

Exceed to Succeed



Complaints Policy

Aims:

- To clarify the procedures for complaint.
- To enhance the school's vision and effectiveness by giving due consideration to the complaints of parents.
- To ensure that all complaints are considered fully, fairly, carefully and confidentially.
- To resolve complaints to the satisfaction of the complainant or to issue a clear decision, which will enable the complainant, the Head or the Governing Body to consider how, if at all, the matter should be taken further.

As a Rights Respecting School we uphold the articles from the United Nations Convention on the Rights of the Child. The following articles underpin this policy:

Article 12 (respect for the views of the child)

Every child has the right to say what they think in all matters affecting them, and to have their views taken seriously.

Article 18 (parental responsibilities; state assistance)

Both parents share responsibility for bringing up their child and should always consider what is best for the child. Governments must support parents by giving them the help they need, especially if the child's parents work.

Article 29 (goals of education)

Education must develop every child's personality, talents and abilities to the full. It must encourage the child's respect for human rights, as well as respect for their parents, their own and other cultures, and the environment.

RESPONSIBILITY OF THE SCHOOL

The Articles of Government for the school state that 'the conduct of the school shall be under the direction of the Governing Body' and that the 'Head is responsible for the internal organisation and management of the school'. This makes the Head responsible for investigating complaints in the first instance, and if appropriate, by referring complaints to members of staff to deal with.

While emphasis is placed upon the informal resolution of complaints, the Governing Body may be called upon to consider, resolve or adjudicate if complaints are referred to them by the Head or by a complainant who is not satisfied with the result of the informal process.

ISSUES BEYOND THE SCOPE OF THIS COMPLAINT POLICY AND PROCEDURE

There are certain types of complaint, which should not be dealt with under this type of procedure and for which other policies and procedures are appropriate. For example:

- a) Complaints which have child protection implications, or may relate to criminal investigations and employee grievances

- b) Pupil admissions

The school cannot take responsibility for incidents which happen outside school. We will, if appropriate, advise the complainants to contact the local police.

DEFINITION OF A COMPLAINT

A complaint is defined as an expression of significant dissatisfaction, by a person or persons with a legitimate interest in the school but not employed at the school or on the Governing Body except where he/she is a parent governor, about the conduct, actions or omissions of members of teaching or support staff employed at the school, or about the standard of teaching of members of the teaching staff.

Complaints may be written or verbal. It is not always appropriate to ask for complaints to be put in writing as this might unnecessarily formalise the situation, resulting in the involved parties taking more defensive or

entrenched positions thus making the conflict more difficult to resolve. When an anonymous complaint is made it is left to the Head's discretion to decide whether the gravity of the complaint warrants any further action.

Complaints must be made, either verbally or in writing, within 20 working days of the alleged incident.

THE PROCESS

INTRODUCTION

It is important to bear in mind that every expression of concern is not a complaint. Discretion needs to be applied in determining whether action, over and above the normal day-to-day discussions on parental concerns, is needed. All senior members of staff are expected to exercise such discretion before referring matters to the Head.

Problems and expressions of concern should be dealt with, as far as possible, at the first point of contact. Continued dissatisfaction on the part of the parent/carer, indicates a need for upward referral.

INFORMAL STAGE

Complaints will be dealt with promptly, thoroughly and, in the first instance, on an informal basis.

Complaints should be dealt with at the most appropriate level. This will be determined by the nature and the seriousness of the complaint. Under no circumstances should teachers below the level of Deputy Head become involved in a discussion about the professional performance of a colleague. Where a member of staff feels that there should be upward referral of complaints, the referral structure is given below: -

Teacher



Phase Leader



Deputy Headteacher



Headteacher

Support Staff



Line Manager



Deputy Headteacher / Assistant Headteacher



Headteacher

In the event of a complaint being made to a member of the Governing Body, the complainant should be advised to speak to the Head or the Chair of Governors so that an attempt can be made to resolve the matter informally. Governors must not prejudice themselves by discussing the complaint as this would prevent them participating in a panel at a later stage.

