

# **Procedure for handling concerns and complaints**

**Approved by: Trustees**

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<b>Table of Contents</b>	<b>Page Number</b>
Procedure for Handling Concerns & Complaints	1
Levels of the Procedure	1
Level 1 – Informal	1
Guidance on Informal Level 1	1
Level 2 - Informal	1
Guidance on Informal Level 2	2
Level 3 – Formal Complaint letter to Headteacher	2
Guidance on Formal Level 3	2
Concerns or Complaints specifically about the Headteacher	2-3
Level 4 – Formal Complaint requesting a Trustee's Complaints Panel	3-4
Guidance on Formal Level 4	4-5
Final Decision	6
Flowchart	7

## **1. Procedure for handling concerns and complaints**

**All schools want their pupils to be healthy, happy and safe, and to achieve. They recognise that parents, guardians or carers play an important part in making this happen. Cooperation between parents, staff and Trustees leads to a shared sense of purpose and a good atmosphere in the school.**

## **2. Levels of the Procedure**

Each level of the procedure set out below offers the opportunity for concerns and complaints to be resolved as quickly as possible.

### **3. Level 1 – informal**

Parents, carers or guardians should, in the first instance, make an appointment to speak to the Form Teacher, or Head of Faculty about the concern. It is best to resolve issues at this point.

#### **3.1 Guidance on informal level 1:**

- Concerns should initially be handled informally in a manner that offers the best way of resolving issues.
- A Form Teacher, or Head of Faculty should offer an appointment to discuss the issue as quickly as possible, as this will give both parties time to talk about it calmly and politely without being interrupted. This can allow parties to remain calm. It will also show a commitment to resolving issues.
- It is important for parents to recognise that schools are busy organisations and that it may not be possible to offer an appointment straight away.
- The parties involved should be encouraged to offer their view of what would be a realistic resolution to the problem.

### **4. Level 2 - informal**

Parents, carers or guardians dissatisfied with the result of the discussions with the Form Teacher, or Head of Faculty should ask for an appointment to meet with the Headteacher or, in a larger school, a member of the leadership team, a deputy Headteacher or assistant Headteacher.

If a resolution to the issue is proving difficult to find, the Headteacher, a member of the leadership team, a deputy Headteacher or assistant Headteacher can speak to one member of the Trustees about the issue who may be willing to offer informal intervention. However, there is no obligation on any Trustee to become involved at this level.

#### **4.1 Guidance on informal level 2:**

It is always best to resolve issues informally at the earliest possible time but if the person is not satisfied with the result of the talk with the Form Teacher or Head of Faculty then he/she can ask for an appointment to meet with the Headteacher or, in a larger school, a member of the leadership team, a deputy head or assistant Headteacher.

- It is in everyone's interest, particularly the child or children, for concerns and complaints to be sorted out quickly and smoothly.
- The aim should be that discussions end on a positive note with no bad feeling.
- It is good practice for Headteacher's or member of the leadership team, a deputy head or assistant Headteacher to write a letter to parents summarising what has been agreed regarding the issue.
- The Headteacher, a member of the leadership team, a deputy head or assistant Headteacher may feel that a particular Trustee's input would be helpful in bringing about a resolution but there is no obligation on any Trustee to become involved at this level.

**It is hoped that most problems will have been resolved by now.**

#### **5. Level 3 – Formal complaint letter to Headteacher**

An issue that has not been resolved through the informal levels 1 and 2 can become an official complaint.

Parents, carers or guardians wishing to move to level 3 must write a formal letter of complaint to the Headteacher. The letter will need to set out clearly the issues which have previously been discussed and why the parent, carer or guardian considers the issue to be unresolved.

Headteacher's should consider the complaint and discuss a resolution with the complainant. The Headteacher should offer a resolution to the complainant in writing within 10 school days of receipt of the letter.

##### **5.1 Guidance on formal level 3:**

- An unresolved issue can now move to a formal complaint. This is a serious step to be taken. In consideration of future home/school relationships everyone concerned will need to negotiate an agreement and concentrate on finding a resolution to the issue.

#### **6. Concerns or complaints specifically about the Headteacher**

The decision that the Headteacher has made as a result of the complaint does not become a complaint about the Headteacher. If the complainant feels the complaint has not been resolved he/she should proceed to Level 4, a Trustees' Complaints Panel.

If, the concern or complaint is specifically about the Headteacher and is unable to be resolved at the informal stage, then it will be necessary for the complainant to formally complain to the Chair of Trustees. The school will provide the Chair of Trustees' name and the complainant should write to him or her at the school address marking the envelope 'urgent, private and confidential'. The Chair of Trustees should acknowledge the complainant's letter in writing within 5 school days of receipt.

**7. Level 4 – formal complaint requesting a Trustees' Complaints Panel.**

**Time Scales:**

<b>Receipt of complainant's letter</b>	Acknowledgement within 5 school days
	Trustees' Panel meeting within 15 school days (unless this goes into school holidays)
<b>Written documentation sent to Trustees' Panel Members and complainant and Headteacher</b>	5 school days before meeting.
<b>Trustees' Panel members decision communicated to all concerned</b>	As soon as possible but within 10 school days of meeting.

Complainants wishing to move to level 4 of the formal complaints procedure will need to write a letter to the Chair of Trustees to request that a Trustees' Complaints Panel meets to hear the complaint. This formal complaint letter must be received within 10 school days of the last meeting with the Headteacher concerning the issue. The complainant should write to the Chair of Trustees at the school address marking the envelope 'urgent and confidential'. The letter will need to set out, the complaint that has previously been formally discussed with the Headteacher and show why the matter is not resolved.

