

PROCEDURE FOR HANDLING COMPLAINTS

A INTRODUCTION AND SCOPE

1. The policy of the school is to work in partnership with parents and is based on the belief that co-operation and a sense of joint purpose between staff, parents and the school will assist in ensuring open and positive relationships. It is recognised that there is a difference between an expression of concern and a complaint. Concerns are often handled, if at all possible without the need for the use of this procedure. In many cases the class teacher or head of year will receive the approach and will deal with the issue as quickly as possible without the use of this procedure. From time to time, however, parents or members of the public may feel that they need to make a complaint, either orally or in writing, about some aspect of the conduct/operation of the school, the conduct of the Headteacher, an individual member of staff, the Governing Body or an individual governor. The school will ensure that these are dealt with effectively and with fairness to all parties. Where possible, complaints will be resolved informally (see Section B). Where a complaint has not been resolved informally, then the formal procedures set out in Sections C and D will be followed.

2. Complaints

For the purposes of this procedure a complaint is defined as a serious expression of dissatisfaction about the conduct/operation of the school, the conduct of, actions or lack of action by a member of staff or by the Governing Body/an individual governor, unacceptable delay in dealing with a matter or unreasonable treatment of a pupil or other person.

- a. This procedure does not cover complaints under legislation for which separate arrangements are in place for example those relating to the National Curriculum, sex education, collective worship, school admissions, pupil exclusions and the statementing procedures for special educational needs.
 - b. This procedure does not cover staff grievances, "whistleblowing" by an employee, financial claims, staff not employed in the school (eg SEN Support Services staff) or complaints about a function of the County Council.
 - c. Serious complaints or allegations relating to the abuse of children, assault, criminal or financial matters are also the subject of separate procedures, which may involve other agencies (see Section C).
3. **All** complaints, as defined in 2(a) above made by parents or other members of the public should be referred to the Headteacher (other than complaints or concerns about the Headteacher - see section A5) even where the initial point of contact has been the Chair of the Governing Body or an individual Governor, a Local Authority Officer, a Local Education Office or County Hall. Governors who wish to make a complaint about a member of staff must refer them to the Headteacher and must not raise them at a Governors' meeting in order to avoid any discussions by potential members of a Disciplinary, Appeals or Complaints Committee. The Headteacher may, where appropriate, delegate the informal stage procedures (see Section B) to the Deputy but may not delegate the formal stage procedures (see Section D).
 4. If there is a Governors' Annual Meeting for Parents, the Chair should ensure that the purpose and scope of the meeting are made clear at the outset. Whilst general concerns can be raised at the Annual Meeting, any concerns about an individual member of staff must not be discussed at the meeting, and must be referred to the Headteacher for consideration.

5. All complaints as defined in 2a above, made about the Headteacher must be referred to the Chair of Governors. This includes concerns by Governors and any expressed at the Governors Annual Meeting for Parents.
6. It is good practice to ensure that complaints are dealt with as speedily as possible. In this procedure it is recommended that each stage of the procedure is completed, as far as possible, within 15 working days. *If a member of staff is the subject of a complaint he/she should be involved at the earliest opportunity.
7. Where it is clear that a complainant does not wish to pursue or wishes to withdraw a complaint, a written record should be made of the complainant's decision.
8. A record of formal complaints is retained in a register with details of the outcomes. (Annexe 1)
9. A guidance leaflet is available for parents and other members of the public wishing to make a complaint. Copies are available from the school.

*** Note**

A working day is defined as one of the 190 days of the published school year

B INFORMAL STAGE

As mentioned above this stage should be completed within 15 working days of the receipt of the complaint.

1. On receiving a complaint, the Headteacher* will acknowledge it and will make enquiries, to establish the facts, with a view to resolving it on an informal basis.

If the complaint is about a member of staff he/she will be informed of the details in all circumstances and invited to respond. A copy of any written complaint will be provided. The Headteacher must remind the member of staff that he or she may seek advice from his or her professional association/union, or other adviser, before responding.
2. In the light of the enquiries, the Headteacher will decide how to respond to the complaint. In cases of complaints about a member of staff, the Headteacher should make the member of staff aware of the explanation/response to be made to the complainant.
3. The Headteacher will make a response to the complainant** (in writing, if appropriate, with a copy to the member of staff).
- 4(a) Where the explanation is accepted by the complainant, either orally or in writing, the matter will be regarded as resolved.
- (b) Where the explanation is not accepted, the complainant has a right to refer the matter to the school's formal complaint procedure if he/she so wishes (see Section D).
- (c) In the case of either (a) or (b) any member of staff who is the subject of the complaint will be informed of the outcome.
5. Any complaint judged by the Headteacher to be serious will be dealt with under Sections C or D.
6. Anonymous complaints cannot normally be dealt with unless they are sufficiently serious to refer under Section C.

