



**NORTH SOMERSET LOCAL  
AUTHORITY**

**GUIDANCE  
FOR PARENTS**

**COMPLAINTS**

## **Introduction**

- The legislation regarding complaints in respect of the delivery of education is complex and often confusing. This policy is intended to be all embracing and provide guidance as to the most appropriate course of action to a complainant.
- In general terms, there is a marked distinction between the role of North Somerset Local Authority (LA) and Diocesan authorities, and that of North Somerset Schools in dealing with complaints. In the main, the LA has no direct powers over the day-to-day management arrangements within schools (which tend to be the basis for the majority of complaints). Such complaints will need to be addressed direct with the school concerned (see flowchart at Annex A).

## **General Principles**

- Parents and pupils should be encouraged to express their views on what goes on in schools, so that staff receive an early warning of potential difficulties, and many problems can be prevented from arising.
- Parents and others should always know how they can raise concerns or lodge a formal complaint. Complaint procedures should be easily accessible and well publicised.
- Procedures should be as speedy as possible.
- Complaints should be supported and referred to independent individuals and organisations that may be able to assist them.
- Support should also be offered for a person complained against.
- All complaints should be treated as confidential.
- If the outcome of a complaint is valid, then there should be some form of redress.
- Staff should be aware of the Complaints Procedure and training made available where appropriate.
- Details of any complaint should be fully recorded.
- The majority of complaints can be resolved informally.
- It is important for staff to record details of any complaint, but complainants must feel able to raise concerns without any formality, either in person, in writing or by telephone.

- A formal complaint by a serving governor must be considered by a meeting of the full Governing Body of the school.
- A formal complaint by a registered pupil will be addressed by teaching staff. Pupils will have the right of appeal to the Headteacher.

## **Stage 1**

### **First Contact**

- Complainants are given the opportunity to discuss their concern with the appropriate member of staff.
- The nature of the concern is clarified, together with the outcome the complainant is looking for.
- The staff member dealing with the concern makes sure the complainant is clear what action (if any) or monitoring of the situation has been agreed, putting this in writing only if this seems the best way to make things clearer.
- Where no satisfactory solution has been found within 10 days, complainants are asked if they wish their concern to be considered further. If so, they are given clear information, both verbally and in writing, about how to proceed towards Stage 2.

## **Stage 2**

# **Referral to the Complaints Officer for Investigation**

If the issue cannot be resolved informally at Stage 1, the complainant must put the complaint in writing to the nominated Complaints Officer.

- The Complaints Officer will investigate the complaint and reach a decision on what action, if any, should be taken in response to it.
- The Complaints Officer will consider the detail of the complaint and will, where appropriate, advise that the matter is to be dealt with under a separate procedure i.e. it is one of those issues detailed in the third paragraph of the introductory notes.
- It is also necessary to establish that the complainant understands the process and the fact that their letter may be copied to others in order to complete the investigation.
- A decision letter will normally be sent within 10 school days of the receipt of the complaint.
- Where it is not possible to issue a decision letter within the above time limit, the Complaints Officer must inform the complainant (within 10 school days) of the date by which a decision letter will be issued.
- The decision letter will state the right of the Complainant to progress the complaint to Stage 3.
- If the Complaints Officer is somebody other than the Headteacher, and the nature of the complaint is serious or urgent s/he may immediately refer the matter to the Headteacher (Stage 3) without first investigating the complaint.

## **Stage 3**

### **Reconciliation Stage**

- If the Complainant is not content with the decision reached under Stage 2, the matter may be referred under Stage 3 by written notice to the Headteacher within 10 school days of receipt of the decision letter.
- The Headteacher (or designate) provides an opportunity for the complainant to meet him/her to supplement any information previously provided.
- If necessary, the Headteacher (or designate) should interview witnesses and take statements from those involved. If the complaint centres around a pupil, the pupil should also be interviewed, with parents/guardians present.
- A decision letter will normally be sent within 10 school days of the receipt of the complaint under Stage 3.
- Where it is not possible to issue a decision letter within the above time limit, the Headteacher must inform the complainant (within 10 school days) of the date by which a decision letter will be issued.
- The decision letter will state the right of the Complainant to progress the complaint to Stage 4. The complainant is advised that if s/he wishes to take the complaint further, then they should notify, in writing, the Headteacher within 10 school days of the date of the decision letter.
- If the matter is referred to the Headteacher by the Complaints Officer (on grounds of seriousness or urgency), the Headteacher may undertake a formal investigation or immediately refer the matter to the Chairman of the Governing Body (Stage 4).