On occasions it will be appropriate to by-pass levels in the referral structure.

If a complaint is made to the Head, she/he may decide to deal with it or to refer it to an appropriate level in the structure. Where a Head has asked a colleague to deal with a complaint, feedback will be given to the Head.

Where a teacher other than the Head receives a complaint (as opposed to an expression of concern) and deals with it, the Head will be notified of the complaint and how it was resolved

If the issue remains unresolved through the process of discussions within

the school complaints structure, the Head may wish to seek the advice of Personnel Officers.

If all informal channels are exhausted and the issue remains still unresolved then the complainant will be advised of the formal channels open to him/her.

The Head will use her best professional judgement in sharing

Any complaints against the Headteacher should be directed to the Chair of Governors.

POSSIBLE OUTCOMES AT THE INFORMAL STAGE

At the end of the informal procedures, complainants will be informed clearly by the Head that: -

- a) No basis has been found to uphold the complaint
or
- b) the matter about which they complained has been dealt with appropriately by staff within the context of school policies and procedures
or
- c) the complainant has been found by the Head to be valid and that the Head: -
 - i) within her responsibility for overall internal management of the school will take appropriate action;
 - ii) will refer the matter to the Governing Body for their consideration

If the complainant is not satisfied with the outcome of the informal stage (paragraphs 8 and 9 of these procedures) they must state this clearly, in writing, to the Chair of Governors within 20 working days of receipt of the decision concerning the informal stage.

COMPLAINTS MADE TO THE GOVERNING BODY

In the event of a complaint being received directly by the Governing Body from a parent or another person
Governors should have regard to the following: -

Any complaint to the Governing Body or member thereof should be passed to the Head for investigation. The Head, if she has not already done so, should follow the informal procedures outlined above to attempt to resolve the matter and report the outcome to the complainant and details of action taken to the Chair of Governors.

If the Chair of Governors is satisfied that the informal procedures have been exhausted and the complaint is still not resolved, he/she may, after further discussion with the Head, decide to initiate the formal procedure.

In the event of the complaint being about the Head, the Chair of Governors will inform the complainant of the attempt that will be made, through an informal approach, to resolve the matter.

The complainant will be advised of the Chair's conclusions as is appropriate in the spirit of informal stage above.

THE FORMAL PROCEDURE

If informal attempts to settle the complaint have failed to satisfy the complainant, he/she should set out the complaint fully in writing and submit this to the Chair of the Governing Body. Where this is not possible because of literacy or second language considerations, the complaint should be made verbally and, where necessary, arrangements for an interpretation will be made. A written copy of the complaint should then be produced and agreed with the complainant.

Receipt of the complaint will be acknowledged, in writing, by the Chair of Governors, the Vice Chair or Clerk within 10 working days. A copy of the Complaints Procedure will be enclosed with the acknowledgement.

The Governing Body will arrange for the complaint to be investigated by a panel (the First Panel) of three Governors who will have had no involvement in the matter at an earlier stage. This panel will be set up at a properly convened meeting of the full Governing Body. An Appeals Panel of three members will also be set up at the same time so that all Governors know who is to be involved at what stage. This will also ensure that the members of the Appeals Panel keep well away from the proceedings of the First Panel. Membership of the First Panel, where possible, will reflect a cross section of Governors who have no direct interest or involvement in the case. An alphabetical rotation system will be used.

The Governors' First Panel will be provided with copies of the formal written complaint and any other documentation.

The panel will arrange to interview separately, and if appropriate, on more than one occasion as many parties as may be involved in the complaint, as they feel necessary. The panel may request the attendance of a representative of the School's Personnel Advisers to

act in an advisory capacity.

All parties involved in interviews in connection with the complaint may be accompanied, if desired, by a friend, representative and/or interpreter.