**Before the meeting:**

- The chair of Trustees should appoint a clerk to the Trustees' Complaints Panel, acknowledge the complainant's letter in writing within 5 school days of receipt and arrange for a panel of Trustees to meet within 15 school days of receipt. It must be recognised that if the letter is received within 14 school days to the end of term it may not be possible to organise the Trustees' panel meeting. In this case the matter should be dealt with within 10 school days of the school reopening.
- The Headteacher should be given a copy of the complainant's letter and written documentation should be requested from the school. The clerk should send both the complainant's letter and the school documentation to the Trustees' Complaints Panel members, complainant and Headteacher (and anyone else involved in the meeting) at least 5 school days before the date of the meeting.
- Complaints should be heard by a panel of trustees and one independent person who is not a trustee and who is independent of the management and running of the academy.
- The complainant and Headteacher will be invited to attend the Trustee's Complaints Panel meeting to give a verbal statement in support of their documentation. Each of them can bring someone to support them if they wish.

**At the meeting:**

- The complainant and Headteacher (or his representative) should provide all the relevant information they wish and the Trustees' Complaints Panel members should clarify any points. After the complainant and Headteacher (or his representative) have provided all the information they wish, the chair will ask all parties to leave except the panel members and the clerk.

**After the meeting:**

- The Trustees' Complaints Panel will write to all concerned within 10 school days to explain their decision and suggest a resolution to the problem, if appropriate. The decision of the Trustee's Complaints Panel is final.
- The decision of the Trustees' Complaints Panel will not be investigated. If, however, the complainant feels that the School and Trustees have not followed the school's complaints procedure correctly, he/she can contact the Education Funding Agency <https://form.education.gov.uk/>
- Chapter 3, paragraph 14 of a Guide to the Law for School Trustees states: Under the Education Act 1996, paragraphs 496 and 497, anyone can complain to the Secretary of State for Education and Skills if he or she believes that a governing body is acting "unreasonably" or is failing to carry out its statutory duties properly. However, intervention can only occur if the governing body or the Local Authority has failed to carry out a legal duty or has acted "unreasonably" in the performance of a duty. Intervention would have to be expedient in the sense that there would have to be something that the Secretary of State for Education and Skills could instruct either party to do to put matters right.

**7.1 Guidance on formal level 4:****Before the meeting:**

- The formal complaints letter should be passed to the vice-chair if the chair will be unable to receive the letter within 5 days.
- Members of the Trustees' Complaints Panel should have no prior knowledge of the complaint and it is, therefore, unlikely that staff Trustees will be members of the panel.

**At the meeting:**

- The Complaints Panel must be made up of at least three members and a clerk.
- Although this is a formal meeting, every effort should be made to make it as informal as possible for all concerned.
- Everyone attending should be in the room at the same time

- Consideration may need to be given to the seating arrangements to make everyone feel equal and comfortable.
- The clerk should take notes of the meeting, listing who is present:
  - Trustees, stating who the Chair of the Trustees' Complaints Panel is,
  - Headteacher (or his/her representative) and any other members of school staff
  - Parents and anyone accompanying them e.g. friend
  - Clerk
- The chair of the Trustees' Complaints Panel should open the meeting stating the purpose and the format of the meeting to clarify this to all in attendance.
- The chair of the Trustees' Complaints Panel should request a verbal statement from the complainant in support of his or her written letter of complaint and why s/he feels the issue has not been resolved. The Trustees' Complaints Panel members can ask questions to make sure they understand the issue from the parent's point of view.
- The chair of the Trustees' Complaints Panel should request a verbal statement from the Headteacher (or his representative) in support of his/her written account of the complaint and the steps taken to resolve the issue. The Trustees' Complaints Panel members can ask questions to make sure they understand the issue from the Headteacher's point of view.
- The members of the Trustees' Complaints Panel should make sure they fully understand the issues and ask any further questions to clarify any points that are still not clear to them.
- The chair of the Trustees' Complaints Panel must ask the complainant and the Headteacher (or his representative) if they are satisfied that they have provided all the information they wanted or if there is something they wish to add and if they feel they have had a fair hearing.
- When the Trustees' Complaints Panel members understand all the issues, the chair will ask all parties to leave except the panel members and the clerk.

**After the meeting:**

- The Trustees' Complaints Panel members then discuss the issues in private and the clerk remains to record the decision.
- The Panel members will need to consider the information and come to a decision or suggest a way to resolve the issue taking into account the best interests of the child or children.
- When the Panel have reached a decision the Clerk will inform everyone concerned in writing as soon as possible, but in any event, within 10 school days of the panel meeting.

**The decision of the Trustee's Complaints Panel is final.**

## **7.2 Final Decision**

Once a Trustee's Complaints Panel has heard a complaint, and it is clear that correct procedures have been followed, that specific complaint cannot be reopened. If a request is received in this respect, the chair of Trustees should inform the complainant that the matter is closed.

Any complaints concerning the conduct of school staff will be handled in accordance with the schools internal disciplinary procedures. The details of such an investigation will remain confidential.

Some complaints regarding admissions, the curriculum or special educational needs are covered by statutory regulations. The Headteacher or deputy Headteacher can give information about these issues or advice can be sought from the Customer Service Centre on 0844 800 8001 or e-mail: [information@norfolk.gov.uk](mailto:information@norfolk.gov.uk)

***Vexatious Complainants:*** *it is important to distinguish between people who make a number of complaints because they really think things have gone wrong, and people who are being difficult. Complainants can be frustrated and aggrieved and it is therefore important to consider the merits of the case rather than their attitude. Even though someone has made vexatious complaints in the past, it cannot be assumed that the next complaint is also vexatious. Each complaint must be considered as to whether it is vexatious or genuine. There is no way of avoiding evaluating each complaint.*

**Please see the next page for flowchart.**



**Flowchart of procedure for handling concerns and complaints:**

