

# St Levan School

## COMPLAINTS POLICY



### Overview

The Education Act 2002 requires Governing Bodies to have procedures to deal with complaints not covered by other existing statutory requirements and to publicise these procedures.

The vast majority of concerns are dealt with immediately, satisfactorily and at an informal stage. St Levan School encourages this approach. However, occasionally things can go wrong and it is not always possible to predict how a minor concern can escalate into a major, stressful and time-consuming complaint. An efficient and accessible complaints procedure will help ensure that all parties are aware of, and have confidence in, a clear process and effective communication.

This policy does not cover those aspects of school life where the law sets specific complaints procedures i.e. admissions, exclusions, complaints about the delivery of the National Curriculum and the provision of collective worship and religious education.

Similarly, more specific procedures apply to staff disciplinary issues; financial impropriety or other criminal activities; and alleged child abuse.

### Aims

**The Aim of this policy** is to provide parents with a clear procedure for making a complaint. (A flow diagram of this document is readily available). We encourage parents to express their views at the earliest opportunity and through the appropriate channels as set out below. Making a complaint would not adversely affect a child in any way.

### Preliminary Stage – informal complaint

Parents are encouraged to speak informally to a member of the school staff as soon as they have a concern. This might be the class teacher, a member of the office staff or the Headteacher. The vast majority of concerns and complaints can be resolved in this way.

If the concern is about the Headteacher, we encourage parents in the first instance to discuss their concerns with the Headteacher. However, depending on the circumstances, they may wish to approach the Chair of Governors.

The person dealing with the complaint will make clear to the parent what action/monitoring of the situation will take place.

Most concerns will be dealt with informally to everyone's satisfaction but, failing this, parents may wish to initiate a formal complaint.

## **Stage 1: Formal complaint to the Headteacher**

- 1 Parents should write to the Headteacher, giving details of the concern and enclosing any appropriate paperwork. A school complaints form is available to assist with this process (see Appendix A). When a formal complaint is made, it will be acknowledged in writing within 5 working days.
- 2 If the complaint requires an in-depth investigation, the Headteacher will explain the need for this. A full response will ideally be made within 20 days, whether through a meeting with the complainant or by letter.
- 3 If a parent remains dissatisfied, the Headteacher will need to decide when to give a final response and refer the parent to Stage 2 of the complaints process.

## **Stage 2: Complaining to the Chair of Governors**

- 1 Parents should send a letter outlining their complaint and enclosing any relevant paperwork. A member of the school staff will be available to support parents in making a written complaint if requested.
- 2 Receipt of the complaint will be acknowledged within 5 working days and a full response made within 20 working days.
- 3 The Chair of Governors, in dealing with the complaint, may decide that it is appropriate to try to achieve conciliation between the parties by engaging in informal discussions with the Headteacher in an attempt to resolve the complaint and agree a way forward.
- 4 If this proves unsuccessful, the Chair of Governors will decide who is responsible for dealing with the issues involved, and therefore what powers are available to governors with respect to the particular complaint. He / she will consider whether the issues are related to responsibilities that:
  - are delegated to the Headteacher by the governing body; or
  - fall within the governing body's remit only; or
  - are within the Headteacher's terms and conditions of employment and relate to the internal organisation, management and control of the school
- 5 For delegated responsibilities and matters within the remit of the governing body, the Chair of Governors may look at the whole issue afresh
- 6 If the matter relates to the Headteacher's conduct, the Chair of Governors will decide whether the matter should be dealt with through the complaints procedure or staff disciplinary procedure.
- 7 For matters that are the Headteacher's responsibility, the Chair of Governors is only empowered to look at whether the Headteacher's decision or action was reasonable in the light of the information available at the time.
- 8 In the rare circumstance that a parent is unhappy with the outcome, the Chair of Governors may offer a right of appeal to the governing body's complaints panel.

### **Stage 3: Complaining to the Governing Body Complaints Panel: Reconsideration or Review**

- 1 Parents who wish to appeal to the governors should be advised to request this in writing to the clerk to the governing body. Parents should describe the issues in detail and say why they are dissatisfied with the outcomes of the previous stages.
- 2 **Note** - The governing body has a largely strategic role. This means it is responsible for the school's strategic framework including its aims and objectives, priorities and targets, and policies to achieve those aims and objectives. The Headteacher is responsible for the internal organisation, management and control of the school and for advising on and implementing the governors' policies. The Headteacher is solely responsible for making day-to-day decisions. However, the Complaints Panel of the Governing Body may carry out a reconsideration or a review.
- 3 **Reconsideration** (considering afresh). When the issues relate to delegated responsibilities, the panel can reconsider the matter, that is, look at the matter afresh, with any new information that the Headteacher may not have been aware of at the time of the original response or action. In the light of additional information, the panel may decide to write and ask the Headteacher to give the matter further consideration.
- 4 **Review**. If the matter falls within the Headteacher's decision-making remit by virtue of his or her terms and conditions of employment, then the panel will only have the power to review the decision not to consider the matter afresh. It may look at whether the decision or action was unreasonable. (An unreasonable decision might be one that is irrational: a decision that no reasonable Headteacher, properly aware of his or her duties and properly taking into account the facts of the case before him or her, would make). The panel will consider the facts as they were known to the Headteacher at the time and then consider whether the Headteacher:
  - failed to take account of a relevant consideration; and/or
  - took into account an irrelevant consideration; and/or
  - made a 'perverse' decision in the light of the evidence available at the time.

If new evidence does come to light, the panel will refer it back to the Headteacher, who may consider amending the decision in the light of that new information.

In deciding whether the Headteacher's decision was perverse, the panel will make a judgement as to whether the decision was one that, on the facts, was open to the Headteacher to make; that is, within a reasonable range of responses in the light of the evidence available.

- 5 The clerk will arrange and facilitate the meeting (in accordance with Children's Services Department guidance)
- 6 The panel should consist of three governors with no prior involvement in the matter and the chair should be designated before the meeting. The meeting should be held in an informal atmosphere but should follow a formal agenda.
- 7 The clerk will inform the complainant in writing of the panel's decision, within three school days following the meeting. The letter will include a summary of the

issues, an outline of the main points of discussion, the reasons for the decision and proposed actions or outcomes.

### **Further Steps**

If a complaint cannot be resolved further, the Headteacher, Governors and parents, or other complainants may seek advice from the Local Authority Complaints Adviser.

For general complaints about a school, the Local Authority has no remit or powers beyond reminding schools of their legal obligations. Therefore, for individual general complaints, which relate to internal school matters and have exhausted the School's own Complaints Procedure, there is no right of appeal to the Local Authority, because it has no powers to direct the school to change its decision.

If a parent wishes to pursue a complaint because they feel the School has acted unreasonably, they can write to the Secretary of State.

**Adopted/Reviewed on: January 2022**

**Review date: September 2023**

## Appendix 1

### St Levan School complaints form

**Please complete and return to .....(complaints co-ordinator)  
who will acknowledge receipt and explain what action will be taken.**

Your name:

Pupil's name:

Your relationship to the pupil:

Address:

Postcode:

Day time telephone number:

Evening telephone number:

What is your concern and how has it affected you?

Are you attaching any paperwork? If so, please list below:

Have you discussed this matter with a member of staff before filling in this form? If

so, who did you speak to and what was the response?

What would you like to happen as a result of making this complaint?

Signature.....Date.....  
.....

**Official Use only**

Initial response and acknowledgement:

By whom:

Date:

Complaints reference number:

Action taken:

Date:

**Data Protection Act 1998 – we will only process your personal data to respond to your complaint. In general, this data will be used for administrative and statistical purposes.**