7. In the case of a complaint about the Headteacher, this informal stage, as outlined in B1 to 5 above, will be undertaken by the Chair of Governors.
8. In the case of a complaint about the conduct of a governor or the Governing Body, this informal stage will be undertaken by the Chair of Governors, who should seek the support of the Senior Governor Services Officer. Complaints about the Chair of Governors should be made to the Clerk to the Governors, who should seek advice from the Senior Governor Services Officer.

***Note: The Headteacher may delegate this initial informal stage to the Deputy (see A3).**

**** No reference should be made to any specific action (eg disciplinary) to be taken in respect of a member of staff.**

C SERIOUS ALLEGATIONS OR COMPLAINTS

1. If the allegations refer to criminal activity which may require the involvement of the Police, the Headteacher must inform the Chair of Governors and seek the advice of the Senior Area Personnel Officer or of the Council's Head of Legal Services so that appropriate action can be taken.
2. If the allegations relate to financial or accounting irregularities involving misuse of public funds or assets or any circumstances which may suggest irregularities affecting cash, stores, property, remuneration or allowances, the Headteacher must inform the Chair of Governors and seek the advice of the Senior Area Personnel Officer and/or the Director of Resources so that the complaint can be investigated under the procedures normally applied for suspected financial irregularities.
3. If the allegations relate to the abuse of children, the Headteacher should seek the advice of the Senior Area Personnel Officer and/or other agencies, such as the Social Services Directorate. Serious allegations of this nature **must** be referred under Child Protection Procedures to the Social Services Directorate. Reference should also be made to the separate procedure "Staff Facing Allegations of Physical/Sexual Abuse" (Child Protection Policy and Procedures).
4. In all the above, consideration may need to be given to the possible suspension* from duty, on full pay, of any member of staff concerned in accordance with the School's Disciplinary and Dismissal Procedure. Investigations at school level and the stages set out in this procedure are unlikely to proceed where external agencies are involved. Subsequently, an internal school investigation and other procedures (eg Disciplinary) may be involved.

***Note: Suspension is a neutral act and is not a disciplinary sanction**

D FORMAL STAGE

This stage should also be completed if possible within 15 working days, as far as is possible.

1. Where a complaint has not been resolved by the end of the Informal Stage, the Headteacher should establish, as soon as possible, whether the complainant wishes to make a formal complaint. The Headteacher must ensure that the complainant is aware of the procedures for making a complaint by giving them a copy of the guidance leaflet and of any assistance or advice that is available. At this stage, the complaint must be recorded in writing either by, or on behalf of, the complainant and should be submitted to the Headteacher as soon as possible. It is not appropriate for the Headteacher to assist in the writing of the letter of complaint. The complaint should be formally acknowledged by the Headteacher who should tell the complainant that, if the complaint is about a member of staff he/she will be given a copy of the complaint.

2. If the complaint is about a member of staff the Headteacher must:
 - inform the member of staff of the complaint at the earliest opportunity
 - advise the member of staff to consult with a friend or representative of their professional association/union
 - ensure that a copy of the complaint is given to the member of staff as soon as it is received
 - ensure that a copy of this procedure is given to the member of staff.

3. The Headteacher will arrange for a full investigation of the complaint, seeking the advice of the Senior Area Personnel Officer or the Senior Governor Services Officer as required. The investigative process could involve.
 - a definition of the areas/topics to be investigated
 - the collection of evidence
 - interviews with staff and pupils, with written statements being taken or made
 - if appropriate, an interview with the member of staff against whom the complaint is made, accompanied by a friend or representative if he/she so wishes.

- 4.(a) During the formal stage it is important that the complainant should have adequate opportunity to take advice and be represented.

- (b) Upon completion of the investigation, the Headteacher will compile a report and consider whether further action should be taken.

- (c) The Headteacher will advise the complainant in writing of the action taken or to be taken to resolve the complaint. Where the Headteacher considers that no further action is required or that the complaint is unsubstantiated, the complainant should be so advised, in writing, and informed of the right of appeal to the Governing Body (see Section E).

- (d) The Chair of Governors should be informed, in outline only, of the complaint and the action taken/to be taken, but **care should be taken not to discuss the matter in detail** to avoid prejudicing the position of the Chair in any possible subsequent appeal to the Governing Body.

5. **Complaints about a member of staff**
 - (a) The interview with the member of staff will set out the background and grounds of the complaint and provide the opportunity for the member of staff to respond if he/she wishes. Full notes should be taken and a copy provided to the member of staff after the interview.