At least ten working days' notice will be given of interviews and where possible all interviews will be conducted on the same day.

1. The procedures of the First Panel and Appeal Panel interviews will be as follows: -
2. The Head will explain what has been done to resolve the complaint and the outcomes of any investigation. The Head will then leave.
3. The complainant will then be invited to put her/his case. The complainant will then leave.
4. The person against whom the complaint has been made will be invited to put her/his case (if appropriate). He/she will then leave.
5. The panel may then recall any of the parties involved. (The panel will then make their decision)

All parties may be invited to remain in the room while the others present their case, only if the panel considers it appropriate and with the agreement of all parties.

The complaint will then be considered as soon as it is reasonably practicable.

When the complaint has been fully investigated and considered, the panel will notify the complainant of the outcome, in writing, within 5 working days giving an explanation of the conclusion, the reason for it, and any action proposed or taken.

The Governing Body will be informed at their next meeting that a complaint has been received and dealt with. Details should not be divulged to the full Governing Body as to do so: -

- i) would violate confidentiality
- i) could prejudice an appeal

APPEALS

If the complainant is not satisfied by the outcome of the Governing Body First Panel investigation, then they have the right of appeal to the Governing Body Appeals Panel. The intention to appeal should be made, in writing, to the Governing Body Appeals Panel within ten days

of receiving the decision of the Governing Body First Complaints Panel.

The complainant must state the grounds on which their appeal is based. The appeal panel will examine the facts and documents originally presented and make a decision based on these. The Appeal Panel may carry out their own investigation or clarify certain areas to help them reach their decision, but it is not a necessity if they feel they have sufficient information to make a decision. The complainant will be notified, in writing, within 5 working days of the decision of the Appeal Panel.

The Role of the Clerk

The authority strongly recommends that any panel or group of governors considering complaints be clerked. The clerk would be the contact point for the complainant and be required to;

- set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible;
- collate any written material and send it to the parties in advance of the hearing;
- meet and welcome the parties as they arrive at the hearing;
- record the proceedings
- notify all parties of the panel's decision.

The Role of the Chair of the Governing Body or the Nominated Governor

The nominated governor role:-

- check that the correct procedure has been followed;
- if a Hearing is appropriate, notify the clerk to arrange the panel;

The Role of the Chair of the Panel

The Chair of the Panel has a key role, ensuring

- that the remit of the panel is explained to the parties and each party has the opportunity of putting their case without undue interruption;
- the issues are addressed;
- key findings of fact are made;
- parents and others who may not be used to speaking at such a hearing are put at ease;
- the hearing is conducted in an informal manner with each party treating the other with respect and courtesy;
- the panel is open minded and acting independently;
- no member of the panel has a vested interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure;

- each side is given the opportunity to state their case and ask questions;
- if a new issue arises it would be useful to give all parties the opportunity to consider and comment on it.

Notification of the Panel's Decision

The Chair of the Panel needs to ensure that the complainant is notified of the Panel's decision, in writing, with the Panel's response; this is usually within a set deadline, which is publicised in the procedure. The letter needs to explain if there are any further rights of appeal and, if so, to whom they need to be addressed.

Drafted	January 2014
Adopted	January 2014
To be reviewed	April 2017

SCHOOLS COMPLAINTS PROCEDURE

Appendix 1

Please complete and return to the Head or Chair of Governors or Clerk to the Governing Body who will acknowledge receipt.

Your name:

Pupil's name:

Your relationship to the pupil:

Address:

Postcode:

Daytime telephone number:

Evening telephone number:

Please give details of your complaint: -

What action, if any, have you already taken to try and resolve your complaint.

(Who did you speak to and what was the response)?

What actions do you feel might resolve the problem at this stage?

Are you attaching any paperwork? if so, please give details.

Signature:

Date:

Office use only

Date acknowledgement sent:

By who:

Date complaints procedure sent:

By who:

Complaint referred to:

Date: