



# George Mitchell School

## Complaints Policy

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## **1. Introduction**

Governing bodies are required by law to have a procedure in place to deal with complaints relating to aspects of the school or the provision of facilities or certain services at the school. The procedure outlined in this document is based upon current Department for Education guidance.

A complaint can be brought by a parent of a registered child at the school or any person who has been provided with a service or a facility at the school. This document refers to this person as the complainant. The complainant must feel able to raise concerns and complaints with members of staff without formality, either in person, by telephone or in writing. At first it may be unclear whether a complainant is asking a question or expressing an opinion rather than making an education complaint. A complainant may want a preliminary discussion about an issue to help decide whether he or she wishes to take it further. A concern or unresolved problem becomes a complaint only when the complainant asserts that a school has acted wrongly in some significant decision, action or failure to take action. Even when a complaint has been made it can be resolved or withdrawn at any stage.

Schools may have a nominated member of staff with responsibility for the operation and management of the school complaints procedure. At George Mitchell School this nominated member of staff is the Headteacher.

## **2. Special circumstances**

Any complaint or other notice that suggests that a child has been at risk of significant harm through violence, emotional abuse, sexual abuse or neglect should be referred without delay through the school's safeguarding processes. If Waltham Forest social services decide to investigate a situation this may postpone or supersede investigation of the complaint by the school.

Where a matter is capable of resolution through a legal appeal it will not be considered as a formal complaint and the complainant should be directed to the appropriate appeal procedure. The key areas are: admissions decisions; certain decisions relating to formal assessment of special educational needs; and decisions to exclude a child.

## **3. Dealing with concerns informally**

The vast majority of complaints and concerns can be resolved informally.

The complainant will be encouraged to discuss their concern with the appropriate member of staff. In most cases, the Headteacher will be the most appropriate member of staff at this stage, but in some cases it may be the Curriculum Leader, Learning Leader or a Senior Leader.

- The complainant may bring a friend to any discussion.
- The member of staff dealing with the concern should make sure that the complainant is clear what action (if any) or monitoring of the situation has been agreed.
- This stage should be completed within 10 working days and concluded in writing with a letter to the complainant copied to the Headteacher, with appropriate detail.
- Where no satisfactory solution has been found, the complainant should be informed that s/he will need to consider whether to make a formal complaint in writing to the Headteacher. The formal complaint should be submitted within 10 working days.

## **4.0 Formal stage 1 – Referral to Headteacher for investigation**

4.1 The Headteacher must acknowledge receipt of the complaint in writing. In some cases the Headteacher will have already been involved in looking at the matter; in others it will be his/her first involvement.

4.2 The Headteacher should consider providing an opportunity to meet with the complainant to supplement any information previously provided.

4.3 If the complaint is against a member of staff, the Headteacher should talk to and if necessary take a written statement from the staff member against whom the complaint has been made.

4.4 If necessary, the Headteacher should interview witnesses and take statements from those involved.

4.5 The Headteacher must keep reasonable written records of meetings, telephone conversations and other documentation.

4.6 Once all the relevant facts have been established, the Headteacher will produce a written response to the complainant. The Headteacher may wish to meet the complainant to discuss/resolve the matter before confirming the outcome in writing.

4.7 The written response must include a full explanation of the decision and the reasons for it. Where appropriate, it should include what action the school will take to resolve the complaint.

4.8 Stage 1 must be completed in 15 school days. However, it is recognised that where the case is complex, it may prove difficult to meet this timetable. In such cases, the Headteacher will write to the complainant giving a revised target date.

4.9 George Mitchell School will not pay financial compensation as a response to complaints, though may spend money on a relevant educational purpose (e.g. paying a fee for a repeat examination).

4.10 The Formal Stage 1 response must also advise the complainant that if s/he is not satisfied with the response and wishes to take the matter further, s/he should write to the Chair of the Governing Body within 15 school days of receiving the outcome letter. The outcome letter will set out the name of the Chair of the Governing Body and the address to which the complainant can send the letter.

### **5.0 Complaints against the Headteacher**

If the complaint is wholly or mainly about the Headteacher, the Governing Body must consider the complaint in accordance with Formal Stage 2 of the procedure described below. The school must forward the complaint without delay to the Chair of the Governing Body.

However, before Stage 2 is instigated the Chair of the Governing Body will invite the Headteacher to respond to the complaint in writing within ten school days. The Chair will send a copy of the Headteacher's response to the complainant who will be asked to indicate within five school days of receipt of the response whether s/he is satisfied with the response.

If the complainant is not satisfied with the response Formal Stage 2 should commence as described below.

### **6.0 Formal Stage 2 – Consideration by the Governing Body**

6.1 If the complainant decides to take the matter further and the Chair of the Governing Body receives a formal complaint following an unsuccessful attempt to resolve the matter at Formal Stage 1, the Chair of the Governing Body will write to the complainant to acknowledge the complaint within five school days of receipt of the complaint. A copy of the acknowledgement and the complaints form will be sent to the Headteacher and the Clerk to the Governing Body.

6.2 If the complaint has been investigated at Stage 1, the result of the investigation must be made available to the Clerk/Chair by the Headteacher. However, where the complaint is against the Headteacher and the complaint is referred to Stage 2, the Chair of the Governing Body must decide how the complaint should be investigated.

