

# **Oak Field School Procedure for handling concerns and complaint**

**Written 2013**

**Reviewed by Governing Body 2016**

**To be reviewed January 2018**

**The Governing Body of Oak Field School has adopted the complaints procedure for schools as recommended by Nottingham City Council.**

Under Section 29 of the Education Act 2002, the governing bodies of all maintained schools and 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 the school provides. The law also requires the complaint procedure to be publicised.

The exceptions to this requirement are complaints relating to the Admissions, Statutory Assessment of SEN, School re-organisation proposals of matters relating to Child Protection investigations, where local Authorities have statutory responsibility. . It does not apply to exclusion of children from school, whistleblowing, complaints about services provided by other providers who may use school premises or facilities. For all these areas of concern there are other procedures. The Headteacher or Deputy Headteacher can give information about this, and advice on who to contact in Nottingham City Council.

There are certain other complaints which fall outside the remit of the governing body's complaints procedure, for example, staff grievances or disciplinary procedures.

Allegations of abuse against a member of the school staff must be reported to the Headteacher immediately. Allegations of abuse against the Headteacher must be reported to the Chair of Governors immediately.

Immediate contact must be made by the Headteacher or Chair of Governors with the Local Authority Child Protection Officer.

## **The difference between a concern and a complaint**

A 'concern may be defined as 'an expression of worry or doubt over an issue considered to be important for which reassurances are sought.' A complaint may be generally defined as 'an expression of dissatisfaction however made, about actions taken or a lack of action.' Many issues can be resolved informally, without the need to invoke formal procedures. The School takes informal concerns seriously and makes every effort to resolve the matter as quickly as possible.

For complaints that do not fall within the definition of curriculum complaints, the responsibility for dealing with them falls entirely on the governing body. Nottingham City Council may not take over this responsibility, and appeals against governing body decisions and procedures would be heard by the Secretary of State.

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.

Extended Schools: the governing body will ensure that any third party provider offering activities and services through the extended schools programme has their own complaints procedure in place. If a third party provider's complaints process is exhausted and the matter is not resolved and it will be referred to a Governors' Complaints Panel. This ensures that the Governors are kept aware of complaints about provision.

## **Oak Field Schools Complaints Procedure**

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

### **Level 1 – Informal**

Parents, carers or guardians should, in the first instance, make an appointment to speak to the class teacher or a head of year about the concern. It is best to resolve issues at this point.

### **Level 2 - Informal**

Parents, carers or guardians dissatisfied with the result of the discussions with the class teacher or head of year 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 governing body about the issue who may be willing to offer informal intervention. However, there is no obligation on any governor to become involved at this level.

If everyone involved is unable to resolve the issue then it may be necessary to ask for information or support from Nottingham City Council. The issue that is the focus of the complaint will determine the person contacted. The Headteacher, member of the leadership team, Deputy Headteacher or Assistant Headteacher should advise on who the complainant should contact.

### **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.

## **Equality Act 2010**

The Complainant may have communication preferences due to disability or learning difficulties and the school must allow alternative methods of contact:

- A complaint may be made in person, be telephone or in writing
- To ensure any later challenge or confusion, brief notes of meetings or telephone calls will be kept and a copy of any written response added to the record. If there are communication difficulties, recording devices can be used to ensure complainant can access and review discussions at a later point.

- The School will record the progress of the complaint and the final outcome. These records will be held centrally.
- The School is aware that the complainant has a right to copies of these records under the Freedom of Information and Data Protection Acts.

The Head Teacher should consider the complaint and discuss a resolution with the complainant. The Headteacher should respond to the complainant in writing within 10 school days of receipt of the letter.

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

The decision that the Headteacher has made as a result of the level 3 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 Governors' 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 Governors. The school will provide the Chair of Governor's name and the complainant should write to him or her at the school address marking the envelope 'urgent, private and confidential'. The Chair of Governors should acknowledge the complainant's letter in writing within 5 school days of receipt and contact a Governor Support Service Officer for advice.

## Concerns or complaints specifically about a governor.

### Complaints against Chairs of Governors

In the event of a formal complaint being made against the Chair of Governors, which is unable to be resolved at the informal stage, then it will be necessary for the complainant to formally complain to the Vice-Chair of Governors. The school will provide the Vice-Chair of Governor's name and the complainant should write to him or her at the school address marking the envelope 'urgent, private and confidential'. The Vice-Chair of Governors should acknowledge the complainant's letter in writing within 5 school days of receipt.

A governor who is the subject of the complaint would normally be advised of the situation immediately. However, if the complaint involves a child protection issue, child protection arrangements will come into force. The complaint will be considered to be a Level 4 – formal complaint and therefore will be considered by Governors' Complaints Panel. Complainants will be informed of the limited powers of such a committee in these circumstances. If the complaint is upheld or upheld in part, the committee may make recommendations to the Governing Body. If necessary the complaints panel may be composed of governors from another school within Nottingham City.

### Complaints against Governors

A formal complaint against a governor other than the Chair should be referred to the Chair, who will investigate seek to resolve it. The school will provide Chair of Governor's name and the complainant should write to him or her at the school address marking the envelope 'urgent, private and confidential'. The Chair of Governors should acknowledge the complainant's letter in writing within 5 school days of receipt. A governor who is the subject of the complaint would normally be advised of the situation immediately. However, if the complaint involves a child protection issue, child protection arrangements will come into force. If it cannot be resolved by the Chair, the complaint will be considered to be a Level 4 – formal complaint and therefore will

be considered by Governors' Complaints Panel. Complainants will be informed of the limited powers of such a committee in these circumstances. If the complaint is upheld or upheld in part, the committee may make recommendations to the Governing Body. If necessary the complaints panel may be composed of governors from another school within Nottingham City.

