



Elemore Hall School

Policy Title	Complaints Policy and Procedure
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This version	September 2019
Approved by	
To be reviewed by	Finance, personnel and school environment committee
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COMPLAINTS POLICY & PROCEDURE

INTRODUCTION

Since 1 September 2003 Governing Bodies of all maintained schools and maintained nursery schools in England have been required, under Section 29 of the Education Act 2002, to have a procedure in place to deal with complaints relating to the school and to any community facilities or services that the school provides. In October 2000 The Human Rights Act came into force, and schools should be mindful to give consideration to Article 6, "The Right to a Fair Trial". All schools must have a publicised complaints procedure.

There are certain complaints which fall outside the remit of the Governing Body's complaints procedure. They include:

- Matters that are the responsibility of the Local Authority
- Conduct of staff at the school
- Content of a statutory statement of special educational needs
- Pupil admissions
- Pupil exclusions
- The national curriculum and related issues including religious education
- Child protection

Appendix 1 explains where to direct complaints about these issues.

The essential elements of a sound complaints procedure include an initial informal stage, where most complaints are dealt with informally within school by simply talking the concern over. Occasionally complaints are unable to be resolved in this manner and may necessitate the involvement of the Headteacher, or his delegate, as arbiter. More rarely, when complaints cannot be resolved in the preceding ways, the Governing Body will need to become involved to resolve the situation.

Although Governors will wish to be helpful, and reassure any concerned party that an issue will be handled fairly, taking part in such discussions can later prejudice their involvement in any formal complaints procedure. Governors are, therefore, advised to either:

- Make this difficulty known and refer the party to the Headteacher; or
- Listen in order to help resolve the concern but accept this will prejudice their impartiality if the issue develops into a formal complaint to be considered by the Governing Body at a later stage.

This policy and practice sets out a way that general school complaints can be managed. All complaints will be dealt with as quickly and efficiently as possible. The period of consideration will vary with the gravity and complexity of the complaint and the urgency with which it needs to be settled

This policy and practice also sets out who deals with more specific types of complaints not covered by this policy.

RATIONALE

The school does not function in isolation. It has a wide reference set. The set includes parents/carers, governors, the LA, the DCSF other professionals and the local community. The action of the school and the staff who work in it will sometimes be open to comment, question and, occasionally criticism. It is likely that the students who attend the school, because of their emotional and behavioural difficulties, will more frequently be subject to comment, question and criticism.

It is important that such any censure is addressed as quickly and thoroughly as possible.

SCOPE

This policy and practice applies to students, parents and carers, staff, other professionals and members of the public.

Most matters to do with the management of the school are within the scope of this policy and practice and ultimately the responsibility of the Governing Body.

Complaints about the following issues have their own, separate procedures and cannot be considered under the procedure described in this policy:

- ❑ Matters which are the responsibility of the Local Authority,
- ❑ The conduct of any staff at the school that is not a matter for the school's disciplinary or child protection procedures,
- ❑ Content of a statutory Statement of Special Educational Needs,
- ❑ Student admissions,
- ❑ Student exclusions, and
- ❑ The national curriculum and related issues including religious education.

An appendix describes where to direct complaints about these issues.

Any uncertainty whether a complaint is a school or a LA issue can be resolved by contacting the Headteacher or the School and Governor Support Service at County Hall.

An appendix describes a list of useful telephone numbers in this respect.

PRACTICE

Staff – Staff

Some degree of friction between staff is inevitable in work situations which are pressured and stressful. This is compounded by the challenge presented by students with emotional and behavioural difficulties. Success in keeping such friction to a minimum and managing inter personal difficulties appropriately allows staff to work

together productively and provides an example and model to students, most of whom have great difficulty in managing their feelings and relationships.

Staff must never allow their annoyance with other member of staff to be acted out in front of the students. It is damaging and unsettling to students and staff morale to do so.

In almost all cases differences between staff should be managed by talking the matter through on a one to one basis without involving others. If this does not provide a resolution then staff should seek the guidance of their line managers and, if still unsuccessful, the Headteacher or his delegate.

