wish to report concerns or complaints, including abusive or poor practice, should contact the head teacher. If they have serious concerns, they may wish to contact the Local Authority designated officer, Anne King (LADO) who has local responsibility for safeguarding: 0151 666 4442/5525
Exclusion of children from school*	Further information about raising concerns about exclusion can be found at: www.gov.uk/school-discipline-exclusions/exclusions.
Whistleblowing	We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors. The Secretary of State for Education is the prescribed person for matters relating to education for whistleblowers in education who do not want to raise matters direct with their employer. Referrals can be made at: www.education.gov.uk/contactus. Volunteer staff who have concerns about our school should complain through the school's complaints procedure. You may also be able to complain direct to the LA or the Department for Education (see link above), depending on the substance of your complaint.
Staff grievances	Complaints from staff will be dealt with under the school's internal grievance procedures.
Staff conduct	Complaints about staff will be dealt with under the school's internal disciplinary procedures, if appropriate. Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.
Complaints about services provided by other providers who may use school premises or facilities	Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct.

• National Curriculum - content	Please contact the Department for Education at: www.education.gov.uk/contactus
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The Range of Complaints

It is accepted that concerns raised are likely to be wide-ranging and varied and could include complaints concerning:

- pupil's lack of progress at school
- disagreements over school policy, e.g., homework
- health and safety issues, cleanliness of facilities and state of repair
- inappropriate discipline
- an individual teacher's actions or attitudes toward a parent or pupil
- lack of effective action, e.g., over bullying
- playground supervision
- racist behaviour
- sexual harassment
- a teacher's failure to keep order
- unfair treatment of a pupil
- if a pupil or parent disagrees with the outcome of an investigation relating to external examination outcomes

GENERAL PRINCIPLES OF THE PROCEDURE

A summary of the concerns and complaints procedure is in appendix 1.

Timescale

Many concerns can be dealt with at the first stage and resolved immediately. Where a concern cannot be dealt with immediately, the member of staff dealing with the issue will note a response date for the complainant and will record it to ensure a reply is communicated. (The Governing Body recommends a response time of no more than fifteen school days). If a decision cannot be communicated within the deadline, then a letter will be written to the complainant indicating a date by which a decision will be made.

Support for Complainant

As part of the general publicity about the complaints procedures, it is important for complainants to know where they can go for information, advice and advocacy. Support could be offered from individuals and organisations who are clearly separate from those complained against, such as Parents/carers' Advice Centres, Citizens' Advice Bureaux, Community Relations Councils, refugee support organisations, etc. or, if appropriate, LA education officers such as those from Education Social Welfare Service, Principal Officer Customer Care.

Parents/carers or others raising concerns or complaints should be aware that if they consider it appropriate they may be accompanied by a friend, a relative or a representative at any stage of the procedure.

Support for a Person Complained Against

Staff who may be questioned as part of a complaints procedure investigation must feel they are being treated in a fair way and that they will have an opportunity to put their case. They should be told about the procedure and be kept informed of progress. There is a crucial balance to be maintained between supporting the individual so that his/her rights and reputation are protected, and investigating a complaint thoroughly and impartially.

The complaints procedure is distinct from formal disciplinary proceedings for staff and this should to be made clear to all concerned. There may be occasions where a complaint launches a disciplinary procedure that puts the complaints procedure on hold. If so, the complainant should be informed of this and any non-disciplinary aspects of the complaint should be dealt with by the usual complaints procedures; the complainant should be updated on likely further delays to a response. It may be clear after the disciplinary procedures have been completed that particular responses to the complainant are required.

Confidentiality

All conversations and correspondence will be treated with discretion. A complaint will not in any way penalise the pupil. However, from the outset all parties to a complaint must be aware that some information may have to be shared with others involved in the operation of the complaints procedure. Headteachers and members of the Senior Management Team may feel it appropriate to be accompanied by another member of staff when dealing with some complaints. Complainants should be made aware that a written record will be maintained of all meetings as part of the procedure.

