

Complaints Procedure

For the purposes of this policy a complaint is an expression of dissatisfaction made either orally or in writing and formally received by Southwark Children's Services about the standard of service, actions or lack of action by the service or staff, affecting an individual customer or group of customers.

- 1.1 Under the General Complaints Procedure (paragraph 2.5) it is for the appropriate authority named in Disciplinary or Capability Procedures to decide whether to invoke such a procedure. On receipt of a complaint about staff conduct, and as the appropriate authority, the Headteacher will therefore decide whether the complaint should be dealt with according to the Disciplinary Procedure, or according to this Complaints Procedure. The Headteacher will notify the complainant in writing of any decision to deal with a complaint according to the Disciplinary Procedure.
- 1.2 If the Headteacher decides that using this Complaints Procedure is appropriate, but considers that there is any possibility that the matter could at some future point lead to disciplinary proceedings, the Headteacher should always advise the staff member who is the subject of the complaint of that possibility. The school should allow that staff member to bring a TU representative or colleague to any meeting about the complaint (including any Governors' Complaints Panel meeting – see paragraphs 5.7, 5.8 and 6.4(v) below).
- 1.3 Nothing in this Complaints Procedure precludes a Governors' Complaints Panel (GCP) deciding to refer the complaint back to the Headteacher to deal with under the Disciplinary Procedure.
- 1.4 If the Headteacher decides that a complaint about staff conduct should be dealt with according to the Disciplinary Procedure, the Headteacher should ensure that any outstanding general school management issues, which may arise from that complaint, are dealt with under the Complaints Procedure.

RECEIVING A COMPLAINT

- 2.1 A complaint can be received by any member of staff from the school and can be oral or written.
- 2.2 If the complaint cannot be resolved immediately, then it may be necessary to apply stages 1 and 2 of this procedure.
- 2.3 It is good practice for Headteachers to be made aware of any complaint that cannot be immediately resolved once it has been received. Any oral complaint should be summarised in writing by the member of staff who receives it, and should include the name and address of the complainant. If possible, the complainant should be asked to sign the summary to endorse its contents and a copy of the summary can be given to the complainant.

DEALING WITH THE COMPLAINT

- 3.1 We recommend that the complaints received by schools should be dealt with informally in the first instance. If it is not resolved, then it should be referred to the Headteacher or his/her representative (stage 1). If not resolved at stage 1, then it should be referred to the Governing Body of the school (stage 2) if the complainant remains dissatisfied. The decision of the GCP is final.

COMPLAINTS DEALT WITH BY THE HEADTEACHER OR HIS/HER REPRESENTATIVE (STAGE 1)

- 4.1 The written complaint or written summary of the complaint should be promptly referred to the Headteacher or appropriate person.
- 4.2 The Headteacher of the establishment, or appropriate person, will decide whether to delegate the investigation of the complaint to another member of staff or whether to undertake the investigation him/herself.
- 4.3 In exceptional circumstances, such as an incident, which could or has resulted in personal injury, the Headteacher must be informed immediately and may consider referring the matter for investigation direct to representatives of the Governing Body of the school. In cases of a serious complaint against the Headteacher, it may be appropriate for the Chair of Governors to seek further guidance from the complaints team, and/or the Director of Children`s Services – Education.
- 4.4 Members of the complaints team will offer assistance to schools on the resolution of complaints where required. This includes the provision of a mediation service, including facilitating meetings between the complainant and members of staff. A member of the complaints team will also be available to investigate a complaint and produce a report to the Headteacher and/or Governing Body, should the school request this.
- 4.5 The person investigating the complaint should ensure that a written or oral acknowledgment is provided to the complainant within **5 working days** of receiving the complaint. The acknowledgment will give a brief explanation of the school`s complaints procedure and will give a target date for providing a response to the complainant, which should normally be within **10 working days**. If this target cannot be met, a letter should be written within **10 working days**, explaining the reason for the delay and providing a revised target date.
- 4.6 The person investigating the complaint should seek to speak to or meet with all appropriate people in order to establish the facts relating to the complaint. This includes the complainant, staff and any other person.
- 4.7 Once all the relevant facts have been established, the person investigating the complaint should then produce a written response to the complainant, or may wish to meet the complainant to discuss/resolve the matter directly.
- 4.8 A written response should contain an outline of the complaint and a summary of the response to the complaint, including the decision reached and the reasons for it. Where appropriate, this should also include what action the school will take to resolve the complaint. This letter or report must be endorsed by the Headteacher. It should also inform the complainant that should he/she wish the complaint to progress to stage 2 of this procedure, then he/she should send a written request stating this to the Headteacher within **25 working days** of receiving the response.
- 4.9 If no further communication is received from the complainant within **25 working days**, it should be assumed that the complaint has been resolved and should subsequently be laid to rest.