 - (b) At all stages, both the complainant and the member of staff should have adequate opportunity to take advice and be represented by a friend or representative.

 - (c) Upon completion of the investigation, the Headteacher will compile a report and will consider, in consultation with the Senior Area Personnel Officer, whether further action should be taken, including possible action under the School's Disciplinary or Professional Competence Procedures.

- (d) The Headteacher will make the member of staff aware of the response to be made before advising the complainant in writing of the action taken, or to be taken, to resolve the complaint (with a copy to the member of staff). Where the Headteacher considers that no further action is required or that the complaint is unsubstantiated, the complainant and the member of staff should be advised in writing. The complainant will be informed of the right of appeal to the Governing Body. (See Section E.) The member of staff should also be informed of the right of the complainant and or any response which may be received.

Note: No reference should be made to any specific action (eg disciplinary) to be taken in respect of a member of staff.

- (e) The Headteacher will inform the member of staff, in writing, of any subsequent action he/she intends to take. If action is to be taken under disciplinary or competence procedures the advice of the Senior Area Personnel Officer should be sought.
- (f) The Chair of Governors should be informed in outline only of the complaint and the action taken/to be taken, but **care should be taken not to discuss the matter in detail** to avoid prejudicing the position of the Chair in any possible subsequent referral to the Governing Body.
- (g) Where a complaint concerning the Headteacher is made under this formal stage it must be referred to the Chair of Governors. In dealing with this matter, the Chair should first seek the advice of the Senior Area Personnel Officer who may, if requested, act on the Chair's behalf in carrying out the investigation in accordance with the procedures set out in this section.

6. Complaints about a Governor or the Governing Body

- (a) Complaints about a governor or the Governing Body must be referred to the Chair of Governors. In dealing with this matter the Chair should first seek the advice of the Senior Governor Services Officer who may, if requested, act on the Chair's behalf in carrying out the investigation.
- (b) Complaints about the Chair of Governors must be referred to the Clerk to the Governors who should seek advice from the Senior Governor Services Officer.
- (c) Upon completion of the investigation, a report will be compiled and the Chair of Governors, with advice from the Authority's Officer, will consider whether further action should be taken.
- (d) The Chair of Governors will advise the complainant in writing of the action taken or to be taken to resolve the complaint. Where it is considered that no further action is required or that the complaint is unsubstantiated, the complainant should be advised in writing and informed of the right of appeal to the Governing Body (see Section E).

E. Appeal Stage:- Governors' Complaints Appeals Committee

Complaints which have not been resolved should be considered by the Governors' Complaints appeals Committee again, if possible, within 15 working days, as far as is possible.

1. The Committee will consider complaints where the Headteacher, or Chair of Governors in respect of the Headteacher, is not able to resolve the complaint to the satisfaction of the complainant and the complainant exercises the right of appeal to the Governing Body. Any appeal must be in writing.

- 2 (a) The Governing Body should establish a Committee for the purpose of hearing and resolving complaints. This may be a Standing Committee or an existing Committee to which additional terms of reference are added. However, it must be a separate Committee from the School's Disciplinary/Dismissal/Appeals Committees. It should consist of, at least, three Governors drawn from a panel of five. The Headteacher should not be a member of this Committee since he/she will be presenting a report to the Committee. Any Governor who is the subject of a complaint should not be a member of the Complaints Appeals Committee for the purposes of considering that particular complaint. Model terms of reference for the Committee are attached at Annexe 2.
 - (b) It is likely that the Chair of Governors will have been involved, previously, in the matter. In these circumstances, and particularly in the cases of a complaint against the Headteacher, the Chair should not be a member of the Committee.
 - (c) The Authority will be available to assist the Committee and to offer advice, as required, through the Senior Area Personnel Officer or the Senior Governor Services Officer.
 - (d) Under the Education (School Government) (England) Regulations 1999 a governor should not participate in any meeting of the Committee where the principles of natural justice require a fair hearing and there is reasonable doubt about the governor's ability to act impartially.
3. The Committee will consider the written materials or a hearing will be arranged, if requested, by the complainant, the Headteacher, the person who is the subject of the complaint or at the discretion of the Complaints Appeals Committee.
 4. The recommended procedure for considering the complaint is as follows:
 - (a) The Headteacher will prepare a report together with any supporting documents.
 - (b) The Clerk to the Governors will circulate the complaint and the Headteacher's report to the Committee and all parties involved, at least 5 working days before the hearing.
 - (c) The complainant and the Headteacher may each be accompanied by a friend or representative.
 - (d) In the case of a complaint about a member of staff, the member and/or his or her friend or representative, shall be entitled to attend as an observer.
 - (e) The complainant and the Headteacher may request witnesses to be called to give evidence. Witnesses may be allowed at the discretion of the Committee.
 - (f) The complainant or his/her representative will be entitled to present his/her case and any supporting documents to the Committee.
 - (g) The Headteacher will be entitled to question the complainant and any witnesses.
 - (h) The Headteacher will present his/her report on the investigation to the Committee, together with any supporting documents, and any action taken to resolve the complaint.
 - (i) The complainant or his/her representative will be entitled to question the Headteacher and any witnesses.
 - (j) At any stage during the hearing the members of the Committee will be entitled to question the Headteacher, the complainant and any witnesses.
 - (k) Any reasonable request for an adjournment should be allowed at the discretion of the Chair.