Anonymous Complaints

It is usually proper to disregard anonymous complaints unless somebody is prepared to substantiate them, but the danger in this is that they may relate to something quite serious. If the unforeseen eventuality occurs, to the detriment of the school, the complainant may subsequently make themselves known and say that s/he alerted the school even though the complaint was unsigned. It is at the Headteacher's or Governing Body's discretion to decide whether the gravity of an anonymous complaint warrants an investigation.

Redress

If the outcome of the complaint procedure shows the school is at fault, it is often sufficient to provide redress in the form of an acknowledgement that the complaint is valid. Alternatively, it may be appropriate to offer one or more of an apology, an explanation, a promise that the event complained of will not recur, an undertaking to review school policies or practices in the light of the complaint, or, in appropriate circumstances, financial compensation. Fear of litigation should not prevent a school from admitting when mistakes have been made, but advice should be sought from the Authority's Risk and Insurance Section if financial compensation is being sought or if litigation is a possibility.

Staff Awareness and Training

School staff, including non-teaching staff, should be familiar with the procedures and able to advise complainants about the process. There are often a great many staff involved in handling complaints. Their confidence in doing so depends on their having clear information about the procedures, reassurances that senior staff are committed to the procedures and some basic training in the practical interpersonal skills needed in dealing with people who are upset or angry.

However should the complainant act aggressively or in an unreasonable manner, the complaints procedure should be delayed. All staff should be aware of the advice contained in the LA policy and guidance document

HS/ECS/024 'Violence at Work'.

Record Keeping

As a successful resolution of complaints may contribute to raising the quality of education, all complaints are recorded and monitored termly by senior staff and reported to the Governing Body where appropriate.

Recording begins at the point when a concern has become a complaint that can not be resolved on the spot but needs investigation and/or consultation with others in the school and will require a later report back to the complainant (either orally, or in writing).

Recording at the earliest stage is a basic record of the complaint, stating the date, name of complainant and general nature of the complaint.

THE COMPLAINTS PROCEDURE

STAGE 1

- 1.1 The vast majority of concerns and complaints can be resolved informally. There are many occasions where concerns are resolved straight away through the teacher, office staff or Headteacher, depending on whom the complainant first approached.
- 1.2 Complainants must feel able to raise concerns with members of staff without any formality, either in person, by telephone or in writing.
- 1.3 At first it may be unclear whether a complainant is asking a question or expressing an opinion rather than making a complaint. A complainant may want a preliminary discussion about an issue to help decide whether he or she wishes to take the issue further.

Procedure at Stage 1

- 1.4 Complainants may be offered an opportunity to discuss their concern with the appropriate member of staff designated to deal with the situation, who will clarify with the complainant the nature of the concern, and reassure them that the school wants to hear about it. The member of staff may be able to explain to the complainant how the situation happened. It can be helpful to identify at this point what sort of outcome the complainant is looking for.
- 1.5 If the member of staff first contacted cannot immediately deal with the matter, s/he should make a clear note of the date, name, contact address or phone number and a brief note on the nature of the complaint.
- 1.6 All members of staff should know how to refer a concern, if necessary, to the person with responsibility for the particular issue raised by the complainant. S/he should check later to make sure that the referral has been successful.

- 1.7 The Headteacher may decide to deal with concerns directly at this stage.
- 1.8 If the concern relates to the Headteacher, the complainant should be advised to contact the Chair of the Governing Body, giving them details of how to do so.
- 1.9 The staff member dealing with the concern should make sure that the complainant is clear what action (if any) or monitoring of the situation has been agreed, putting this in writing only if this seems the best way of making things clear. However, a note should be made of the action and retained.
- 1.10 Where no satisfactory solution has been found within a maximum of fifteen school days, complainants should be asked if they wish their concern to be considered further. If they do then they should be given clear information, both orally and in writing, about how to proceed and about any independent advice available to them.

STAGE 2

- 2.1 At Stage 2 it has become clear that the concern is a definite complaint. In some cases the Headteacher or senior member of staff will already have been involved in looking at the matter; in others it is his/her first involvement. In either case, it is helpful for the Headteacher (or the person delegated to investigate) to use guidelines to ensure consistency among cases, and to make sure that nothing happens at this stage which could make it difficult for later stages to proceed smoothly.
- 2.2 As Headteachers have responsibility for the day-to-day management of their schools, they also have responsibility for the implementation of a complaints procedure, including the decisions about their own involvement at various stages. One of the reasons for having various stages in a complaints procedure is to reassure complainants that their grievance may be heard by more than one person.