Governors co-opted or elected on to the governing body can be suspended for a period of up to six months. Governors appointed by the Local Authority can be suspended or removed from the governing body.

### Level 4 – formal complaint requesting a Governors' Complaints Panel.

Time Scales:

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| Receipt of complainant's letter  | Acknowledgement within 5 school days   |
| Receipt of complainant's letter  | Governors' Panel meeting within 15 school days (unless this goes into school holidays) |
| Written documentation sent to Governors' Panel Members and complainant and Headteacher | 5 school days before meeting.  |
| Governors' Panel members decision  | As soon as possible but within 10 school days  |

Complainants wishing to move to level 4 of the formal complaints procedure will need to write a letter to the Chair of Governors to request that a Governors' Complaints Panel meets to hear the complaint. This formal complaint letter must be received within 20 school days of the last meeting with the Headteacher concerning the issue. The complainant should write to the Chair of Governors 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. Additionally it should detail what actions would resolve the complaint. A template letter is included as **appendix A** to this complaints procedure.

#### Before the meeting:

The Chair of Governors should:

- appoint a clerk to the Governors' Complaints Panel
- acknowledge the complainant's letter in writing within 5 school days of receipt
- arrange for a panel of governors to meet within 15 school days of receipt
- provide the Headteacher with a copy of the complainant's letter, and request written documentation relevant to the complaint from the school.

The clerk should send both the complainant's letter and the school documentation to the Governors' Complaints Panel members, complainant and Headteacher (and anyone else involved in the meeting) at least 5 school days before the date of the meeting.

The complainant and Headteacher will be invited to attend the Governor'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/her representative) should provide all the relevant information they wish and the Governors' Complaints Panel members should clarify any points. After the complainant and Headteacher (or his/her 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 Governors' 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 Governor's Complaints Panel is final.

The decision of the Governors' Complaints Panel will not be investigated. If, however, the complainant feels that the School and Governors have not followed the school's complaints procedure correctly, he/she can contact Nottingham city Council for assistance. In this case he/she should ring Governor Services on 0115 8764589, who will arrange for an officer to contact him/her.

A complaint may be made to the Secretary of State for Education if a person believes that a governing body or LA is acting 'unreasonably' or is failing to carry out its statutory duties properly (see sections 496 and 497 of the Education Act 1996). However, intervention can only occur if the governing body or the LA 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 could instruct either party to do to put matters right. The Secretary of State must be satisfied that a decision is unreasonable in the sense that no reasonable authority or governing body, acting with due regard to its statutory responsibilities, would have reached that decision.

Once a Governor'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 Governors should inform the complainant that the matter is closed.

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.

APPENDIX A

**Complaint letter template for Oak Field School**

**Please complete and return to the Chair of the Governing Body who will acknowledge receipt and explain what action will be taken.**

**Your name:**

**Pupil's name:**

**Your relationship to the pupil:**

**Address:**

**Telephone number(s):**

**Details of the complaint**

**What action, if any, have you already taken to try and resolve your complaint**

**What actions do you feel might resolve the problem at this stage?**

**Are you attaching any paperwork? If so, please give details.**

**Signature:**

**Date:**

## APPENDIX B

### Information for Parents

Oak Field School wants pupils to be healthy, happy and safe, and do well. Co-operation between parents, staff and governors leads to a shared sense of purpose and a good atmosphere in the school.

#### ***I have something I would like to discuss with the school...***

Take time to read this leaflet.

Remember that there is usually more than one view about a situation. Make sure that what you want to discuss is clear in your mind. A good tip is to write down the main points so that you don't forget anything.

First consider asking to see the teacher or head of year to discuss the issue. They will be willing to offer an appointment as quickly as possible, which will give you both time to talk about it politely and calmly without being interrupted. Think about what you hope will happen as a result of your discussion and let the teacher or head of year know this.

#### **What should I do if I still feel unhappy about the issue?**

If you are unhappy with the outcome of the discussions you can ask for an appointment to see the Headteacher or, in larger schools, this could be a member of the leadership team, Deputy Headteacher or Assistant Headteacher. It is in everyone's interests, particularly those of your child or children, for issues to be sorted out smoothly. It will be best to end on a positive note with no bad feeling even if it is not possible for all your requests to be met. If a solution is proving difficult the Headteacher can speak to a governor who may be willing to offer some input to help resolve the issue, but there is no obligation for any governor to become involved at this time.

If you are both finding it difficult to resolve the issue then the relevant Local Authority representative may be able to offer information or support. The person to contact will depend on the issue that is the focus of the discussions. This help and advice is designed to help resolve the issue. The Headteacher or Deputy Headteacher should know who to ring, if not, you can ring the Governors' Team on 0115 8764589 or e-mail: [rachael.harvey@nottinghamcity.gov.uk](mailto:rachael.harvey@nottinghamcity.gov.uk)

#### **Most problems will have been sorted out by now**

However, if the issue has not been resolved it can become a formal complaint. This is a serious step to take and it is important that you have thought things through carefully. If you wish to follow the process for making a complaint, you must ask the school for a copy of their complaints procedure and write a formal letter of complaint to the Headteacher.

#### **What happens if I have a concern specifically about the Headteacher?**

If you have a concern specifically about the Headteacher (not the Headteacher's decision) you should write to 'The Chair of Governors' at the school address, marking the envelope 'urgent, private and confidential', setting out your concern.

#### **What happens if my concern relates to admissions, the curriculum or special educational needs?**

Some issues regarding these areas are covered by statutory regulations. The Headteacher or



Deputy Headteacher can give you information about these issues.