



Ullswater Community College

COMPLAINTS PROCEDURE

Last revised by Paul Holliday <i>Note:</i> for allegations against staff see the Disciplinary Policy and the Child Protection and Safeguarding Policy	11 October 2021
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Chair of Governors	David Carter
Signature of Chair of Governors	D. Carter

Contents

Who can raise a concern or make a complaint?.....3

How will my concern or complaint be handled?3

 Responding to concerns.....4

 Investigating complaints4

 Appeal to the governing body5

The Secretary of State.....5

Ofsted.....5

Unreasonable, abusive or harassing complainants5

Vexatious complaints6

Further Information6

The procedure below fulfils the requirements of Section 29 of the Education Act 2002, which states that schools must have and make available a procedure to deal with all complaints relating to their school and to any community facilities or services that the school provides.

It is also based on guidance for schools on complaints procedures from the Department for Education (DfE).

This procedure does not apply to (and should not be used for) statutory appeals in relation to:

- Admissions
- Exclusions
- Assessment of children with special educational needs

Similarly, it should not be used for dealing with complaints that make allegations against staff of child abuse, or relate to staff discipline or capability, where other statutory procedures apply. If a concern is brought to the attention of the school that relates to any of these matters, the school will refer to the local authority or its HR provider to ensure that the relevant statutory or local authority procedure is used.

The governing body is not responsible for handling complaints about third party providers offering community facilities or services through our premises or using school facilities for external events. The governing body will however take reasonable steps to ensure that such providers have their own complaints procedures.

Who can raise a concern or make a complaint?

Anyone who has dealings with the school can use this procedure, whether a pupil, a parent or carer, a visitor, a neighbour, or a provider of a service to the school. If you wish to raise a concern or complain on someone else's behalf, the school will only deal with this if the person on whose behalf you are complaining is unable to do so for themselves. If this is the case, we may be able to direct you to or obtain support from a local advocacy service, such as People First.

How will my concern or complaint be handled?

Our procedure has three stages:

1. Responding to concerns
2. Investigating complaints
3. Appeal to the governing body

At any point in the handling of your complaint, there is also the possibility of a 'resolution' meeting. The school will try to deal with your complaint as quickly as possible. If you have concerns about the time being taken, you should raise this with the Clerk to the governing body.

We expect concerns and complaints to be brought to the attention of the school as quickly as possible. Complaints notified to the school after three months from the date of any incident will usually be ruled 'out of time', unless there are exceptional circumstances.

If you report any of the concerns in the list below, we will need to refer to the local authority or other adviser to ensure that the relevant statutory or local authority procedure is used.

- the admission of your child
- the exclusion of your child
- local authority processes for assessing children with special educational needs
- allegations against staff of child abuse or other disciplinary matters

Responding to concerns

If your concern is about something that a person has or has not done, for example a member of staff, the Headteacher, a governor, or a volunteer, you should make an arrangement through the school office to discuss the concern with that person or their manager. If your concern is about an aspect of school practice or policy, you should contact the Headteacher. We want to respond to your concern as quickly as possible, but it may not be possible to arrange an immediate meeting: an appointment within a few days may be necessary. Please do not approach staff while they are 'on duty'.

We can reassure you that most concerns are usually resolved at this stage. We will give you a verbal response, usually within 5 school days, and may confirm this in writing.

Investigating complaints

If you remain dissatisfied by our response to your concern, then you should make a formal complaint in writing to the Headteacher, even if you have already met and discussed the concern. The Headteacher will arrange for the complaint to be investigated. If your complaint is about the Headteacher, you should contact the Chair of Governors who will arrange for it to be investigated by a nominated member of the governing body. If your complaint is about the Chair of Governors, you should contact the Clerk to the governing body, who will make the arrangement. In all cases,

- state that you are making a complaint
- give specific details
- say what you want the school to do to put things right

If you need help to set out your complaint in writing, the school will arrange for this for you. All letters should be sent to the school address, marked 'Confidential: for immediate attention'.

The Headteacher, staff member or governor nominated to investigate and respond to your complaint should:

- Contact you and arrange to meet or discuss the complaint and confirm with you, what will be investigated;
- Review any documents and meet with relevant staff and/or witnesses (though governors will not usually interview children);
- Seek and consider independent advice, such as from the local authority;
- Write a response letter with a decision and explain how to make any appeal.

Please be aware that if your complaint alleges misconduct by a member of staff, the school must use a separate procedure which is confidential to the employer and employee. You will not normally be given any details of the outcome and the right of appeal does not apply.

This process should take no longer than 20 school days. If there is likely to be a delay, the investigator should contact you again to explain why and indicate a new timescale.

Appeal to the governing body

If you remain dissatisfied with the outcome of the investigation, you may appeal to the governing body. The Chair of Governors (or the Clerk) will arrange for a panel of governors to consider your appeal and respond to you within a set timescale. For complaints about staff (except the Headteacher) or volunteers who work in school, this is the final stage of the complaints procedure and the panel's decision is final. If you are complaining about the Headteacher, or about a member of the governing body and are dissatisfied with the nominated governor's response, you have a right to appeal to a panel of governors (not including the nominated governor who first investigated your complaint).

The letter giving the school's decision following the investigation will tell you how to make an appeal. This is usually by writing to the Clerk within 10 school days of the date of the response letter. The governing body will arrange for a panel of three governors to review your complaint. After this review, the panel will notify you of their decision. This will include informing you that the school's procedure has been exhausted and that the matter is now closed. There is no further right of appeal to the school against the decision.

The appeal process should take no longer than 20 school days. If there is likely to be a delay, the Chair of the appeal panel should contact you again to explain why and indicate a new timescale.

The Secretary of State

You have a separate right to complain to the Secretary of State if you believe that the governing body has acted unreasonably or is failing to carry out its statutory duties properly. Telephone 0370 000 2288 or go to <https://www.gov.uk/government/organisations/department-for-education>

Ofsted

If your complaint is about a whole school issue, you have a separate right to complain to the Office for Standards in Education (Ofsted). Contact details can be found at www.ofsted.gov.uk. Note, however, that Ofsted do not consider complaints relating to individual children but they may use the information to bring forward an inspection.

Unreasonable, abusive or harassing complainants

The school expects anyone who wishes to raise problems with the school to:

- treat all staff with courtesy and respect;
- respect the needs of pupils and staff within the school;

- recognise the time constraints under which members of staff in schools work and allow the school a reasonable time to respond to your concern;

Whilst we recognise that some concerns may relate to serious and distressing incidents, we will not accept threatening or harassing behaviour, and will take steps supported by legal action as appropriate to ensure that the school can continue its work safely and securely.

Vexatious complaints

There may be an occasion where, despite all stages of the procedure having been followed, the complainant remains dissatisfied. If a complainant tries to reopen the same issue, the Chair of the governing body is able to inform them in writing that the procedure has been exhausted and that the matter is now closed. If the complainant writes again on the same issue, then the correspondence may be recognised as vexatious and there will be no obligation on the part of the school to respond.

Further Information

For any complaint about the following, contact the local authority on 0800 121 8800 for advice and information

- an appeal against a decision relating to the admission or exclusion of your child
- an appeal against a local authority decision about your child's special educational needs
- an allegation of child abuse or other criminal offence

The governing body is not responsible for handling complaints about third party providers offering community facilities or services through our premises or using school facilities for external events. The governing body will however take reasonable steps to ensure that such providers have their own complaints procedures.