



Procedures for dealing with complaints

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Procedures for dealing with complaints

(To be read in conjunction with the Complaints Policy – see final page)

1.0 An overview

The majority of concerns from parents, carers and others are handled under the following general procedures. The procedure is divided into 3 stages:

Informal Stage

Aims to resolve the concern through informal contact at the appropriate level within school.

Stage 1

The first formal stage at which written complaints are considered, either by the Headteacher, who has special responsibility for dealing with complaints.

Stage 2

The next stage once Stage 1 has been worked through and involves a complaints appeal panel of Governors.

LEA Review

Education Leeds will review and comment upon the way we have dealt with your complaint.

Informal Stage – your initial contact with the school

1. Many concerns will be dealt with informally when you make them known to us. The first point of contact should be the child's teacher or Student Development Leader (SDL) / Assistant Student Development Leader (ASDL)
2. Once your concern is made known to us, we will see you, contact you by telephone or in writing, as soon as possible. If it is necessary, all members of staff know how to refer to the appropriate person with responsibility for your particular issues. He or she will make a clear note of the details, and will check later to see if the matter has been followed up.
3. Any actions or monitoring of the situation that has been agreed, will be communicated clearly, and we will confirm this in writing to you.
4. If necessary, we will contact appropriate people who may be able to assist us with our enquiries into your concern.
5. We will normally update you on the progress of our enquiries within 10 school days. Once we have responded to your concern, you will have the opportunity to ask for the matter to be considered further.
6. If you are still dissatisfied following this informal approach, your concern will become a formal complaint and we will deal with it at the next stage.

2.0 Stage 1 – formal consideration of your complaint

1. Normally, your written complaint should be addressed to the Headteacher. If, however, your complaint concerns the Headteacher personally, it should be sent to the school marked “**For the attention of the Chair of Governors**” (the designated Governor).
2. We will acknowledge your complaint in writing as soon as possible after receiving it. This will be within **3 school days**.
3. We will enclose a copy of these procedures with the acknowledgement.
4. Normally, we would expect to respond in full within **15 school days**, but if this is not possible we will write to explain the reason for the delay, and to let you know when we hope to be able to provide a full response.
5. As part of our consideration of your complaint, we may invite you to a meeting to discuss the complaint and fill in any details required. If you wish, you can ask someone to accompany you to help you explain the reasons for the complaint.
6. The Headteacher, or Chair of Governors (the designated Governor) may also be accompanied by a suitable person if they wish.
7. Following the meeting, the Headteacher, investigating officer or Chair of Governors (the designated Governor) will, where necessary, talk to witnesses and take statements from others involved. If the complaint centres on a pupil, we will talk to the pupil concerned and, where appropriate, others present at the time of the incident in question.
8. We will normally talk to pupils with a parent or carer present, unless this would delay the investigation of a serious or urgent complaint, or where the pupil has specifically said that he or she would prefer the parent or carer not to be involved. In such circumstances, we will ensure that another member of staff with whom the pupil feels comfortable is present.
9. If the complaint is against a member of staff, it will be dealt with under the school’s internal confidential procedures, as required by law.
10. The Headteacher or Chair of Governors (the designated Governor) will keep hand or type-written, signed and dated records of all meetings and telephone conversations and other related documentation.
11. Once we have established all the relevant facts, we will send you a written response to your complaint. This will give an explanation of the Headteacher’s or Chair of Governors’ (the designated Governor’s) decision and the reasons for it. If follow-up action is needed, we will indicate what we are proposing to do. We may invite you to a meeting to discuss the outcome as part of our commitment to building and maintaining good relations with you.
12. The person investigating your complaint may decide that we have done all we can to resolve the complaint, in which case we may use our discretion to close the complaint at this point.
13. If you are unhappy with the way we have reached our conclusions, you may wish to proceed to stage 2.

Closure of complaints

- Regrettably, and very occasionally, the school and Education Leeds will need to close a complaint where the complainant is still dissatisfied.
- Where appropriate, the local authority and the school will do all we can to help to resolve a complaint against the school, but sometimes it is simply not possible to meet all of the complainant's wishes. Sometimes it is simply a case of 'agreeing to disagree'.

