



Pathfinder

Multi Academy Trust

GENERAL COMPLAINTS PROCEDURE

This policy has been adopted by the Board of Directors of the Pathfinder Multi Academy Trust and is applicable across all schools that make up the Pathfinder Multi Academy Trust. In line with the MAT's Scheme of Delegation, this Policy must be duly applied by each Local Governing Committee and the Head Teacher of each school that is part of the Pathfinder Multi Academy Trust.

Where there are specific details or any discretions in the policy that apply to an individual school or Local Governing Committee this has been made clear within the wording of the policy.

This policy will be monitored regularly by the MAT Head Teachers Group and reviewed formally by the Pathfinder MAT Board of Directors in line with the agreed timetable for policy review or sooner as events or legislation changes require.

DATE ADOPTED: February 2017

DATE FOR REVIEW: February 2019

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STAGE 1:

1. The First Contact: Guidelines for dealing with concerns and complaints informally

The vast majority of concerns and complaints can be resolved informally. There are many occasions where concerns are resolved straight away through the class teacher, the school office or the Head Teacher, depending on whom the parent first approached.

2. Procedure for Stage 1:

- a Parents are encouraged to discuss their concern with the appropriate member of staff who clarifies with the parent the nature of the concern.

If the member of staff first contacted cannot immediately deal with the matter, (s)he makes a clear note of the date, name, contact address and/or phone number.

- b The member of staff will refer the concern to the person with responsibility for the particular issue, to a senior member of staff, to the Head Teacher, or in his/her absence, to an appointee.
- c The staff member dealing with the concern must ensure that the parent 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 of making things clear. (S)he will check that the parent is satisfied with the action at this stage.
- d If the concern relates to the Head Teacher, the parent must be advised to contact the Chair of the Governing Body.
- e Where no satisfactory solution has been found within 10 days, parents must be asked if they wish their concern to be considered further. If they do they are given clear information, both orally and in writing, about how to proceed and about any independent advice available to them.

STAGE 2:

3. Referral to the Head Teacher for investigation.

At this stage it has become clear that the concern is a definite complaint.

4. Procedure for Stage 2:

- a The Head Teacher (or designate) acknowledges the complaint in writing within 3 working days of receiving the written complaint. The acknowledgement gives a brief explanation of the school's complaint procedure and a target date for providing a response to the complaint. This should normally be within 10 working days; if this proves impossible, a letter is sent explaining the reason for the delay and giving a revised target date.
- b The Head Teacher (or designate) provides an opportunity for the complainant to meet him/her to supplement any information provided previously. It is made clear to the complainant that if (s)he wishes, (s)he may be accompanied to any meeting by a friend, relative, or representative who can speak on his or her behalf, and that interpreting facilities will be made available if needed.
- c If necessary the Head Teacher (or designate) should interview witnesses and take statements from those involved. If the complaint centres around a pupil, the pupil should also be interviewed. The pupil should normally be interviewed with parents/guardians present. In some situations, circumstances may prevent this e.g. where this would seriously delay the investigation of a serious/urgent complaint or where particular circumstances mean that a pupil has specifically said (s)he would prefer that parents or guardians were not involved. In such circumstances another member of staff with whom the pupil feels comfortable will be asked to attend
- d The Head Teacher (or designate) must keep written records of meetings, telephone conversations and other documentation.
- e Once all the relevant facts have been established, the Head Teacher (or designate) will either produce a written response to the complaint, or meet with the complainant to discuss/resolve the matter directly.
- f A written response includes a full explanation of the decision and the reasons for it. Where appropriate, this includes what action the school will take to resolve the complaint. The complainant is advised that should (s)he wish to take the complaint (s)he should notify the Chair of the Governing Body within five weeks of receiving the outcome letter.
- g If a complaint is against the action of a Head Teacher, or if the Head Teacher has been very closely involved at Stage 1, the Chair of the Governing Body should carry out all the Stage 2 procedures.