- (l) The Headteacher followed by the complainant or his/her representative, will be allowed to make a closing statement.
 - (m) On conclusion of (a) to (l) the Headteacher, the member of staff (if present), the complainant and any representatives will withdraw from the meeting and the Committee will reach a decision. Advice given by the Director of Education and Cultural Services or his representative, normally the Senior Area Personnel Officer, will be available to the Committee.
5. At the end of the Hearing the Committee will determine whether
- to confirm the action taken by the Headteacher;
 - to refer the matter back for further consideration by the Headteacher, with the grounds given for the referral back.
 - in exceptional circumstances, when for example, further additional relevant information is not immediately available, to adjourn the matter to a date to be agreed.
6. The complainant and the Headteacher will, normally, be advised orally by the Committee, of the outcome of the hearing and, subsequently, in writing within 5 working days. The Headteacher will ensure that, if a member of staff was involved in the original complaint, he/she is given a copy of the Committee's decision.
7. In cases where the matter has been referred back to the Headteacher, the Committee will reconvene to consider a report from the Headteacher on his/her further consideration and/or any action taken, in order to enable them to respond to the complainant.
8. In the case of a hearing concerning a complaint about the Headteacher, the same procedure as set out in E4 to 7 will be followed, except that the Chair of Governors or his/her nominee will undertake the role ascribed to the Headteacher and the Headteacher the role ascribed to the member of staff.
9. The procedure for considering a complaint about a governor or the Governing Body will follow the procedure set out in E4 to 7, except that the Chair of Governors or the Senior Governor Services Officer will undertake the role ascribed to the Headteacher. Different officers will be available to advise the Committee.
10. There will be no further right of appeal to the Governing Body.

11. **Records of Governing Body Complaints Appeals Committee Meetings**

Any meeting of the Complaints Appeals Committee should be independently clerked (normally by the Clerk to the Governors). Minutes and records should be recorded, reported and held as part of the Governing Body records, as a confidential item. A brief record should be made in the complaints register.

FORMAL COMPLAINTS REGISTER

ACTION by HEADTEACHER/CHAIR of GOVERNORS

Date	Name of Complainant(s)	Summary of Complaint	Action Taken	Cross Ref to other procedures or forms	Signed	Outcome

Suggested Terms of Reference for a Governors Complaints Appeals Committee

Governing Bodies may wish to use these suggested terms of reference as a basis for establishing a Complaints Appeals Committee. It is hoped that complaints will be resolved at an early stage, but a committee is required to meet to hear appeals when formal complaints have not been dealt with to the satisfaction of the complainant. It is, therefore, advisable to set terms of reference when establishing the Committee. As with all committees, membership and terms of reference should be reviewed annually in accordance with the requirements of The Education (School Government) (England) Regulations 1999.

The use of italics indicates where, if adopting these terms of reference, the Governing Body may wish to make an alteration.

1. Membership

The Committee will consist of *five* Governors. Neither the Headteacher nor the Chairman of Governors will be a member of the Committee as they may have been involved in the matter under consideration at an early stage. The Chairman of the Committee will be elected on an annual basis in the Autumn Term, by the whole Governing Body.

2. Quorum

The quorum shall be *three* Governors.

3. Meetings

Meetings will be held when required to consider formal appeals made under the Procedures of Handling Complaints in Lancaster Girls' Grammar School.

4. Function

Wherever possible the Governing Body would wish to see complaints resolved at an informal stage but:

- a. The main function of the Committee will be to undertake the duties of the Governing Body in the consideration of complaints made under the Procedures for Handling Complaints in Lancaster Girls' Grammar School.
- b. Complaints covered by statutory procedures will not be considered by this Committee.
- c. If necessary, the Committee will seek advice from the Senior Area Personnel Team Leader or Senior Governor Services Officer.