

LISKEARD SCHOOL AND COMMUNITY COLLEGE

Statement for Parents

Concerns or Complaints

This guidance is intended to explain how to raise a concern or make a complaint about some aspect of school life.

Concerns

Parents and carers are encouraged to raise concerns about school life informally. The school is keen to know of concerns about children and about the educational and other services we provide. If you have a concern you are encouraged to speak to staff at reception in person or by telephone.

Reception staff may be able to deal with the issue straight away. Alternatively, they may make an appointment for you for example with a tutor, a subject teacher, a head of year or head of department (*stage 1*).

Most issues can be dealt with as concerns. The school is keen to work in partnership with parents.

Complaints

Complaints are much more serious. It may be something has gone badly wrong or you feel that the school is not carrying out its legal duties or that your earlier concerns have not been dealt with appropriately.

Formal complaints should be made in writing to the Headteacher (*stage 2*). The Headteacher will use the County model school complaints procedure. This may result in informal discussions. Alternatively, or in addition, it may lead to a formal investigation and report.

If parents are not happy with the way the Headteacher has dealt with a complaint, the next step (*stage 3*) is to complain in writing to the Chair of Governors. *The governing body may need to have a special governors' complaints panel to discuss the complaint. If parents believe that the school's governing body has acted unreasonably, parents can complain to the Secretary of State in the Department of Education.*

*The Secretary of State
Department of Education
Sanctuary Buildings
Great Smith Street
LONDON SW1P 3BT*

*Tel: 0370 000 2288
Department of Education website*

Note: The Department of Education do not usually investigate concerns if the child no longer attends the school where the incident took place.

The School Complaints' Procedure

All complaints that are received will be recorded in the school and, if they are in writing, acknowledged within five working days. The procedure, followed by the school is as follows:

Step 1

A meeting will be arranged with the Headteacher but will not automatically include any member of staff named in the complaint. The school Governors will not be involved at this stage although, if the Headteacher is the subject of a complaint, the complainant may have written directly to the Chair of Governors. There is no suggested time-scale for resolution at Step 1, given the importance of dialogue through informal discussion.

However, if the discussion seems unlikely to resolve matters or if the complaint needs to be taken forward against a member of staff, then proceed to Step 2.

Step 2

Where it has not been possible to resolve a complaint by way of informal discussion and/or where the complaint involves a member of staff, the complaint should be set out in writing outlining:

The precise nature of the complaint, specifying dates, times, etc.

If the complaint involves an allegation of a potentially serious criminal nature, the Headteacher or the Chair of Governors will immediately inform the *Secretary of State in the Department of Education*, so that it can be recorded and the school advised about further action.

The member of staff, who is the subject of the complaint, would normally be advised of the situation as soon as possible, although if the complaint involves a Child Protection issue, the Child Protection Investigation arrangements will come into force involving the Social Services and Police.

If the complaint is about a matter which is subject to a specific procedure, as mentioned earlier in this document, then this must be followed. If it is a general matter, the Headteacher may be able to respond immediately, e.g. if it is about an explanation of school policy.

When line managers need to address the member of staff as a result of a complaint, they must do so in a courteous and professional manner; persistent offenders in this regard will not be tolerated.

For most other complaints, which are likely to relate to specific actions or events, there is likely to be a need for further investigation in order to clarify the facts. The Headteacher or nominee will normally undertake this.

The following guidelines represent good practice for the investigation when the complaint is about the conduct of a member of staff:

- If, at any time during the investigation, there is a *prima facie* case for disciplinary action, the School's Disciplinary Procedure must be followed and no further action taken under the Complaints Procedure. This also applies where Child Protection procedures are being followed.
- It may be advisable to meet with the complainant before the investigation in order to clarify the precise nature of the complaint and to discuss ways in which the matter might be resolved.
- If a formal investigation is required, then the school will adhere to the following principles:

If a member of staff is the subject of a complaint, he/she will be given a copy and advised to contact their Trade Union or Professional Association for advice and support.

The member of staff will be advised that a 'friend' or Trades Union representative may accompany him/her at any subsequent interview or hearing.