Should a member of staff feel that a colleague has acted in a way which is contrary to the guidelines on school practice as described in its 'Aims and Objectives' staff must report this to their line manager or the Headteacher. Not to do so places the whole establishment and the needs of our students at risk.

Should the complaint be against the Headteacher then staff must refer the matter to the Chair of Governors or the LA.

The Headteacher will properly, sensitively and carefully investigate any complaint or his delegate according to the procedures described within this policy.

However, if after discussion with Headteacher or his delegate the matter remains unresolved the formal complaints procedure will be initiated. The complainant will be given a copy of the Complaints Policy and Practice, the name and address of the Clerk to the governors of the school, and the name of the person to write to in County Hall.

Staff of themselves

There is a risk that under pressure staff will at times behave inappropriately. It is important that on such a situation the member of staff informs their line manager or the Headteacher themselves. The situation is likely to become more difficult to resolve if the Headteacher first becomes aware of a complaint from another member of staff, parent/carer, a student or any other person.

Student – Staff

It is essential that students feel that they can complain should they feel that they have been inappropriately managed or unfairly treated by a member of staff. Whilst it is usually best if a student talks the matter through with a member of their case co-ordinating team they have a right to expect that any member of staff will hear their complaint and pass it on to the Headteacher or where appropriate his delegate. Where a formal complaint is made, parents/carers will be informed and the complaint investigated according to the procedures described within this policy.

Should the complaint be against the Headteacher then staff must report the matter to the Chair of Governors or the LA.

The Headteacher (or his delegate) will properly, sensitively and carefully investigate any complaint according to the procedures described within this policy.

However, if after discussion with Headteacher or his delegate the matter remains unresolved the formal complaints procedure will be initiated. The complainant will be given a copy of the Complaints Policy and Practice, the name and address of the Clerk to the governors of the school, and the name of the person to write to in County Hall.

Staff – Student

Staff working with a client group that can at times be very challenging and provocative will on occasions face verbal, emotional and physical challenge. Staff should not become indifferent to such behaviour. They have a right to use the school's complaints procedures to deal with student challenge and to have the support of their colleagues and the Headteacher when doing so.

Any complaint will be properly, sensitively and carefully investigated by the Headteacher or his delegate according to the procedures described within this policy.

However, if after discussion with Headteacher or his delegate the matter remains unresolved the formal complaints procedure will be initiated. The complainant will be given a copy of the Complaints Policy and Practice, the name and address of the Clerk to the governors of the school, and the name of the person to write to in County Hall.

Student – Student

Students' complaints against other students should be dealt with the same rigour as complaints from other sources. Many students at Elemore are vulnerable and often feel threatened. In the past they may not have been listened to appropriately. It is particularly important that staff leave students feeling that they have been properly listened to; their feelings and anxieties understood; and their complaints fully investigated. Whilst it is usually best if a student talks the matter through with a member of their case co-ordinating team they have a right to expect that any member of staff will hear their complaint and pass it on to the Headteacher or, where appropriate, his delegate.

Any complaint will be properly, sensitively and carefully investigated by the Headteacher or his delegate according to the procedures described within this policy.

However, if after discussion with Headteacher or his delegate the matter remains unresolved the formal complaints procedure will be initiated. The complainant will be given a copy of the Complaints Policy and Practice, the name and address of the Clerk to the governors of the school, and the name of the person to write to in County Hall.

Parents/Carers

Parents/Carers who are unhappy about any aspect of their child's education or experience at school should make an appointment to see the Headteacher or his delegate. The Headteacher or his delegate will discuss the complaint with parents/carers and involve other staff where appropriate.

Any complaint will be properly, sensitively and carefully investigated by the Headteacher or his delegate according to the procedures described within this policy. Usually, because of close working relationships with parents/carers, problems or worries can

easily be sorted at this stage. However, if after discussion with Headteacher or his delegate the matter remains unresolved the formal complaints procedure will be initiated. The complainant will be given a copy of the Complaints Policy and Practice, the name and address of the Clerk to the governors of the school, and the name of the person to write to in County Hall.