## **Stage 4**

### **Review by the Governing Body**

It is important that this review not only be independent and impartial but that it be seen as so.

- Within 5 school days of receipt of a complaint under Stage 4, the Headteacher will send to the Chair of the Governing Body a completed statement together with the complainant's notification letter.
- The Chair of the Governing Body should write to the complainant acknowledging receipt of the complaint. The acknowledgement should state that the complaint will be considered by a committee of 3 members of the complaints panel within 10 school days of receiving notification of the complaint under Stage 4.
- The committee will be made up from a Complaints Panel. Membership of the Panel will be reviewed annually by the Governing Body. The Panel does not have to comprise solely of governors of the school.
- Membership of the committee will reflect the following:
  - At least one member of the committee must be a parent of a pupil at the school (not necessarily a parent governor).
  - A majority of the members of the committee must be governors.
  - Neither the Complaints Officer nor the Headteacher may be a member of the committee.
- The committee will convene within 10 school days to consider what action should be taken in response to the complainant. The committee may wish to seek the views of the LA or appropriate Diocese.
- The Chair of the Committee will inform the complainant of the action to be taken within 5 school days following the date of the committee meeting.
- The committee may consider that an oral hearing of parties to the complaint is the most appropriate way to address the matter. In such cases, the following requirements must be met:
  - The Chairman of the Committee will ensure that the complainant, Headteacher, any relevant witnesses and other members of the committee have at least 5 school days notice of the date, time and place of the meeting.
  - Documents should be submitted in time for all parties to the meeting to have properly considered them (ideally 5 working days in advance of the meeting), otherwise proceedings should be adjourned.

- The involvement of witnesses and staff is subject to the discretion of the Chairman of the Committee.
- Many complainants will be unfamiliar with the process involved and may feel overwhelmed. Therefore, the Chairman of the Committee should ensure that proceedings are as formal as possible.
- The procedure below should be followed:
  - All parties are introduced
  - The nature of the complaint is confirmed
  - The Headteacher (or investigating governor) explains the school's response following completion of Stages 1 - 3 and relevant witnesses called
  - The complainant is given the opportunity to question the Headteacher (and witnesses)
  - Panel members question the Headteacher (or investigating governor) (and witnesses)
  - The complainant states their case and calls relevant witnesses
  - The Headteacher (or investigating governor) is given the opportunity to question the complainant (and witnesses)
  - Panel members question the complainant (and witnesses)
  - Summing up given by Headteacher (or investigating governor)
  - Summing up given by complainant
  - Parties to be asked if they consider that they have had a fair hearing
  - Parties to be advised that a decision will be communicated to them in writing within 3 weeks of the date of the hearing
  - The complainant, Headteacher and any witnesses to leave.
- The committee should then consider the evidence submitted and the statements made. The committee then establish and record:
  - The facts
  - The decision (including whether the decision was reached unanimously or by way of a majority vote)
  - The reasons for reaching the decision

- Any recommendations arising e.g. changes to school procedures
- Any resource available to the parties to the complaint.
- It is the responsibility of the Chair of the Committee to ensure that the meeting and the arising decisions are minuted.
- A decision letter, together with a copy of the minutes is forwarded to the parties to the hearing.

## **Stage 5**

### **Subsequent Reviews**

If a complainant is still not satisfied with the outcome of Stages 1 – 4, then they have the right to refer matters to the Director of Children and Young People's Services, who will then appoint an independent panel to investigate how the Governing Body handled the complaint. Please note the panel will not investigate the initial complaint. If the complainant is still not satisfied with the outcome, then they have the right to refer matters to the Secretary of State for Education and/or the Local Government Ombudsman.

- Appeals to the Secretary of State may be made under either Section 496 of the Education Act 1996 (unreasonable action) or Section 497 (failure to discharge duties) at the following address:

Department for Education  
 Sanctuary Buildings  
 Great Smith Street  
 Westminster  
 London  
 SW1P 3BT

- The Local Government Act 1974 says that the Ombudsman cannot investigate complaints about the internal management of a school. The address is as follows:

Local Government Ombudsman  
 The Oaks No 2  
 Westwood Way  
 Westwood Business Park  
 Coventry  
 CV4 8JB

- Both the Secretary of State and Local Government Ombudsman will normally expect all other avenues open to a complainant to have been exhausted.

# ANNEX A

## Complaints Procedure Flowchart

