



# **PHILIPS HIGH SCHOOL**

## **COMPLAINTS PROCEDURE**

Policy Reviewed: July 2020

**This Policy is written in compliance with Section 29 of the Education Act 2002.**

Who is the procedure for?

Anyone (parents, carers or members of the public) must feel able to raise a concern or make a comment about what goes on in school with members of staff, the Head Teacher, or other nominated senior member of staff, without formality.

The procedure does not cover complaints that relate to those matters outlined below, for which there are separate arrangements. Where a complaint is made and subsequently found to fall within one of these categories, it will be investigated in accordance with the appropriate procedures, and the complainant will be notified accordingly.

*Child protection issues; SEN and appeals to SEN tribunals; the curriculum, collective worship or R.E.; temporary disapplication of the National Curriculum; school admissions and admission appeals; staff disciplinary and grievance matters*

Governing Bodies of schools are required by law under Education Act 2002 (Section 29) to establish procedures for dealing with complaints. This procedure will be used by the School's Governing Body when dealing with general complaints; it is for parents, carers and members of the public to use to raise informal and formal complaints with the school and the Governing Body. Complainants will be treated seriously and courteously and given the time they need to be heard. It is important that complainants have confidence in the procedure and know that their concerns and complaints will be investigated fully and impartially.

**Types of complaints NOT covered by the school complaints procedure**

A complaints procedure should cover all complaints about any provision of facilities or services that a school provides with the exceptions listed below and overleaf, for which there are separate statutory procedures. The Headteacher will determine which, if any of these statutory procedures apply. If one of these statutory procedures needs to be invoked at some point during the investigation of a more general complaint the complaints procedure should be suspended until the statutory procedure has been concluded.

Exceptions	Who to contact
Admissions to schools Statutory assessments of Special Educational Needs (SEN) School re-organisation proposals Matters likely to require a Child Protection Investigation Collective Worship	Concerns should be raised direct with local authorities. For school admissions, it will depend on who is the admission authority (either the school or the local authority). Complaints about admission appeals for maintained schools are dealt with by the Local Government Ombudsman.
National Curriculum Content	Contact DfE; <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a>
Exclusion of children from school	Further information about raising concerns about exclusion can be found at: <a href="http://www.gov.uk/school-discipline-exclusions/exclusions">www.gov.uk/school-discipline-exclusions/exclusions</a> .
Whistleblowing	Schools have an internal whistleblowing procedure for their employees and voluntary staff. Other concerns can be raised direct with Ofsted by telephone on: 0300 123 3155, via email at: <a href="mailto:whistleblowing@ofsted.gov.uk">whistleblowing@ofsted.gov.uk</a> or by writing to:

	WBHL, Ofsted Piccadilly Gate Store Street Manchester M1 2WD. The Department for Education is also a prescribed body for whistleblowing in education.
--	---

Exceptions	Who to contact
<ul style="list-style-type: none"> <li>• Staff grievances</li> <li>• Staff conduct</li> <li>• Staff disciplinary procedures</li> </ul>	These matters will invoke the school's internal grievance procedures. Complainants will not be informed of the outcome of any investigation.
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.

### **The difference between a concern, a complaint and a formal disciplinary procedure**

A strategy for managing parental complaints is to treat them initially as concerns that can, and should, be resolved informally. This is preferable to immediately invoking the complaints procedure, which can place an unnecessary barrier of formality between the school and the complainant where a different approach might be more appropriate.

A complaint is distinct from any formal disciplinary procedure. Staff who may be questioned as part of a complaints procedure must be treated fairly and have an opportunity to put forward their case.

If a complainant has difficulty discussing a concern with a member of staff, another member of staff can hear the concern. Similarly, if a member of staff feels unable to deal with a concern, another member of staff can hear the concern.

General complaints may involve members of staff, but any investigation into such a complaint should be seen as very distinct from the disciplinary process. General complaints should be treated as complaints against the school, unless serious allegations of misconduct are made, in which case advice should be sought from the HR officer at the LA.