Other Professionals

Professionals who are unhappy about any aspect of a student's education or experience at school should make an appointment to see the Headteacher or his delegate. The Headteacher or his delegate will discuss the complaint and involve other staff where appropriate.

Any complaint will be properly, sensitively and carefully investigated by the Headteacher or his delegate according to the procedures described within this policy. Usually, because of close working relationships with other professionals, problems or concerns can easily be sorted at this stage. However, if after discussion with Headteacher or his delegate the matter remains unresolved the formal complaints procedure will be initiated. The complainant will be given a copy of the Complaints Policy and Practice, the name and address of the Clerk to the governors of the school, and the name of the person to write to in County Hall.

Community - School

Members of the community who are concerned about any aspect of school practice, staff and student behaviour or any other matter should contact the Headteacher.

Any complaint will be properly, sensitively and carefully investigated by the Headteacher or his delegate according to the procedures described within this policy.

However, if after discussion with Headteacher or his delegate the matter remains unresolved the formal complaints procedure will be initiated. The complainant will be given a copy of the Complaints Policy and Practice, the name and address of the Clerk to the governors of the school, and the name of the person to write to in County Hall.

COMPLAINTS PROCEDURE

General information

- Anyone (including pupils, their families, visitors, staff, and other professionals) is entitled to make a complaint;
- Any person who is the subject of a formal complaint is precluded from taking any responsibility for the consideration or response to that complaint;
- There must not be any reprisals against anyone making a complaint;
- Complaints can be about any issue that the complainant considers appropriate;
- Where appropriate the complaint will be referred elsewhere (for example in possible child protection cases or where a criminal activity is alleged to have taken place);
- The school provides for pupils regular independent visitors who they may complain to if they wish, the school also openly displays contact names and numbers of agencies that pupils can talk to;
- Complaints from children and their parents about the school, should where possible be made to the Headteacher at the school, however they can also be made directly to the Local Authority – School and Governor Support Service 03000 260000.

The procedure has the following stages:-

Stage 1 – Informal Stage

Complainants should be provided with an opportunity to discuss any concern with the Headteacher or his delegate who will try to clarify with the complainant the nature of their concern; the outcome the complainant is looking for; and assure them that the school will investigate it fully.

The Headteacher or his delegate will make sure that the complainant is clear what action has been agreed, arranging for the matter to be put in writing if it is apparent that that is the best way of making things clear.

Complainants will be made aware of the procedure for considering their concerns further should they not be satisfied after this informal stage has been completed.

Stage 2 -Formal Consideration

Where a complainant has made an approach to the school through the informal stage and is not satisfied with the outcome, they should write to the Headteacher giving details of their concerns and asking for the matter to be given further consideration.

Although such letters need only be a simple statement, complainants who feel unable to write a letter may contact the Education Welfare Service who will be pleased to help. The contact telephone number for the Education Welfare Service is included in an appendix.

All complaints reaching this stage will be logged in the Complaints Book and acknowledged in writing by the school and copied to the Clerk to the Governing Body for information.

The Headteacher will seek any clarification necessary about the complaint, including interviewing the complainant where necessary.

The Headteacher will also seek any necessary advice on the matter and investigate it carefully.

The complainant will be notified in writing of the outcome of the complaint.

Where a complainant is not satisfied with the outcome of this first formal stage they have 28 calendar days from the date of the Headteacher's letter to register the complaint with the Clerk to the Governing Body of the school c/o The School and Governor Support Service, Education Department, County Hall, Durham DH1 5UJ.

Stage 3 (Formal) – Referral to the Governing Body

Where a complainant has made an approach to the school through this first formal stage and is not satisfied with the outcome, they should write to the Clerk of the Governors giving details of their concerns and asking for the matter to be given further consideration.

The Governing Body of the School will only consider complaints which have already progressed through stages 1 and 2 outlined in this procedure.

On receipt of a written complaint the Clerk to the Governing Body will:

- ❑ immediately log and acknowledge receipt of the complaint;
- ❑ check that the complaint has already completed Stages 1 and 2;
- ❑ check that the 28 day period since Stage 2 was complied with;
- ❑ seek any clarification necessary about the nature of the complaint;
- ❑ arrange for the Governing Body to consider the complaint as soon as it is practical to do so; and
- ❑ invite the complainant and any representative to the meeting.