3.0 Stage 2 – consideration by a governors' appeal panel

If the complaint has already been through stage 1 and you are not happy with the outcome as a result of the way in which the complaint has been handled, you can take it further to a Governors appeal. This is a formal process, and the ultimate resource at school level.

The purpose of this arrangement is to give you the chance to present your arguments in front of a panel of Governors, who have not prior knowledge of the case and who can, therefore, consider it without prejudice.

However, the aim of this panel is not to re-hear the complaint. It is there to review how the complaint has been investigated and to determine whether this has been conducted fairly. It is there to establish the facts and make recommendations, which will reassure you that we have taken it seriously.

The Governors' appeal panel operates according to the following formal procedures:

1. The Governing Body will convene a panel of three governors and will aim to arrange for the panel meeting to take place within **20 school days**.
2. You will be asked whether you wish to provide any further written documentation in support of your appeal.
3. The Headteacher or complaint investigator will be asked to prepare a written report for the panel. The panel can request additional information from other sources if necessary.
4. You will be informed at least **5 school days** in advance, of the date, time and place of the meeting. We hope you feel comfortable with the meeting taking place in school, but we will do what we can to make alternative arrangements if you prefer.
5. With the letter, you will receive any relevant correspondence or report regarding stage 1 and you will be asked whether you wish to submit further written evidence to the panel.
6. The letter will explain what will happen at the panel meeting and that you are entitled to be accompanied to the meeting. The choice of person to accompany you is your own, but it is usually best to involve someone in whom you have confidence but who is not directly connected with the school. They are there to give you support, but also to witness the proceedings and speak on your behalf if you wish.
7. If it is necessary in the interests of ratifying the investigative process, the complaint investigator may, with the agreement of the chair of the panel, invite relevant witnesses directly involved in matters raised by you to attend the meeting.

8. The chair of the panel will bear in mind that the formal nature of the meeting can be intimidating for you, and will do his or her best to put you at your ease.
9. As a general rule, no evidence or witnesses previously undisclosed should be introduced into the meeting by any of the participants. If either party wishes to do so, the meeting will be adjourned so that the other party has a fair opportunity to consider and respond to the new evidence.
10. The chair of the panel will ensure that the meeting is properly minuted. Please understand that any decision to share the minutes with you, the complainant, is a matter for the panel's discretion and you do not have an automatic right to see or receive a copy as the minutes are the property of the governing body. Since such minutes usually name individuals, they are understandably of a sensitive nature and, therefore, confidential nature.
11. Normally, the written outcome of the panel meeting which will be sent to you, should give you all the information you require. If, however, you feel that you would like a copy of the minutes it would be helpful if you could indicate this in advance. If the panel is happy for the minutes to be copied to you, the clerk can then be asked to maintain confidentiality in the minutes.
12. During the meeting, you can expect there to be opportunities for:
 - The panel to hear you explain your case and your argument for why it should be heard at stage 2;
 - The panel to hear the complaint investigator's case in response;
 - You to raise questions via the chair;
 - You to be questioned by the complaint investigator through the chair;
 - The panel members to be able to question you and the complaint investigator;
 - You and the Headteacher to make a final statement.
13. In closing the meeting, the chair will explain that the panel will now consider its decision, and that written notice of the decision will be sent to you and the Headteacher within **3 school days**. All participants other than the panel and the clerk will then leave.
14. The panel will then consider the complaint and all the evidence presented in order to:
 - Reach a unanimous, or at least a majority, decision on the case;
 - Decide on the appropriate action to be taken if necessary;
 - Recommend, where appropriate, to the governing body, changes to the school's systems or procedures to make sure similar problems do not happen again.
15. The clerk will send you and the Headteacher a letter outlining the decision of the panel. The letter will also explain that you are entitled to have the handling of the complaint reviewed by Education Leeds. That process is not strictly an appeal, as the local authority cannot direct the governing body in most general complaints cases. The outcome, including any recommendations, may be helpful to you in seeking resolution of the complaint through the Secretary of State for Education and skills if necessary.
16. We will keep a copy of all correspondence and notes on the file in the school's records, but separate from pupil's personal records.