Procedure at Stage 2

- 2.3 The Headteacher (or designate) acknowledges the complaint orally or in writing, within a maximum of three school days of receiving the complaint, confirming the exact nature of the complaint. The acknowledgement should give a brief explanation of the school's complaint procedure and a target date for providing a response to the complaint. This could be within fifteen school days. If this proves impossible, a letter should be sent explaining the reason for the delay and giving a revised target date for a response.

- 2.4 The Headteacher (or designate) provides an opportunity for the complainant to meet him/her to supplement any information provided previously. It should be made clear to the complainant that if s/he wishes, s/he may be accompanied to any meeting by a friend, relative, representative, or advocate who can speak on his or her behalf; and that interpreting facilities are available if needed.
- 2.5 If necessary, the Headteacher (or designate) could interview witnesses and take signed statements from witnesses and those involved. If the complaint concerns a pupil, the pupil identified should be interviewed. The pupil should preferably be interviewed with another member of staff present and in the case of a serious complaint with their parents/carers present.
- 2.6 It is strongly advised that the Headteacher (or designate) should keep a written record of interviews, telephone conversations, and other documentation.
- 2.7 Once all the relevant facts have been established, the Headteacher (or designate) should then produce a written response to the complainant, or may wish to meet the complainant to discuss/resolve the matter directly.
- 2.8 The written response should include a full explanation of the decision and the reasons for it. Where appropriate, this should include what action the school will take to resolve the complaint. The complainant should be advised that if s/he wishes to take the complaint further s/he should notify the Chair of the Governing Body within a maximum of ten school days of receiving the outcome letter.
- 2.9 If a complaint is against the action of a Headteacher, the Chair of the Governing Body should carry out all the Stage 2 procedures.

STAGE 3

Reconciliation Stage

This stage in the procedure can follow Stage 2 where the earlier stage has been investigated by a senior member of staff other than the Headteacher.

If the complainant is not content with the decision reached by the designate in response to their complaint they may then refer the matter to the Headteacher. An agreed period of time for this to take place could be established - within a maximum of fifteen school days.

The Headteacher should endeavour to resolve any complaint referred to him at this stage and should seek to arrange a meeting with the complainant as soon as practical. The meeting offers an opportunity to re-assess all the issues, discuss any further findings from the Headteacher's investigation,

clarify the action to be taken by the school and allay the complainant's worries, in order to seek reconciliation.

Should the complainant still be dissatisfied then they should be directed to put their complaint in writing to the headtec.

STAGE 4

Procedure for Review by the Governing Body

- 3.1 Upon receipt of a written complaint appropriate to this stage of the procedure or where a complainant appeals against the decision of the Headteacher (Stage 2 of the procedure) within an agreed period, within a maximum of fifteen school days of receipt of the decision letter, the Headteacher must notify the Chair of Governors so that a review can be instituted.
- 3.2 The committee of the Governing Body should set a timetable for the investigation and should communicate the timetable to the complainant.
- 3.3 The Clerk to the Governors should arrange to convene a Complaints Committee elected from members of the Governing Body. (It may be necessary for the Governing Body to appoint reserves to this committee to ensure that three Governors are available to carry out their task within the set time).
- 3.4 The Complaints Committee members should be Governors who have had no prior involvement with the complaint. If s/he has not previously been involved, the Chair of the Governing Body should chair the committee; otherwise the Vice-Chair should do so. **Generally it is not appropriate for the Head to have a place on the committee.**
- 3.5 The Clerk to the Governing Body should write to the complainant to acknowledge that the Chair of Governors has received a written request for a review. The letter could also explain that the complainant has the right to submit any further documents relevant to the complaint. These should be made available immediately so that they can be circulated to all Complaints Committee members.
- 3.6 The Chair/Vice Chair should ensure that the complaint is heard by the committee within a maximum of twenty school days of receiving the letter. All relevant correspondence regarding the complaint must be made available to the Complaints Committee members at least five days before the hearing.
- 3.7 The Chair/Vice-Chair should write and inform the complainant, Headteacher, any relevant witnesses, and members of the Complaints

Committee at least five school days in advance, of the date, time and place of the meeting. The notification to the complainant should also inform him/her of the right to be accompanied to the meeting by a friend/advocate/interpreter. The letter should also explain how the meeting will be conducted and the complainant's right to submit further written evidence to the committee.