A Committee of the Governing Body will consider the complaint. The complainant or their representative given an opportunity to address the governing body. The Headteacher will also be given an opportunity to address the Governors. A detailed procedure covering the conduct of this meeting is attached as an appendix to this document.

The Clerk to the Governing Body will notify in writing the outcome of meeting to the complainant and Headteacher within 7 calendar days.

Stage 4 – Referral to the Secretary of State for Education and Employment

If a complainant remains dissatisfied s/he can refer it to the Secretary of State for Education and Employment. An appendix describes an address and telephone number in this respect.

Complaints against the Action of the Headteacher

Given their prominent role in the management of the school, sometimes complaints which initially seem to be about the Headteacher are in fact more general complaints about the school. Such complaints should be dealt with as general complaints and are covered by the procedure contained in this document.

Where there is a specific complaint about the conduct of a member of staff, including the Headteacher it may be more appropriate for it to be considered under the separate disciplinary process where the findings and outcomes are confidential. Where such matters refer to the conduct of the Headteacher they should initially be referred to the Chair of the Governing Body via the Clerk to the Governing Body, c/o School and Governor Support Service, Education Department, County Hall, Durham, DH1 5UJ.

MONITORING AND REVIEW

A complaints file will be kept by the Headteacher which will document all concerns raised by complainants.

The Headteacher will report complaints to Governors on a termly basis.

This policy and practice will be reviewed bi-annually or sooner where appropriate.

September 2019

APPENDIX 1

Types of Complaint	Appropriate Procedure	Contact
General School Complaints (not including areas listed below)	School Complaints Procedure	Headteacher of the School
Matters the responsibility of Local Authority only e.g. Home-to-School Transport	Local Authority Complaints Procedure	Strategic Commissioning, Children and Young Peoples Services, County Hall, Durham, DH1 5UJ
Conduct of school staff (except the Headteacher)	School Disciplinary Procedure	Headteacher of the School
Conduct of the Headteacher	School Disciplinary Procedure	Chair of the Governing Body via the School
Special Educational Needs review of or content of statutory statement	Various – provided for by 1996 Education Act	Special Educational Needs: SEN Casework Children and Young Peoples Services, County Hall, Durham, DH1 5UJ
Admissions of Pupils to the school	Independent Appeal Panel (non-admission)	Admissions Team, Children and Young Peoples Services, County Hall, Durham, DH1 5UJ
Exclusion of Pupils from the school	Provision of 1993 Education Act	Pupil Casework Team, Children and Young Peoples Services, County Hall, Durham, DH1 5UJ
Child Abuse	Local Childrens' Safeguarding Board (LCSB)	Head of Safeguarding and Specialist Services, Children and Adults Services, County Hall, Durham, DH1 5UJ Initial Response: 0845 850 5010

Useful Telephone Numbers

School and Governors Support Service	-	03000 260000
Education Welfare Service	-	(0191) 3833302

APPENDIX 2

SUGGESTED PROCEDURE FOR A GOVERNING BODY MEETING DEALING WITH A FORMAL PARENTAL COMPLAINT

1. The Chair opens the meeting explaining that the purpose of the meeting is to listen to the purpose of the meeting is to listen to the parental complaint. Both the Headteacher and Parent are present until item 8 of this procedure.
2. The parent presents his/her case stating the issues clearly.
3. Governors, parents and any representative of the Director of Education, have an opportunity to ask questions of the parent seeking clarification.
4. The Headteacher provides details of how the concerns have been handled and details of any action taken.
5. The parents, Governors and any representative of the Director of Education have an opportunity to ask questions of the Headteacher.
6. The Headteacher sums up.
7. The parent sums up.
8. The Headteacher and parent leave to allow the Committee to consider the concerns, if appropriate.
9. The Clerk to the Governing Body will confirm to the Headteacher and parent, in writing the Committee's decision (usually within 7 calendar days of the meeting).