If it becomes apparent that the complaint has the potential to be a disciplinary issue or if the complaint is against any member of staff, it is for the Headteacher or designated senior member of staff or, in the case of the Headteacher, the Chair of Governors or designated Governor, to determine if it is a disciplinary or capability matter. If this is the case, the matter will be dealt with by following the appropriate procedure. If the complaint is about the majority or entire governing body an independent investigator appointed by the governing body will be considered. This complaints committee could be formed by governors from other schools. At the conclusion of their investigation, the independent investigator will provide a formal written response.

### **Standards for handling complaints**

- Complaints can be received by letter or email (marked 'Private and Confidential'), alternatively, if required during a face to face meeting.
- Complaints can be made by a third party acting on behalf of a complainant, as long as they have the appropriate consent to do so.
- You can expect to be treated with courtesy, respect and fairness at all times

- We expect that you will also treat our staff dealing with your complaint with the same courtesy, respect and fairness
- There is an expectation that all parties will treat the complaint in confidence to allow for a fair investigation
- We will deal with your complaint promptly
- Complainants should not approach individual governors to raise concerns or complaints, as they have no power to act on an individual basis and may prevent them from considering complaints at stage 2 of the procedure.
- We will acknowledge receipt of a written complaint within 5 working days. You can expect to have a full reply within 20 working days.
- We will not treat you less favourably than anyone else because of your:-
  - Sex or legal marital or same-sex partnership status: this includes family status, responsibility for dependants, and gender (including gender reassignment, whether proposed, commenced or completed)
  - Sexual orientation
  - Colour or race: this includes ethnic or national origin or nationality
  - Disability
  - Religious or political beliefs, or trade union affiliation
  - Any other unjustifiable factors, for example language

### **How to raise a concern or make a complaint**

Complaints against school staff (except the Headteacher) should be made in the first instance, to The Headteacher via the school office. Please mark them as Private and Confidential.

Complaints that involve or are about the Headteacher should be addressed to The Chair of Governors, via the school office. Please mark them as Private and Confidential.

Complaints about the Chair of Governors, any individual governor or the whole governing body should be addressed to The Clerk to the Governing Body) via the school office. Please mark them as Private and Confidential. **(See Appendix A – Model Complaints Form)**

### **The Stages of the Complaints Process:**

The school Complaints Process has four defined stages:

- **Stage One:**  
The complaint is heard informally by a staff member (not the subject of the complaint)
- **Stage Two:**  
The complaint is heard formally by the Headteacher. If the complaint is about the Headteacher, this should move directly to stage three.
- **Stage Three:**  
This is an investigation by the Chair of Governors if the Complainant is still dissatisfied after Stage 2 .
- **Stage Four:**  
The complaint is heard by the Governing Body's Complaints Review Panel.

**[PLEASE REFER TO THE FLOW CHART AT THE END OF THE DOCUMENT]**

## **Stage 1 – Informal Complaint**

Most concerns can be resolved informally by speaking to the appropriate member of staff in school. Anyone who wishes to raise a concern should ask for an appointment to meet with a member of staff at an agreed time. At the meeting, the nature of the concern should be clarified and brief details recorded and the member of staff may be accompanied by a colleague or representative.

The parties involved should discuss and be encouraged to offer their view of what would be a realistic resolution to the problem. If the matter cannot be resolved at this stage, and the person wishes to take the matter further, they should be given clear information about how to proceed with a formal complaint at Stage 2 and be given a copy of the leaflet on how to proceed.

At this stage, members of the Governing Body should not be approached

## **Stage 2 – Formal Complaint**

All concerns that haven't been resolved at Stage 1 need to be logged as a complaint and put in writing and submitted to the Headteacher, (*unless the complaint is about them, then it needs to be submitted to the Chair of Governors*). **See Appendix A for the model complaints form.**

The Headteacher or Chair of Governors will then acknowledge receipt of the complaint in writing within five working days of receipt, and provide a target date for providing a response (normally 20 working days). They will then investigate the complaint and provide the response for the complainant.

Written records of all the meetings, telephone conversations and other documentation relevant to the investigation must be kept.

The person dealing with the complaint must inform the complainant of the outcome of their investigation in writing.

