



Osmotherley Policy Document

Complaints Procedure

Version 1.0

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Exceptions

This procedure does not cover those areas of school life for which other procedures exist including:

- Staff grievance and capability procedures
- Staff disciplinary procedures
- Child protection investigations
- Admission appeals
- Exclusion appeals
- Statutory assessments of Special Educational Needs (SEN) and appeals against the decisions of the Local Authority (LA) about a child's SEN and provisions
- School re-organisation proposals
- Complaints about services provided by other providers who may use school premises or facilities
- Complaints involving human rights, race relations, sex discrimination, disability discrimination or age discrimination.



Stages of Complaints Procedure

Informal Stage

Anyone with a concern about any aspect of the school is encouraged to raise their concern, either personally or through someone else, with their child's class teacher, a senior member of staff or with the Headteacher. Everything possible should be done at this stage to resolve the matter.

It is in everyone's interest that complaints are resolved at the earliest possible stage. The experience of the first contact between the complainant and the school can be crucial in determining whether the complaint will escalate. To that end, if staff are made aware of the procedure, they will know what to do if they receive a complaint.

It will benefit the procedure if the school respects the views of a complainant who indicates that he/she would have difficulty discussing a complaint with a particular member of staff. In these cases, the complaint can be referred to another staff member including the Headteacher.

Similarly, if the member of staff directly involved feels too compromised to deal with a complaint, the school may consider referring the complainant to another staff member. The member of staff may be more senior, but does not have to be. The ability to consider the complaint objectively and impartially is crucial.

Where the first approach is made to a governor, the next step would be to refer the complainant to the appropriate person and advise them about the procedure. It would be useful if governors did not act unilaterally on an individual complaint outside the formal procedure or be involved at the early stages in case they are needed to sit on a panel at a later stage of the procedure.

If the concern cannot be resolved by informal means the person expressing the concern will be advised how to pursue a formal complaint and be provided with a copy of the school's Complaints Procedure Policy.



Formal Complaint – Stage One

Investigation by a designated member of staff/Headteacher

Formal complaints must be detailed in writing (a complaints form is attached for this purpose). To ensure that the complaint is properly investigated it must be as clear as possible. If necessary clarification will be sought from the complainant about any aspect of the complaint which is unclear.

The Headteacher or designated staff member should make every effort to resolve the issue as quickly as possible.

If a complainant requires help to put their complaint in writing then they will be offered the opportunity to meet with the designated member of staff/Headteacher who will make a written note of the complaint and agree it with the complainant.

The designated member of staff/Headteacher will send an acknowledgement letter within 5 working days of receiving the written complaint and will confirm:

- details of the complaint to be investigated
- who will be investigating the complaint
- that a substantive response to the complaint will be given within 20 working days of receipt. If this timescale cannot be met an explanation will be given with a revised timescale.

The complaint will be recorded including date.

The designated member of staff/Headteacher will investigate the complaint in accordance with the principles of the Complaints Procedure Policy.

The designated member of staff/Headteacher will write to the complainant within 20 days of receipt of the complaint (or by date given in the acknowledgement letter) and advise him/her of the outcome of the investigations in writing.

If the complaint is upheld the complainant will be informed accordingly and given an indication of the steps that will be taken to put matters right. The school will seek guidance from Legal Services at North Yorkshire County Council (NYCC) before making any admissions which may lead to a legal claim. If, on the basis of the information available, it is not possible to arrive at a definitive decision on the complaint the complainant will be informed accordingly with the reasons why.

The complainant will also be informed that if they are dissatisfied with the outcome of the investigation then they have the right to appeal against the outcome to the Chair of the Governing Body and how to do it.



Formal Complaint – Stage Two

The Chair of the Governing Body or other designated governor

Requests for a stage two investigation must be in writing and addressed to the Chair of the Governing Body or other designated governor (DG).

The Chair or DG will send an acknowledgement letter within 5 working days of receiving the request and tell the complainant that a substantive response to the complaint will be given within 20 working days of receipt. If this timescale cannot be met an explanation will be given with a revised timescale.

The request will be recorded including date.

The Chair or DG will investigate the complaint in accordance with the principles of the Complaints Procedure Policy and make every effort to resolve the complaint at this stage.

The Chair or DG will write to the complainant within 20 days of receipt of the complaint (or by date given in the acknowledgement letter) and advise him/her of the outcome of the investigations in writing.

The Chair or DG should make every effort to resolve the issue by meeting with the Headteacher, complainant and any other interested persons.

