



# Cricket Green School

## Complaints Procedure Policy



Date reviewed: Autumn 2016

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**LONDON BOROUGH OF MERTON**  
**CHILDREN, SCHOOLS AND FAMILIES DEPARTMENT**  
**COMPLAINTS PROCEDURE FOR SCHOOLS**

### **Background**

Under Section 29 of the Education Act 2002, Governing Bodies of all maintained schools and maintained nursery schools in England are required to have in place a procedure to deal with complaints relating to the school, and to any community facilities or services that the school provides.

The Act also states that such procedures should be publicised.

Local education authorities are required to have a procedure in place to deal with certain types of complaints, e.g. about the curriculum or collective worship in a school. Furthermore, there are certain other complaints which should not be covered by the Governing Body's complaints procedure, such as staff grievances or disciplinary procedures. Third parties who use the school premises to provide services should be required or encouraged to have their own procedures in place to deal with any complaints.

Some useful documents are also given with this procedure:

- A flow chart, depicting the process in simple form;
- A model complaints form;
- A model letter that could be sent to vexatious complainants. (*Vexatious complainants are those who make persistent complaints and can be abusive. While all complaints from such individuals should be dealt with on their merits, where their complaint has been investigated before, they should be notified in writing that their complaint will not be accepted, and why*).

### **General Principles**

1. An effective complaints procedure should be accessible and simple to understand.
2. Complaints should be dealt with confidentially.
3. Wherever possible, a complaint should be resolved informally. This procedure is designed to support this aim.

4. Informal concerns registered should be taken seriously where possible, to prevent them escalating into formal complaints.
5. All stages of the complaints procedure should be investigatory rather than adversarial.
6. An anonymous complaint will not be investigated under this procedure unless there are exceptional circumstances. These would include serious concerns such as child protection issues or allegations of bullying, where the school would involve the appropriate external agencies or else conduct its own internal review to test whether there is any evidence which might trigger a formal investigation.
7. The procedure should include a mechanism for dealing with vexatious complainants. It is advisable that, prior to deciding that a complainant is vexatious, the Headteacher should discuss the matter with a governor involved in complaints handling. Furthermore, care should be taken to ensure that all complaints made by such a complainant are carefully considered, as any new issues that arise should be addressed via the school's procedure.
8. Any governors involved in dealing with complaints should receive training for that role.
9. Schools should be aware that if the complainant feels that the school is acting unreasonably, they may make a complaint to the Secretary of State under sections 496 or 497 of the 1996 Education Act.
10. The school should recognise that it is important that any potential complainant is aware of the correct channel through which to pursue their complaint. Therefore it is essential that the school publicises their complaints procedure, and ensures that it is readily available to complainants. Similarly, the local education authority should be informed, so that they can assist those people who wish to complain about a school matter.
11. This procedure deliberately excludes a "governor panel" or "hearing" stage where all parties are questioned at the same time. This is in accordance with guidance by the DfES that complaint investigation should not be adversarial.
12. Schools should give an indication of the timescales involved in dealing with complaints. It is recommended that each stage of the complaint is dealt with within fifteen school days wherever possible. If this is not possible, then the complainant should be fully briefed on when they will receive a response.

13. Schools should decide how they will keep a record of the complaint and on procedures for monitoring complaints.
14. The London Borough of Merton will conduct an investigation into a school complaint under Stages 2 and 3 of the corporate complaints procedure. However, this will not be carried out until the school has fully exhausted their complaints procedure, and the limited powers of the local authority will be emphasised.
15. Although the procedure states that complainants should put their case in writing if possible, schools should be sensitive to the needs of all individuals, and accept verbal complaints where appropriate.
16. Most complaints made about schools relate to actions or decisions made by members of staff, and the model procedure is designed to deal with these. It is intended that any other complaints, such as those about school policy, should be dealt with under part b) of the procedure.

## **School Complaints Procedure**

### a) Complaints about the actions of a member of staff other than the Headteacher

**Informal Stage** - the complainant should communicate directly with the member of staff concerned, either by letter, by telephone or in person by appointment.

**Formal Stage** - if the complaint is not resolved at the informal stage, the complainant must put the complaint in writing (if possible) and pass it to the Headteacher who will be responsible for its investigation. The complainant should include details which might assist the investigation, such as names, dates and times of events and copies of relevant documents. The headteacher will conduct the investigation and inform the complainant of the outcome, which may be one of the following:

- **There is insufficient evidence to reach a conclusion so the complaint cannot be upheld;**
- **The concern is not substantiated by the evidence**
- **The concern was substantiated in part or in full (*some details may then be given of action the school may be taking to review procedures, but details of any disciplinary procedures will not be released*).**

- **The matter has been fully investigated and that appropriate procedures are being followed, which are strictly confidential (e.g. where staff disciplinary procedures are being followed).**

b) Complaints about the actions of the Headteacher or school policy

**Informal Stage** - the complainant should arrange to speak directly with the Headteacher. If the matter is not resolved, if both parties agree, then a third party (e.g. the deputy) could be invited to act as mediator at a further meeting.

**Formal Stage** - if not resolved at the informal stage, the complaint should be put in writing (if possible) and passed to the chair of the governing body who will investigate the complaint.

The complainant should include all relevant details to assist the investigation. In addition, the complainant could be invited to meet the chair to present oral information or clarify the complaint, or this could be given by telephone. Also, if necessary the chair should interview witnesses and collect any further information. The headteacher should be provided with a copy of the complaint and any additional evidence provided. Once s/he has received this information, s/he will be invited to discuss the complaint with the chair.

Once the investigation has been carried out, all parties will be notified of the outcome in writing. The complainant will **not** be informed of any disciplinary action.

If the complainant is not satisfied with the manner in which the process has been followed, or considers that the action of the chair is perverse, or that the chair has acted unreasonably, then s/he should request that the governing body review the chair's handling of the complaint. Any such request should be made in writing (if possible) within two weeks of receiving notice of the outcome from the chair, and include a statement detailing perceived failures.

c) Review process

The review should be conducted by a panel of three members of the governing body. It will normally be a paper review, but reasonable requests for oral representation should be considered. No member of the panel should have had any previous involvement in consideration of the complaint.

The panel will first receive written evidence from the complainant.

The panel will invite the head and/or chair to respond in writing to the evidence.

The panel may also access the records of the entire complaint.

All parties will be notified in writing of the outcome. This may be to the effect that:

- **There is insufficient evidence to reach a conclusion so the complaint cannot be upheld;**
- **The concern is not substantiated by the evidence;**
- **The concern was substantiated in part or in full, but the procedural failure did not affect the outcome significantly, so the matter is now closed;**
- **The concern was substantiated in part or in full, and governors will take steps to prevent a recurrence or to rectify the situation.**

#### Further Action

If a complainant believes that the governing body has acted illegally or arbitrarily or not fulfilled its statutory duties they may make representation to the Secretary of State for Education and Skills.

Furthermore, the complainant has the right to pursue their complaint with the London Borough of Merton, via their corporate complaints procedure. For further information they should contact the Appeals and Customer Services Officer of the Children, Schools and Families Department on 020 8545 3263 or email [education.complaints@merton.gov.uk](mailto:education.complaints@merton.gov.uk)

*CGS Adopted Merton Policy*

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