- The complaint will be treated as an allegation only, during the investigation stage.
- The Headteacher will invite all parties (including witnesses) to provide written Statements as part of the investigation.

When the Headteacher is the subject of a complaint, the complaint will be copied to the Chair of Governors and, if the Chair then considers it appropriate, the Secretary of State, Department of Education.

Investigations at Step 2 should normally be completed within 20 school days of receipt of the complaint, unless there are exceptional circumstances, such as in the case of a Child Protection Investigation, or where the Staff Disciplinary Procedure is involved. As good practice, a formal response will be sent within 5 school days of the completion of the investigation, giving a target of 5 school weeks for the completion of Step 2.

In the letter conveying the outcome, the complainant should be informed of the process for referral to the Chair of Governors if they wish to take their complaint further. If the Staff Disciplinary Procedures or Child Protection procedures have to be invoked then they take precedence and the complainant notified.

Should the matter not be resolved within Step 2, the complainant may consider proceeding to Step 3 below. The onus is on the complainant to make this decision, within a reasonable time-scale (two school weeks), although the Headteacher may feel that to proceed to Stage 3 is the best course of action, depending on the circumstances.

Step 3

In all cases where the Headteacher is unable to resolve a complaint to the satisfaction of the complainant, the matter will need to be considered by the Chair of Governors. Complaints about a Headteacher or a school Governor will also be referred directly to the Chair of Governors. The Chair of Governors should acknowledge the written complaint in writing within 10 school days. The letter may include brief details of the terms of the investigation and the role of the governors in resolving the complaint.

Depending on the nature of the complaint, the Chair of Governors may need to interview the staff concerned and obtain all the witness statements. Once the Chair has completed the investigation a written response will need to be sent to the complainant outlining briefly the results of the investigation and the course of action taken by the Chair of Governors. The letter should also indicate the next stage in the process if the complainant remains unhappy with the outcome.

Step 4

The Governors will then decide how best to consider the complaint. Individual Governors have no powers to investigate a complaint outside the complaints process. Therefore, three Governors must be given the task of checking over the facts of the case and, if necessary, meeting with the complainant in order to reach an appropriate solution.

Any further investigation will be undertaken in accordance with the principles outlined in Step 2 above although, given that an investigation will already have taken place and evidence gathered, it may not need to be as thorough.

Following the investigation, there will normally be two options available:

- The investigating Governors may be able to take the appropriate action necessary to resolve the complaint (if they have been so delegated). If no action is proposed, they will report to the governing body.
- The Governors may decide to review judgements made so far and report to the complainant that all investigative measures have been exhausted.

The decision of the Governors' panel will be communicated in writing to the complainant within five working days of the meeting. The decision is confidential to the complainant and to the Governors' panel.

An investigation will take place when the complaint is about an action of the Headteacher. This investigation should normally be completed within three weeks of the receipt of a Stage 3 complaint and will be conducted by the Chair of Governors.

Step 5

Complainants can request a review by the LA of the procedures where they feel that the complaint has not been investigated fairly by the governing body. Although this request will be exercised rarely, it should be remembered that the LA retains the responsibility of ensuring that the Governors have acted properly in the exercise of their functions. Complaints received will be recorded and the Secretary of State in the Department of Education, or the delegated person responsible will inform the Chair of Governors that a complaint has been received.

Step 6

Finally, complainants have a right of appeal to the Secretary of State in the Department of Education under *Section 29 of the 2002 Education Act*. In such cases, the Department of Education will examine the complaint and adjudicate. The Department of Education has the power to require the LA to take certain actions, including the issuing of instructions to the school governing body. It should be pointed out that the members of staff also have the same right of appeal.

If a complainant feels that there has been maladministration in the manner in which a complaint has been dealt with, this can be referred to the Local Government Ombudsman.

Please note that the Ombudsman can look into complaints about how something has been done, but she/he cannot question what has been done simply because the complainant does not agree.

PLEASE NOTE: Anonymous complaints, unless a safeguarding matter, will not be investigated.