If the complaint is upheld the complainant will be informed accordingly and given an indication of the steps that will be taken to put matters right. The Chair will seek guidance from Legal Services at NYCC before making any admissions which may lead to a legal claim. If, on the basis of the information available, it is not possible to arrive at a definitive decision on the complaint the complainant will be informed accordingly with the reasons why.

The complainant will also be informed that if they are dissatisfied with the outcome of the investigation then they have the right to appeal against the outcome to the Complaints Appeals Panel and how to do it.



Formal Complaint – Stage Three Complaints Appeals Panel Hearing

Requests for a stage three hearing must be in writing and addressed to the Clerk of the Osmotherley Governing Body.

The Clerk will acknowledge the request in writing within 5 working days of receiving the request and set a date for the Panel within 20 working days of receiving the request.

The Clerk will ask the investigator at Stage 1 to attend the hearing to present the school's case.

If written submissions are to be made by the Headteacher or complainant they should be submitted to the Clerk at least 10 working days before the hearing to enable copies to be provided to the committee, the complainant, the Headteacher and any other relevant parties.

At least 7 working days prior to the meeting the Clerk will:

- notify all parties of the date, time and place of the hearing
- provide all parties with a copy of any written representations submitted
- provide all parties with details of the format of the hearing
- ask the parties whether they have any particular needs for the meeting e.g. induction loop, translator etc.
- confirm who will be in attendance at the hearing or whether they wish to rely upon written submissions.

Within 5 working days following the hearing the Clerk shall inform all the parties concerned in writing of the decision(s) of the panel. The complainant will also be informed that if he/she remains dissatisfied then they may write to the Department for Education (DFE), 2nd Floor, Piccadilly Gate, Manchester, M1 2WD. or go to <https://www.gov.uk/complain-about-school> for more details.

This ends the process for the school. The school (Headteacher) must keep all paper work and details concerning the complaint and be prepared to submit them to the DFE if requested. It is important that the school submits the full policy document for scrutiny as well as the Complainants Leaflet.

What will the DFE do?

If a complaint has exhausted the local procedures, the School Complaint Unit (SCU) will examine whether the complaints policy and any other relevant policies were followed in accordance with the provisos set out. SCU also examines policies to determine if they adhere to education legislation. However, the department will not re-investigate the substance of the complaint. This remains the responsibility of the school.

If legislative or policy breaches are found, SCU will report them to the school and the complainant and, where necessary, require remedial action to be taken. Failure to carry out remedial actions could ultimately result in a formal direction being issued by the Secretary of State.



Complaint Form

If you wish to seek advice prior to making a complaint, please visit <http://m.northyorks.gov.uk/CHttpHandler.ashx?id=28142&p=0> for more information.

It will help us if you use this form to make your complaint, but please write a letter if you prefer, covering all the points on the form. Please continue your answers on a separate sheet if there is not enough space on this form. Do remember that you will need to tell us what needs to happen to resolve your complaint. When you have filled in the form, send it to The Headteacher or Chair of the Governing Body if the complaint is about the Headteacher. If you need any help completing this form please contact the school. If this is a complaint about a Governor, please send it to the Clerk to the Governing Body.

We will only process your personal data in order to respond to your complaints. In general it will be used for administrative and statistical purposes.

Your name

| | | | | |
|-----------------------------------|-----------------------------|------------------------------|-------------------------------|-------------|
| Mr <input type="checkbox"/> | Ms <input type="checkbox"/> | Mrs <input type="checkbox"/> | Miss <input type="checkbox"/> | Other |
| First name (BLOCK CAPITALS) | | | | |
| Surname (BLOCK CAPITALS) | | | | |

Your address

| | |
|--|----------|
| | Postcode |
|--|----------|

Daytime tel. no. Mobile tel. no.

Email address

Do you have any special requirements, for example if English is not your first language, disabilities?

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Have you contacted the school about this matter before? Yes No

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|--|
| If yes, who did you contact, when and how? |
|--|

Have you received a reply? Yes No



If so, when was this?

Please explain your complaint.

What action, if any, have you already taken to try to resolve your complaint? (Who did you speak to and what was the response?)

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

Please use additional sheets if required.

If you have any documents to support your complaint, please send them with this form. Please tick the box if you would like them returned to you.

We will send an acknowledgement within 5 working days of receiving your communication and will tell you what is happening. If a further response is required, this should reach you within 20 working days.

FOR OFFICE USE ONLY

Complaint reference

Date Received

Acknowledgement sent

Substantive reply sent

