

# Piper Hill Learning Trust

## Piper Hill Specialist Support School

### Complaints Policy:



#### **INTRODUCTION**

As part of their responsibility for the conduct of the school, governing bodies have to ensure that complaints are dealt with properly.

Anyone can complain to the Secretary of State if he or she believes that a governing body is acting 'unreasonably' or is failing to carry out its statutory duties properly. If the Secretary of State agrees that the complaint is justified, the governing body can be directed to act appropriately. If you do not keep to a Direction by the Secretary of State, it may be legally enforced.

Complaints about schools fall into two broad groups – curriculum and general – for which there are different legal requirements and different roles for the Council. However, for governing bodies the necessary procedures are the same for both types of complaint.

#### **CURRICULUM COMPLAINTS**

Manchester City Council is required to have procedures, approved by the Secretary of State, for handling complaints about the actions of governing bodies and the LEA on the curriculum and related matters. For complaints about a head teacher or a governing body, the first formal stage of the procedure is for the governing body to consider the complaint. If the person with the complaint is still not satisfied after this, he or she can put the complaint to the LEA.

Parents may use the curriculum complaints procedure if they believe that either the LEA or the school are failing to:

- provide the National Curriculum in the school or for a particular child
- follow the law on charging for school activities
- offer only approved qualifications or syllabuses
- provide religious education and daily collective worship
- provide the information that they have to provide
- carry out any other statutory duty relating to the curriculum or are acting unreasonably in any of the above cases.

## **GENERAL COMPLAINTS**

For complaints that do not fall within the definition of curriculum complaints, the responsibility for dealing with them falls entirely on the governing body. It is not possible for the City Council to take over this responsibility, and appeals against governing body decisions and procedures would have to be heard by the Secretary of State.

## **COMPLAINTS PROCEDURES**

Each governing body is required to draw up procedures for sorting out problems quickly and, as far as possible, locally, and publicise those procedures.

## **PIPER HILL COMPLAINTS PROCEDURES.**

Complainants should go first to the class teacher and then, if necessary, to the head. If the head cannot sort out the complaint, or is the subject of the complaint, then the complainant should contact the governing body governing body.

In dealing with complaints and in making provision for complaints procedures, the governing body will ensure that the person complaining is given fair treatment and in particular, a chance to state their case. Any decisions and the reasons for them will be given in writing and the person complaining will be informed at the same time of any rights of appeal they have if they wish to take the matter further. Timescales will also be set for completing actions so that complaints do not take too long.

## **APPEALS**

The City Council only has a formal role in relation to curriculum complaints, when it will hear appeals against the decisions of governing bodies. For other complaints, appeals can be made directly to the Secretary of State, or potentially through the courts, and the Council's role is limited to offering advice and support to the governing body. The Local Government Ombudsman can consider complaints about maladministration in the admission functions of foundation and voluntary aided or controlled schools.

## **LINKS WITH CHILD PROTECTION AND DISCIPLINARY PROCEDURES**

When considering any complaint, it is essential that all involved from the school bear in mind the need to consider whether the matter should be dealt with under other more appropriate procedures. There should be first a consideration of whether the matter can be resolved without invoking any formal process. For example, many matters come to head teachers apparently as a complaint, but can be resolved amicably through discussion. It would be wrong to categorise such cases as 'complaints'. Care must be taken, however, not to obstruct the right of someone to pursue the formal complaints procedure if that is their wish.

It is absolutely essential that matters being treated as complaints are reviewed at

each stage of the process, including at the very beginning, to ensure that they are dealt with at the level appropriate.

Effectively, this means that there is a hierarchy of procedures:

1. Child Protection
2. Disciplinary
3. Complaints

If at any point there is any evidence that a higher level process should be followed, then the complaints procedure should be paused to allow consideration of the matter at the higher level. The complainant should be told that there may be a delay, but should not be given information about the use of child protection or disciplinary procedures. The Child Protection procedures have been established by the Area Child Protection Committee, and are the same for all schools. Disciplinary procedures can vary between schools, and are determined by governing bodies (after consultation with trade unions except in the case of community schools following Council recommended procedures). It is essential that heads and governing bodies seek professional advice if there is any doubt about whether a matter should be dealt with under the complaints procedure or one of the other higher ranked procedures.

### **SCHOOL COMPLAINTS POLICIES**

The policy requires the formation of a complaints committee. This committee should have between three and five members, and should be conducted on the same lines as a discipline committee (which hears exclusions). It is possible for the same committee to have both functions.

It is necessary for the policy to be publicised. Copies of the policy should be available free of charge on request from the school prospectus.

### **FURTHER ADVICE**

Further advice on dealing with complaints can be obtained from the Governor Support Team. Governing bodies are strongly recommended to seek advice before dealing with a formal complaint. We advise governing bodies to consider carefully whether they should purchase the appropriate sold services from the Council – particularly the Legal Services package ( We have this here at Piper Hill) – as some advice is only available on a charged basis. The Education Service can provide an investigating officer to help the complaint committee, but this would be a chargeable service.

**Agreed with the Governors date: 09/05/12**

**Review Date: 2015**