4.0 Review by LEA (Education Leeds)

The following information is provided by Education Leeds on behalf of the Leeds Children's Services Authority, Leeds City Council:

1. Education Leeds, on behalf of the Leeds Children's Services Authority (CSA), has limited powers to intervene in matters of school management. Along with central government it encourages parents and others with concerns about schools, to discuss the issues firstly with staff at the school, as set out in stage 1 of the above procedures. The majority of concerns about children's education and welfare can be resolved in this informal way, which helps to build and maintain good relations between the school and parents.
2. Education Leeds can advise you on the route for expressing your concerns or making a complaint and can facilitate the resolution of the complaint by liaising with the school and governing body to make sure procedures are followed and your concerns dealt with reasonably.
3. **If you come to Education Leeds without first having gone through the above procedures, we will explain to you that you must go back to the school in the first instance and follow its procedures.**
4. Our role in facilitating the resolution of complaints about schools is a carefully balanced one. We try to maintain an objective stance, giving you and the school the information and guidance you need to move the matter forward.
5. We have an agreement with schools that, if you send us a written complaint about a school, we will normally forward the complaint to the school for attention. We would use our discretion not to do this if the written complaint includes information of a highly sensitive or personal nature. In this case our customer relations service would deal with it and contact the school in a discrete way.

5.0 Resolving and closing complaints

At each stage in the procedure, schools will want to keep in mind ways in which a complaint can be resolved. An effective procedure should identify areas of agreement and clarify any misunderstandings that might have occurred, as this can create a positive atmosphere in which to try to reach a resolution. It might be sufficient to acknowledge that the complaint is valid in whole or in part. In addition, it may be appropriate to offer one or more of the following:

- An apology or an expression of regret (this is not an admission of liability)
- An explanation.
- An admission that the situation could have been handled differently or better (this is not the same as an admission of negligence)
- An explanation of the steps that have been taken to ensure that it will not happen again; and
- An undertaking to review school policies in light of the complaint.

It would be useful if complaints were encouraged to state what actions they feel might resolve the problem at any stage. An admission that the school could have handled the situation better is not the same as an admission of negligence. Equally, an effective procedure will identify areas of agreement between the parties. It is also of importance to clarify any misunderstandings that might have occurred, as this can create a positive atmosphere in which to discuss any outstanding issues.

If the Headteacher or chair of governors feels that:

- Nothing can be gained
- Every reasonable action has been undertaken to resolve the complaint, and;
- He or she is confident that a new panel is inappropriate given its remit

He or she should write to the complainant outlining the reasons why the case will be closed.

If the school rejects the complaint, it is important to re-assure the complainant that the matter has been thoroughly investigated.

6.0 Mediation

Mediation is described as a voluntary process where an impartial third party (the mediator) helps the disputants to come to their own solution to a conflict. It can only be used if both parties agree. It encourages communication, the exchange of feelings and perceptions and can help create a negotiated solution which is agreed by both parties. The role of the mediator is to facilitate dialogue and help people work together to resolve their difficulties. The mediator is not to decide an outcome or be responsible for resolving the complaint.

If, at any time throughout the procedure, from informal to the final decision of the panel, the school feels that external mediation would help to break any deadlock and resolve the complaint, they can seek advice and support from Education Leeds' customer relations service. Education Leeds can provide advice and in some cases, will mediate between the parties concerned. Schools may otherwise wish to make use of other external mediation services.

Mediation is most likely to work when:

- Ongoing relationships are important;
- Issues are specific and can be resolved by the parties wish to resolve the problem; and
- The other people involved are participating voluntarily.

Mediation is less likely to work when:

- There is a great power imbalance between the parties;
- Legal action is already taking place;
- Positions on both sides are extreme and have hardened; and
- The parties involved are not willing to participate.