- 3.8 The Chair/Vice-Chair of the Governing Body should invite the Headteacher to attend the Complaints Committee meeting and prepare a written report in response to the complaint. The Headteacher may also invite members of staff directly involved in matters raised by the complainant to respond in writing or in person. Any relevant documents including the Headteacher's report should be received by all concerned – including the complainant – at least five school days prior to the meeting.
- 3.9 The involvement of staff other than the Headteacher is subject to the discretion of the Chair of the Complaints Committee.
- 3.10 It is the responsibility of the Chair of the Complaints Committee to ensure that the meeting is properly minuted.
- 3.11 The aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant. However, it has to be recognised that sometimes it may only be possible to establish facts and make recommendations that will satisfy the complainant that his or her complaint has been taken seriously.
- 3.12 The Complaints Committee should remember that many complainants are unused to dealing with groups of people in formal situations and may feel inhibited when speaking. It is therefore recommended that the Chair of the Complaints Committee ensures that the proceedings are as informal as possible.
- 3.13 If either party should intend to introduce previously undisclosed evidence or witnesses, it is in the interests of natural justice to adjourn the meeting so that the other side has time to consider and respond to the new evidence.
- 3.14 The meeting should allow for
 - the complainant to explain their complaint and the Headteacher to explain the school's response
 - the Headteacher to question the complainant about the complaint and the complainant to question the Headteacher and/or other members of staff (if invited to be present by the Chair of the Complaints Committee) about the school's response
 - committee members to have an opportunity to question both the complainant and the Headteacher

- any party to have the right to call witnesses (subject to the approval of the Chair) and all parties having the right to question all the witnesses
 - final statements by both the complainant and the Headteacher.
- 3.15 The Chair of the Complaints Committee should explain to the complainant and the Headteacher that the committee will consider its decision, and a written decision will be sent to both parties within a maximum of fifteen school days. The complainant, Headteacher, other members of staff and witnesses should then leave.
- 3.16 The Complaints Committee should then consider the complaint and all the evidence presented and (a) reach a unanimous, or at least a majority, decision on the complaint, (b) decide upon the appropriate action to be taken to resolve the complaint and (c) where appropriate, suggest recommended changes to the school's systems or procedures to ensure that problems of a similar nature do not happen again.
- 3.17 A written statement outlining the decision of the committee must be sent to the complainant and the Headteacher.
- 3.18 The Chair should ensure that parents/carers are aware that they can complain to the Ombudsman (in rare circumstances but particularly in relation to admissions) or the Secretary of State for Education and Employment if they are unhappy with the outcome of the review
- 3.19 The school should ensure that a copy of all correspondence and notes are kept on file in the school's records.

Parents/carers / carers/ pupils have the right to complain directly to the Awarding Body / ombudsman if the learner is not satisfied with the outcome of the complaint raised with the centre after all internal stages have been completed.

Complaints Concerning the Teacher/s with Responsibility for Investigating Complaints

Where a complaint concerns in whole or part the conduct of the teacher responsible for investigating complaints, the teacher will, on receipt of the formal complaint, immediately refer the matter to the Headteacher.

The Headteacher may either designate another member of staff to act as the teacher with responsibility for investigating the complaint, or s/he may deal with the complaint herself/himself.

Complaints Concerning the Head, a Governor or the Governing Body

In these cases the Chair of the Governing Body will investigate the complaint.

The complainant can appeal against the decision of the Chair within a maximum of fifteen school days of receipt of the decision letter. The Governing Body can either delegate the appeal to the Complaints Committee, or may, where they think it appropriate, appoint three other Governors to form a Complaints Panel to investigate and make a recommendation by majority decision to the Governing Body.