COMPLAINTS REFERRED TO THE GOVERNING BODY (STAGE 2)

- 5.1 Upon receipt of a written request by the complainant to proceed to stage 2 (i.e. the Governing Body hearing), the procedures outlined below should be followed.
- 5.2 The clerk to Governors should write to the complainant to acknowledge receipt of the written request for the complaint to be heard by representatives of the Governing Body. The acknowledgment must be sent within **5 working days** and should also inform the complainant that the complaint is to be heard by 3 representatives of the school's Governing Body within **20 working days** of receiving the complaint. The letter should also explain that the complainant has the right to submit any further documents relevant to the complaint. These must be received within **5 working days** of the date of the hearing to allow adequate time for the documents to be circulated to the 3 representatives.
- 5.3 The Clerk to the Governors should request that the Chair convenes a GCP, which is elected from members of the Governing Body. It may be necessary for the Chair/Vice Chair to appoint reserves to this panel to ensure that 3 governors are available to carry out their functions within the set timescales.
- 5.4 The GCP should consist of the Chair or Vice Chair and two other Governors. It is not appropriate for the Headteacher to have a place on this panel. It would be helpful if at least one member of the panel were a parent. The composition of the GCP should, as far as possible, be sensitive to issues of race, gender and religious affiliation. No member of the panel should have had any prior involvement in the complaint.
- 5.5 The Chair/Vice Chair will ensure that the complaint is heard by the panel within **20 working days** of receiving the letter outlined in 5.1. All relevant correspondence regarding the complaint should be distributed to each panel member as soon as the composition of the panel is confirmed.
- 5.6 The Chair/Vice Chair will write and inform the complainant, the Headteacher, any relevant witnesses, and members of the GCP, at least **5 working days** in advance of the date, time and place of the meeting. The notification to the complainant should also inform him/her of the right to be accompanied to the meeting by a friend/advocate/interpreter. The letter will also explain how the meeting will be conducted and the complainant's right to submit further evidence to the panel.
- 5.7 The Chair/Vice Chair of the Governing Body should invite the Headteacher to speak to the panel and/or prepare a written report for the GCP in response to the complaint. If the Headteacher prepares a written report, a copy of this report should be sent to the complainant at least **5 working days** before the date of the meeting. The Headteacher may also invite members of staff directly involved in matters raised by the complainant to respond in writing or in person to the complaint. Any relevant documents relating to the complaint should be received at least **5 working days prior to the hearing**.
- 5.8 The involvement of staff other than the Head of Establishment is subject to the discretion of the Chair of the GCP.
- 5.9 It is the responsibility of the Chair of the GCP to ensure that the meeting is properly minuted.

HEARING THE COMPLAINT AT THE MEETING

- 6.1 The aim of the meeting should be to resolve the complaint and achieve reconciliation between the establishment and the complainant.
- 6.2 The panel should remember that many parents are unused to dealing with groups of people in formal situations and may feel inhibited when speaking to the panel. It is therefore recommended that the Chair of the panel ensure that the proceedings are as informal as possible.
- 6.3 In the interests of natural justice, the introduction of previously undisclosed evidence or witnesses would be a reason to adjourn the meeting so that the other side has time to consider and respond to the new evidence.
- 6.4 The recommended conduct of the meeting is as follows:
- i) The Chair of the panel will welcome the complainant, introduce the panel members and explain the procedure.
 - ii) The Chair of the panel will invite the complainant or advocate to explain the complaint.
 - iii) The GCP may question the complainant about the complaint and the reasons why it has been made.
 - iv) The Headteacher will be invited by the Chair of the panel to question the complainant about the complaint and why it has been made.
 - v) The Chair of the panel will invite the Headteacher to make a statement in response to the complaint. At the discretion of the Chair of the panel, the Headteacher may invite members of staff directly involved in the complaint to supplement his/her response.
 - vi) The GCP may question the Headteacher and/or members of staff about the response to the complaint.
 - vii) The Chair of the panel will invite the complainant to question the Headteacher and/or members of staff about the response to the complaint.
 - viii) Any party has the right to call witnesses, subject to the approval of the GCP.
 - ix) The GCP, the Headteacher and the complainant have the right to question any such witnesses.
 - x) The Headteacher will be invited by the Chair of the panel to make a final statement.
 - xi) The complainant will be invited by the Chair of the panel to make a final statement.
 - xii) The Chair of the panel will explain to the complainant and the Headteacher that the decision of the panel will now be considered and a written decision will be sent to both parties within **15 working days**. The Chair of the panel will then ask all parties to leave, except for members of the GCP.

- xiii) The GCP will then consider the complaint and all the evidence presented and:
- a) reach a decision on the complaint and the reasons for it;
 - b) decide upon the appropriate action to be taken to resolve the complaint;
 - c) where appropriate, suggest recommended changes to the school education services systems or procedures to ensure complaints of a similar nature are not made in the future.

- 6.5 The minutes of the meeting will be recorded and kept on file.
- 6.6 A written statement outlining the decision of the GCP must be sent to the complainant and Headteacher. The statement sent to the complainant must explain that the decision of the GCP is final.
- 6.7 The school must ensure a copy of all correspondence and notes are kept on file in the school's records.

CONSULTATION

- 7.1 The authority's complaints team offers a full consultation service to all schools/education services, including advice and information on all aspects of handling and dealing with complaints, as well as the possible systems that can be used to record and monitor complaints.
- 7.2 The authority recognises that certain situations may occur where there is a breakdown in communication between the complainant and the school. In such circumstances the complaints officer is able to offer schools a mediation service, which could help with the resolution of a difficulty.
- 7.3 Members of the authority's complaints team can investigate a complaint and produce a report for the Headteacher and/or Governing Body, should this be required by the school. Procedures for such an investigation would be subject to an agreement with the school/education service concerned.

For further information about the Department's Complaints Procedures contact:

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