

SCHOOL INSPECTION SERVICE

Independent professional inspection of schools affiliated to the Focus Learning Trust, of schools accredited as members of the Steiner Waldorf Schools Fellowship, and those schools belonging to the Cognita Group which are not members of the Independent Schools Council and its constituent associations

HANDBOOK FOR INSPECTION: SECTION 6 APPENDIX A [JCB2]

Date of this document: 01 January 2015

SUMMARY OF COMPLAINTS/APPEAL PROCEDURE

About what can I complain/appeal?

You can complain about any failure on the part of an inspection team or individual inspector to comply with the **Code of Conduct** or to meet the requirements of the **Framework**. This could involve:

- the manner in which the inspection team or individual inspectors have conducted themselves towards pupils, staff or the school [*complaint*], or
- the extent to which one or more of the findings lack validity (in accordance with the evidence available) and lack reliability (in accordance with the criteria) [*appeal*].

You cannot appeal against the judgement agreed by the inspection team in accordance with the criteria of the inspection Framework.

To whom do I complain?

The school would first attempt to resolve the matter informally with the Reporting Inspector (Stage 1). If that fails, the school may make a formal complaint or appeal to the chairman of Focus Learning Trust's Management Committee or to the nominated representative of Steiner Waldorf Schools Fellowship or to the nominated representative of Cognita (Stage 2). If you are a parent or a teacher concerned about the way your child or you yourself have been treated in the inspection, you would normally raise the issue with the head of the school.

What is the Procedure?

The procedure follows three stages. Other than in exceptional circumstances, a complainant must complete each stage before embarking on the next.

Stage 1 – Discussion with the Reporting Inspector:

The school seeks to resolve the issue informally with the reporting inspector.

Submission Time – as soon as the issue is identified.

Stage 2 – Formal Complaint/Appeal:

The school (or parent) writes to the chairman of Focus Learning Trust's Management Committee or to the nominated representative of Steiner Waldorf Schools Fellowship or to the nominated representative of Cognita, who refers the matter to the Chief Inspector. He will review the case in the light of all the evidence. He will report his findings and the reasons for them to you and to the other interested parties within 20 to 30 days of receiving the complaint/appeal.

Submission Time – up to 10 working days from end of inspection

Response Time – 20 to 30 days from receipt of complaint/appeal

Stage 3 – Complaint/Appeal to Complaints Adjudicator:

The School Inspection Service has an adjudicator, independent of its management. If you feel that at Stage 2 your appeal/complaint has not been properly or fairly handled, you can ask the Chief Inspector to refer the matter to him. He will review the manner in which your complaint has been handled and report his findings in full to all interested parties. This decision is final and will be made within 30 working days of his receiving the complaint/appeal.

Submission Time – up to 10 days from receipt of response to Stage 2

Response Time – 30 days from receipt of complaint/appeal.

HOW TO COMPLAIN OR APPEAL ABOUT AN INSPECTION

If Stage 1 is not effective, then the school or a parent may wish to complain directly to Focus Learning or to Steiner Fellowship or to Cognita. There are two ways in which this can be done:

- the school may make a **formal complaint about the conduct of one or more of the inspectors**;
- the school may appeal against one or more of the findings in the report, so long as it can be demonstrated that, during the inspection, a proper debate about the issues has failed to come to a satisfactory conclusion.

There may be occasions when a school wishes to do both these things. In every case, the initial point of contact is the chairman of Focus Learning Trust's Management Committee or the nominated representative of Steiner Waldorf Schools Fellowship or to the nominated representative of Cognita, who will subsequently deal with the matter. There may also be cases where a parent or individual member of staff wishes to complain or appeal. In such a case the person should normally proceed through the head of the school.

In every case the complainant will receive a written response, clearly stating the outcome and the reasons for it within 20 to 30 days of the complaints receipt.