Where the facts of the complaint are clearly established, it is unlikely for the Chair of the Governing Body to order an investigation. The matter may instead be escalated directly to the Governing Body's Complaints Appeal Panel (CAP).

6.3 George Mitchell School's Governing Body's CAP consists of three governors with no prior, direct involvement with the complaint and a fourth member who is independent of the management and running of the school. In deciding the make-up of the CAP, where possible the governing body will try to ensure that it is a cross-section of the categories of governor and sensitive to the issues of race, gender and religious affiliation.

6.4 The Headteacher may not serve on the CAP. If the Chair of the governing body has had any prior involvement in the complaint then the Chair must not sit on the CAP.

6.5 The CAP will consider the complaint on the basis of the written evidence and set up a hearing to hear both parties. The CAP will reconsider the issues raised in the original complaint and not confine themselves to consideration of procedural issues.

6.6 The Chair of the CAP should take a decision at the beginning of Stage 2 on whether to seek the services of a Clerk to:

- Deal with the administration of the procedure;
- Provide independent advice on procedure and evidence;
- Ensure that the relevant facts are established;
- Minute the meeting; and
- Draft the decision letter.

6.7 The Clerk/Chair of the CAP will write to the complainant to explain how the review will be conducted. The letter will be copied to the Headteacher.

6.8 The Clerk/Chair of the CAP will confirm the date of the meeting with the other governor(s).

6.9 The complainant and Headteacher will be invited to attend the meeting. The date and time of the meeting should be convenient to the complainant and Headteacher, within reason. The notification will inform the complainant of his/her right to be accompanied to the meeting by a friend/representative. It will also explain how the meeting will be conducted and of the complainant's right to submit further written evidence to the committee.

6.10 The Headteacher will also be invited to prepare a written report for the CAP in response to the complaint.

6.11 All relevant correspondence regarding the complaint will be circulated to the CAP, the complainant and the Headteacher in advance of the meeting.

6.12 If the Headteacher and/or the complainant wish to call witnesses, the agreement of the Chair of the CAP will be obtained in advance of the meeting.

6.13 It is the responsibility of the Chair of the CAP to ensure that the meeting is properly conducted. However, the proceedings will be as informal as possible.

6.14 The aim of the meeting will be to resolve the complaint and achieve reconciliation between the school and the complainant. However, at the end of the meeting the CAP will need to issue a finding in writing either upholding or not upholding the complaint or upholding some parts and not others.

6.15 If either party wishes to introduce previously undisclosed evidence or witnesses, it is in the interest of natural justice to adjourn the meeting so that the other side has time to respond to new evidence. Late evidence of witnesses will not be accepted unless there is a good reason for the lateness.

6.16 The meeting will allow for:

- The complainant to explain his or her complaint and the Headteacher to explain the reasons for his or her decision;
- The Headteacher to question the complainant about the complaint and the complainant to question the Executive Headteacher;
- The CAP to have an opportunity to question both the complainant and the Headteacher;
- Any party to have the right to bring witnesses (subject to the approval of the Chair of CAP) and all parties having the right to question all the witnesses;
- A final statement by the Headteacher and complainant.

6.17 The Chair of the CAP will explain to the complainant and the Headteacher that the CAP will consider its decision, and a written response will be sent to both parties as soon as possible. The complainant, Headteacher and any witnesses will then leave.

6.18 The CAP will consider the complaint and all the evidence presented and reach an unanimous, or at least a majority, decision on the complaint. Where appropriate the CAP can decide on the action to be taken to resolve the complaint and/or suggest recommended changes to the school's system or procedures to ensure that problems of a similar nature do not happen again.

6.19 As in Section 4.9 above, the CAP will not pay financial compensation as a response to a complaint, though may spend money on an appropriate educational purpose.

6.20 The Clerk/Chair of CAP will send a written statement outlining the decision with reasons, incorporating the findings of the panel and any recommendations, to both the complainant and the Headteacher. A copy of the written statement will be made available for inspection on the school premises by the proprietor and the Headteacher.

6.21 Stage 2 will be completed in 15 school days. However, it is recognised that this timetable is likely to improve impossible for complaints which are complex. In such cases the chair of the complaints committee will write to the complainant and Headteacher giving a revised target date.

### **7.0 Role of the Secretary of State for Education**

If the complainant is unhappy with the way in which a school has dealt with the complaint, they may be able to approach the ESFA (Education & Skills Funding Agency) using the [schools complaints form](#).

If a complaint has exhausted the local procedures, the ESFA will examine if the complaints policy and any other relevant policies were followed in accordance with the provisions set out. The ESFA also examines policies to determine if they adhere to education legislation.

However, the department will not re-investigate the substance of the complaint. This remains the responsibility of schools.

### **8.0 Vexatious Complaints**

There will be occasions when despite all stages of the procedure having been followed, the complainant remains dissatisfied. If the complainant tries to reopen the same issue, the Chair of the Governing Body can inform the complainant in writing that the procedure has been exhausted and that the matter is now closed.

### **9.0 Confidentiality**

All correspondence, statements and records of complaints will be kept confidential except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access to them.