



## **Hutchinson Memorial C.E. (A.) First School**

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### **Complaints Procedures September 2015**

A LA leaflet (Compliments, Comments and Concerns) for parents is available and is available from school to advise parents about the procedures.

From August 2012 those complaints which would have been statutorily dealt with by the Local Authority i.e. curriculum, sex education and religious worship will now be considered by the Secretary of State.

The LA had no statutory responsibility to consider other complaints about a school. The route of complaints for the generality of school complaints prior to August 2012 was via the school's complaint procedure (see below) and then to the Secretary of State: the Education Act 2011 brings curriculum, sex education and religious worship into line with the procedures for other complaints.

Making a complaint to the Department for Education should only happen after other routes have been followed (see below). The exception to this may include such matters as child protection, or where a child is missing education. For

Further information is available from the following Government weblink:

<http://www.education.gov.uk/aboutdfe/complaintsprocedure/b00212240/making-complaint-school>

### **General parental complaints**

The day-to-day running of the school is the responsibility of the headteacher, the governing body and the LA. Initially, it is recommended parents put their concerns in writing to the headteacher of the school and if this fails to resolve the issue, concerns should then be raised with the chair

of governors. A complaint may be made to the Secretary of State for Education if a person believes a governing body or LA is acting **unreasonably** or is **failing to carry out its statutory duties** properly. The complaint should set out fully the concerns and reasons why the complaint is being submitted, enclosing all previous correspondence relevant to the complaint. The complaint should be mailed to the Department.

Making a complaint to the Department should only happen once other routes have been followed. The exception to this may be where there is a child protection concern, or where a child is missing education.

For the Secretary of State to intervene in a maintained school following a complaint, he needs to be sure either that:

- the school has acted or is proposing to act unreasonably in the exercise or performance of its functions under certain legislation;
- or
- the school has failed to discharge a duty at all under certain legislation. See Appendix 1 for more information.

Your first step should be to make a complaint directly to the school following its complaints procedure. If your complaint remains unresolved by teaching staff or the headteacher, we anticipate that the complaint will go to the school's governing body or trustees as part of the school complaints process. Details of how to complain to the school governors or trustees are available at **Directgov**.

If you have already followed the school's own complaints procedure or if there are reasons why you cannot use that procedure - for example, you feel your complaint has not been or will not be given a fair consideration due to a conflict of interest - you can forward your complaint to the Department for Education, using the online school complaints form at:

<https://www.education.gov.uk/schools/leadership/schoolperformance/school-complaints-form>

## School Procedures

1. The best way of dealing with parental concerns is at an informal stage and, if possible, for them to be resolved at this stage rather than later.
2. If concerns cannot be resolved informally then the stages below must be followed:

Stage 1 - seek confirmation from the parent that a formal complaint is being made and provide a written response.

Stage 2 - advise the parent of the procedures for making a formal complaint to the governing body and provide a form for this purpose. (Form 1: Complaints).

A complaints committee, comprising three governors, has been established to deal with most complaints. Chairs of governors will consider only the simplest of complaints on their own.

The complainant will be invited to meet the complaints committee. The District Education Office will be informed of any meetings arranged although an LA officer will not attend. (Form 2: Letter to Parents).

After hearing the complaint and considering all the relevant facts, the committee should make a decision. The decision should be conveyed to the complainant in writing within 48 hours of the hearing. (Form 3: Results of meeting) The response should make clear that all relevant factors have been taken into account in the outcome of the committee's consideration. If the committee believes that the complaint may lead to disciplinary proceedings against a teacher or child protection procedures (see Competency Procedures and Disciplinary Procedures), the response should say that these procedures have been invoked.

Stage 3 - if dissatisfied with the committee's decision the complainant can raise the matter with the Secretary of State. They should be advised, however, that the Secretary of State will investigate further only if the school and the governing have failed to adopt the correct procedures or if new information (not considered by the complaints committee) has come to light.

See also Appendix 1: Flow Chart for Complaints  
To be reviewed September 2016