If the matter cannot be resolved at this stage, and the person wishes to take the matter further, they should be given clear information about how to proceed with a formal complaint at Stage 3. (as outlined in the leaflet)

## **Stage 3 – Formal Complaint to Chair of The Governing Body**

This is an investigation by the Chair of Governors if the Complainant is still dissatisfied after Stage 2 . If the complaint is about the Headteacher then the complainant should write to the Chair of Governors via the School Office and this should be dealt with as being Stage 2 of the procedure. If still dissatisfied then the complaint goes to Stage 4 the Complaints Review Panel of Governors whose decision is final.

## **Stage Four - Formal Complaint review by the Review Panel**

### **The Governors' review panel**

If complainants are dissatisfied with the way in which their complaint was handled at stage three, there will be a further and final right of review to a specially convened panel of Governors.

Requests for a Review should be lodged in writing with the Clerk to the Governing Body within 10 school days of receipt of the stage three decision. The review panel will meet within 20 school days of receiving the complaint. The complainant and the Headteacher (or appropriate investigating officer) will be informed of the date, time and venue of the appeal hearing.

The panel will comprise at least three Governors who have had no previous knowledge of or involvement in the case. The panel should not include staff Governors. It should be noted that Stage 4 Panel Hearings will have a huge impact on staff and Governor time.

**The decision of the Review Panel is final.** Their findings should then be reported to the Governing Body, and agreed actions should be minuted with agreed timescales for any actions to be completed.

This is the last stage of the School's Complaints Process and there is no right of appeal to the school or to the Local Authority or the Diocese, if a church school. If the complainant is still dissatisfied, they should be advised to contact the School Complaints Unit of the Department for Education.

### **Secretary of State Review**

A further stage of appeal can be taken to the Secretary of State for Education, but only on the grounds that the Governing Body is acting or proposing to act unreasonably or illegally.

The School Complaints Unit (SCU) Sanctuary Buildings  
Department for Education  
2<sup>nd</sup> Floor, Piccadilly Gate  
Manchester  
M1 2WD

### **General Principles**

The procedure for handling complaints is intended to: -

- be easily accessible and well publicised
- be simple to understand and use
- allow complaints to be dealt with speedily and consistently with fairness to all concerned
- ensure a full and fair investigation
- respect individuals' desire for confidentiality
- address the key issues raised, provide an effective response and appropriate action
- be used by staff and governors appropriately and confidently.

If a complainant needs some kind of support in order to raise a concern or complaint, then every effort should be made to ensure this is available to enable them to fully participate in the process. (This could include provision of a translation of the procedure, provision of an interpreter etc.)

### **Time scales**

You must raise the complaint within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. We will consider complaints made outside of this time frame if exceptional circumstances apply.

### **Complaints received outside of term time**

We will consider complaints made outside of term time to have been received on the first school day after the holiday period.

## APPENDIX A

### Model Complaint Form

Please complete and return this form to the Chair of the Complaints Committee who will acknowledge receipt and explain what action will be taken.

Your name:

Address:

Telephone (Daytime):

(Evening):

E-mail:

Your child's name:

Year group:

Please give details of your complaint.

- **What action, if any, have you already taken to try and resolve your complaint?**
- **Who did you speak to and what was their response?**
- **What actions do you feel might resolve the problem?**

Signature.

Date.

<b>Stage One</b>	<b>Dealing with concerns</b> Informal discussion between complainant and school staff. Formal complaint not accepted until this is exhausted
------------------	--

<b>Stage Two</b>	Complainant lodges complaint <b>within 3 school months</b> of incident happening
------------------	--

On receipt, school acknowledges **within 5 school days**

Is the complaint about the Headteacher?      No      Yes

Headteacher investigates & responds **within 20 school days**

Chair of Governors investigates & responds **within 20 school days**

Satisfied

Satisfied

Still dissatisfied

Case closed

Still dissatisfied

<b>Stage Three</b>	Complainant writes to the Chair of Governors <b>within 10 school days</b>
--------------------	---

Chair of Governors investigates & responds **within 20 school days**

Case closed

Satisfied

Still dissatisfied

<b>Stage Four</b>	Governors' panel meets with complainant <b>within 20 school days</b> to conduct review
-------------------	--

Complainant notified of decision **within 3 school days of panel review meeting**

Not Satisfied

Satisfied

Case closed

Appeal to secretary of state if consider Governing Body acted illegally or unreasonably