Formal Complaints about Conduct

Inspectors are bound by the Code of Conduct. If a school believes that the inspection team or an individual inspector has failed to abide by either of these, then it has the right to complain to the Management Committee of Focus Learning Trust or the nominated representative of Steiner Waldorf Schools Fellowship or to the nominated representative of Cognita, who will forward it to the Chief Inspector, to consider the matter and report his findings and recommendations to them. A parent of a pupil at the school at the time of the inspection is also entitled to complain to the Management Committee of Focus Learning Trust or to the nominated representative of Steiner Waldorf Schools Fellowship or to the nominated representative of Cognita. Any such complaint must except in exceptional circumstances, be submitted **within ten working days** of the conclusion of the inspection. The complaint must clearly indicate the areas of concern, must specify which element of the code of conduct has been breached and must be backed up by appropriate evidence. The Management Committee or the nominated representative of Steiner Waldorf Schools Fellowship or the nominated representative of Cognita will refer the matter to the Chief Inspector, who will consider the complaint seriously and will consult with the Reporting Inspector or the inspector concerned and any other relevant parties. Under normal circumstances there should be a response within twenty working days, but if the process is going to take longer, then arrangements will be made to keep the complainant fully informed of what is happening.

Formal Appeals about the Findings in a Report

Inspection reports must comply with the appropriate Framework, whether it be that for *Section 109(1) and (2) inspections*, or *monitoring inspections and visits* and be arrived at in accordance with the Code of Conduct. If a school (or a parent) feels that any finding fails to meet this requirement, it can address an appeal to the chairman of Focus Learning Trust's Management Committee or the nominated representative of Steiner Waldorf Schools Fellowship or to the nominated representative of Cognita as soon as possible, and no later than ten working days after the conclusion of the inspection. The school (or parent) must clearly state the grounds for such a request and provide all the appropriate evidence. It is important to realise that disagreement with the inspectors' judgements is not a sufficient ground to request an internal review: this can only be done if the school (or parent) can show either that the inspection team has failed to take into account material evidence that was in existence at the time of the inspection and which was presented at that time to it or that in arriving at the disputed finding, it has not applied the framework properly and correctly. It is essential that any such complaint is clearly linked to the judgement which the inspection team has made which the school feels is wrong, and to the regulation to which it refers.

The chairman of Focus Learning Trust's Management Committee or the nominated representative of Steiner Waldorf Schools Fellowship or the nominated representative of Cognita will forward the school's (or parent's) appeal, and the supporting evidence, including the Record of Inspection Evidence and Judgements, to the Reporting Inspector, requesting an internal

review for his/her comments. At the same time he/she will refer the matter to the Chief Inspector (or, if he/she was involved in this inspection, to a member of the Core Inspection Team) for independent consideration. His/her evaluation will then be passed on to the Officers of the Board of Focus Learning Trust Management Committee or to the nominated representative of Steiner Waldorf Schools Fellowship or to the nominated representative of Cognita, which will normally communicate the findings within thirty working days from the receipt of the original request. If necessary, the report will be amended and re-published.

Review by the Focus Learning Board of Trustees or the nominated representative of Steiner Waldorf Schools Fellowship or the nominated representative of Cognita

If a school feels that it is still not satisfied after either a formal complaint procedure or an internal review, then an appeal may be made to the Officers of the Focus Learning Board of Trustees or the nominated representative of Steiner Waldorf Schools Fellowship or the nominated representative of Cognita, which shall establish an appropriate procedure for dealing with such matters.

Complaint/Appeal to External Adjudicator

If, when all procedures have been followed, a school remains dissatisfied with the responses, then an appeal may be made to the Complaints Adjudicator (CA). While he provides an external and independent view, he can only accept a case once all internal procedures have been exhausted. Schools should note that the Adjudicator can only rule on the handling of the complaints procedure and not on the validity of the original judgements by inspectors. In doing so, he will have regard to four key standards for the handling of complaints

Standards for Handling Formal Complaints and Appeals

The handling of complaints and appeals should be:

1. **impartial**, in that fair and equal attention is paid to the points, arguments and evidence of all interested parties.
2. **thorough**, in that all matters raised are fully and systematically examined, all relevant parties have been consulted and all relevant evidence has been scrutinised.
3. **reliable**, in that the sole criteria applied have been the Code of Conduct and the relevant Framework.
4. **transparent**, in that the findings must be communicated in writing to all parties concerned, setting out the reasons for them and for any remedies taken.

The decision of the Complaints Adjudicator is final.