Complaints Concerning the Chair of Governors

A senior member of staff or the Headteacher, upon receiving a formal complaint against the Chair, will notify the Clerk, who will then table the complaint at an extraordinary meeting of the Governing Body. The Chair must withdraw from any discussion. The Governing Body may either decide to refer the matter to the Local Authority or will refer the complaint to the Complaints Committee of the Governing Body.

Withdrawal of Complaints

Formal complaints may be withdrawn at any stage by notice in writing.

Complaints by Members of the Governing Body and Pupils

Governing Bodies shall establish such procedures, as they feel appropriate for dealing with complaints from members of the Governing Body and pupils.

A complaint by a Governor may be discussed at a full meeting of the Governing Body, who may delegate the responsibility of managing complaints by pupils to the professionals.

Complaints Register

A register of all formal complaints made under the complaints procedure is maintained. The register should include the following:

- a) name and address of the complainant
- b) a brief description of the complaint
- c) a record of the time taken to resolve the matter
- d) the outcome of the complaint.

Date complaint referred to Headteacher	Date	
Date complainant acknowledged orally/by letter	Date	
School's complaint procedure forwarded:?	YES	NO
Target date for response:	Date	
General nature of complaint:		
Date of meeting with complainant	Date	
Others present		
Statements attached:?	YES	NO
Witnesses interviewed		
Name:	Date	
Name:	Date	
Name:	Date	
Name:	Date	
Name:	Date	
Name:	Date	
Pupils interviewed in presence of		
Name:	Date	
Name:	Date	
Name:	Date	
Name:	Date	
Name:	Date	
Name:	Date	
Meeting date with complainant or date letter sent	Date	
Written response attached?	YES	NO
Complaint referred to Governing Body?	YES	NO
	Date	

Appendix 1

If you have a concern or complaint

We would like you to tell us about it. We welcome suggestions for improving our work in the school. Be assured that no matter what you want to tell us, our support and respect for you and your child in the school will not be affected in any way. Please tell us of your concern as soon as possible. It is difficult for us to investigate properly an incident or problem that has happened some time ago.

What to do first

Most concerns can be sorted out quickly by speaking with your child's form tutor. Any teacher or the office staff can help you find the right member of staff. If you have a concern that you feel should be looked at by the Headteacher in the first instance you can contact him straightaway if you prefer. It is usually best to discuss the problem face to face. You may need an appointment to do this, and can make one by ringing or calling in to the school office. You can take a friend or relative to the appointment with you if you would like to so that they can support you.

All staff will make every effort to resolve your problem informally. They will make sure that they understand what you feel went wrong, and they will explain their own actions to you. They will ask what you would like the school to do to put things right. Of course, this does not mean that in every case they will come round to your point of view but it will help both you and the school to understand both sides of the question. It may also help to prevent a similar problem arising again.

What to do next

If you are dissatisfied with the teacher's response (or with the Headteacher's initial reaction if he has already been involved) you can make a complaint to the Headteacher. This should be made in writing. Help with this is available from any member of staff. If your complaint is about an action of the Headteacher personally, then you should refer it to the Chair of Governors now. You can contact the Chair by handing to the Headteacher or school secretary a sealed envelope, marked for the attention of the Chair of Governors.

The Headteacher will ask to meet you for a discussion of the problem. Again you may take a friend or someone else with you if you wish. The Headteacher will conduct a full investigation of the complaint and may interview any members of staff or pupils involved. You will receive a written response to your complaint.

If you are still unhappy

The problem will normally be resolved by this stage. However, if you are still not satisfied you may wish to contact the Chair of the Governing Body to ask for referral of your complaint to the Complaints Committee of the Governing Body. It will then be heard by a group of three Governors who have no previous knowledge of the problem and so will be able to give it a fresh assessment. You will be invited to attend and speak to the Complaints Committee at a meeting, which the Headteacher will also attend.

Further action

Complaints about school problems are almost always settled within schools but in exceptional cases it may be possible to refer the problem to an outside body such as the Ombudsman (in rare circumstances but particularly in relations to admissions) or the Secretary of State for Education and Employment. Again there is more information on this in the General Complaints Procedure.