STAGE 3:

5. Review by the Governing Body

- a ***Complaints only rarely reach this formal level, but it is important that the Governing Body is prepared to deal with them when necessary. At this stage, the school should seek advice from any relevant authority e.g. MAT BOARD. This can provide a useful “outside view” on the issues.***
- b ***It is important that this review not only be independent and impartial but that it be seen to be so. Therefore, individual complaints should not be considered by the full governing body as serious conflicts of interest can arise. For example, in exceptional circumstances a complaint may result in disciplinary action against a member of staff, and governors might be required to give an unprejudiced hearing to an appeal by the member of staff concerned. Similarly some governors might have previous knowledge of the problem which led to the complaint and would be unable to give fair unbiased consideration to the issue.***
- c ***Parents inevitably see many complaints as being “against” a particular member of staff and their actions. However, all complaints which reach this stage will have done so because the complainant has not been satisfied by the Head Teacher’s response at the earlier stage of the procedure, and it may be appropriate for the Governing Body to consider that the complaint is against the school rather than against the member of staff whose actions led to the original complaint.***

6. Procedure for Review by Governing Body

- a Upon receipt of a written request by the complainant for the complaint to proceed to stage 3, the procedures outlined below should be followed:
- b The Clerk to the Governing Body will write to the complainant to acknowledge receipt of the written request. The acknowledgement should inform the complainant that the complaint is to be heard by three members 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 in time for the documents to be sent to the three members.
- c The Clerk to the Governors will arrange to convene a Governors’ Complaints Panel elected from members of the Governing Body.
- d The Panel members should be governors who have had no prior involvement with the complaint. If s/he has not previously been involved, the Chair of the Governing Body should chair the Panel; otherwise the Vice-Chair should do it. Generally it is not appropriate for the Head Teacher to have a place on the Panel. Governors will want to bear in mind the advantages of having a parent (who is also a governor) on the Panel. Governors will also want to be sensitive to issues of race, gender and religious affiliation.

- e The Chair/Vice-Chair will ensure that the complaint is heard by the Panel within 20 working days of receiving the letter from the Clerk to the Governing Body. All relevant correspondence regarding the complaint should be given to each Panel member as soon as the composition of the Panel is confirmed. If the correspondence is extensive, the Chair of the Panel should prepare a thorough summary for sending to Panel members.
- f The Chair/Vice-Chair will write and inform the complainant, Head Teacher, any relevant witnesses, and members of the Panel 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/representative/interpreter. The letter will also explain how the meeting will be conducted and the complainant's right to submit further written evidence to the Panel.
- g The Chair/Vice-Chair of the Governing Body should invite the Head Teacher to attend the Panel meeting and prepare a written report for the Panel in response to the complaint. The Head Teacher *should* 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 including the Head Teacher's report should be received by all concerned – including the complainant – at least 5 working days prior to the meeting.
- h The involvement of staff other than the Head Teacher is subject to the discretion of the Chair of the Panel.
- i It is the responsibility of the Chair of the Panel to ensure that the meeting is properly minuted.
- j The aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and complainant. However, it has to be recognised that sometimes it may only be possible to establish facts and make recommendations, which will satisfy the complainant that his or her complaint has at least been taken seriously.
- k 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 ensures that the proceedings are as informal as possible.
- l If either party wishes to introduce previously undisclosed evidence or witnesses, it is in the interest of natural justice to adjourn the meeting so that the other side has time to consider and respond to the new evidence.
- m The meeting should allow the complainant to explain their complaint and the Head Teacher to explain the school's response. The Head Teacher can question the complainant about the complaint and the complainant can question the Head Teacher and/or other members of staff about the school's response.

- i. *Panel members have the opportunity to question both the complainant and the Head Teacher*
 - ii. *Any party has the right to call witnesses (subject to the approval of the Chair) and all parties have the right to question all the witnesses*

- n The Chair of the Panel will explain to the complainant and the Head Teacher that the Panel will now consider its decision, and a written decision will be sent to both parties within 15 working days. The complainant, Head Teacher, other members of staff and witnesses will then leave.

- o The Panel will then consider the complaint and all the evidence presented and
 - i. reach a unanimous, or at least a majority, decision on the complaint and
 - ii. decide upon the appropriate action to be taken to resolve the complaint and
 - iii. where appropriate, suggest recommended changes to the school's systems or procedures to ensure that problems of a similar nature do not happen again.

- p A written statement outlining the decision of the Panel must be sent to the complainant and Head Teacher. *The Chair of the Panel should also inform any members of Staff directly involved of the result of the Panel's deliberations.* The letter to the complainant should explain whether a further appeal can be made, and if so, to whom.

- q The school should ensure that a copy of all correspondence and notes are kept on file in the school's records. These records should be kept separately from the pupil's personal records.

STAGE 4:

6. Review by the MAT BOARD

If a complainant wishes to go beyond the governors' complaints panel, the complainant should write formally to the MAT BOARD who will consider the complaint.

7. The Secretary of State:

Complaints can be taken to the Secretary of State for Education under Section 496 of the Education Act 1996, on the grounds that a Governing Body or MAT BOARD is acting or proposing to act unreasonably, or under Section 497 of the same Act, on the grounds that either the Governing Body or the MAT BOARD has failed to discharge its duties under the Act.