Special educational needs (SEN) mediation – the parent partnership service can offer independent, impartial advice and guidance on special educational needs issues. The service can access specialist, independent SEN mediation support through the Yorkshire and Humber Mediation Service. Schools can refer a parent to the parent partnership service. They can be contacted on 0113 395 1222 or email: Education.PPS@educationleeds.co.uk or visit their website on the Education Leeds website www.educationleeds.co.uk 'parents and carers page.

7.0 Vexatious or persistent complaints

A sound set of complaints procedures should limit the number of complaints that become protracted or vexatious; and if the procedures are followed correctly to keep the person informed of what is happening, this should not become an issue.

However, occasionally, a complainant may remain dissatisfied despite all the procedures having been followed. It may well be a case of not being able to resolve all their concerns and meet all their wishes. Sometimes it is simply a case of 'agreeing to disagree' and moving on.

If the complainant continues to make representation to the school or attempts to reopen the same issue, the chair of governors should inform them, in writing, that the procedures have all been followed and that all reasonable action has been taken to try to resolve the issue and that the matter is now closed. In some cases, it may be necessary to seek support from the Education Leeds customer relations service and Legal Services to deal with particularly vexatious or persistent complainants.

Threats involving the media and or legal action should be treated respectfully, whilst reassuring the person that the school will respond to any letters or approaches from the media or solicitors in the normal way. These may be 'empty' threats made out of frustration in the heat of the moment and are without substance. However, Headteacher should contact Leeds City Council's press office on 0113 247 4328, for advice if they are concerned about statements being made to the media.

Occasionally, the behaviour of a complainant can pose a threat to the school community. If this occurs, a warning letter to the person threatening to ban him or her from the premises should be sufficient to stop any unwelcome behaviour. In extreme cases, it may be necessary for the chair of governors to impose an actual ban on the person. Schools should take further advice from their legal services representative.

Monitoring Complaints

Schools should record and monitor all complaints to identify issues and allow any lessons to be learned by the school. The Headteacher should provide a termly report to the governing body identifying the number, nature and current status of complaints handled, without giving individual details. The governing body should monitor all complaints which reach formal stage 2 and receive a report at the end of the process.

Crawshaw School Complaints Policy

1. This policy statement sets out the School's approach to dealing with parental concerns and complaints. Further details of how we handle them are contained in our procedures document. (Crawshaw School Complaints Procedures) which you can obtain on request from the school office.
2. We value good home school relations and will, therefore, do everything we can to establish and maintain them. This includes seeking to resolve any concerns or complaints promptly and to the satisfaction of all concerned.
3. We welcome feedback on what parents feel we do well, or not so well, as a school. We will consider carefully all feedback, whether positive or negative and will review our policies and practices accordingly.
4. We will treat all concerns and complaints seriously and courteously and will advise parents and others of the school's procedures for dealing with their concerns. In return, we expect parents and other complainants to behave respectfully towards all members of the school community. In particular any disagreement with the school should not be expressed inappropriately or in front of pupils.
5. All school staff and members of the Governing Body will receive a copy of this policy statement, and will be familiar with the school's procedures for dealing with parental concerns and complaints, to which they will have access as required. The procedures are available on request to parents.
6. The school's procedures will be reviewed regularly and updated as necessary.
7. Staff and governors will receive training in handling parental concerns and complaints as appropriate. This may be on an individual basis, as a group activity for all staff, or for specific groups, such as the office staff or members of the Governing Body.
8. Whilst we seek to resolve concerns and complaints to the satisfaction of all parties, it may not be possible to achieve this in every case. We will, therefore, use our option to close a complaint before all the stages of the school's procedures have been exhausted if this appears to be appropriate.
9. The governors and Education Leeds advocate resolution of parental concerns and complaints at school level wherever possible in the interests of maintaining good home/school relations. The role of Education Leeds in advising parents and schools on the handling of concerns and complaints is set out in the school's procedures.