



Complaints Procedure

Adopted by Trustees September 2018

Next Review March 2020

Introduction

This procedure builds on Section 154 of the Education and Skills Act 2008 and local procedures for the consideration of complaints. It is in the best interests of all parties that any concern is expressed and resolved quickly and at the earliest possible stage depending on the nature of the complaint.

Stages of the procedure

1. Informal Complaint
2. Formal (written) Complaint to the Headteacher/Chair of Governors
3. Formal Complaint to the Governors' Complaints Appeal Panel
4. Formal Complaint to the Secretary of State for Education

Stage 1 - Informal complaint

Church Stretton School is a school that is happy to receive suggestions and complaints and talk about concerns to help identify areas of success and areas for improvement. Where a concern is brought to the school's attention, it can almost always be resolved with a single conversation or exchange of letters / e-mails.

Sometimes an issue will take more than one discussion to resolve, in which case it should be acknowledged in the first instance and then investigated, most likely by the line manager or person responsible for the area under complaint. If it cannot be resolved at this level then it may be appropriate for a formal complaint to be made and Stage 2 invoked.

Time limit: acknowledgement should be made within 24 hours of a working day from the first report of the complaint; resolution should normally where possible be made within one week from the first report of the complaint. Please note that during holiday times or periods of school closure it may take longer to respond.

Stage 2 - Formal complaint made to the Headteacher

Occasionally the discussions over a concern are not resolved; in that instance the complaint should be made in writing to the Headteacher. The Headteacher may consider the complaint themselves or if more appropriate may ask a senior member of staff to do this. The ability to consider the complaint objectively and impartially is crucial. The Headteacher should ensure that any discussion and outcomes are recorded. Where the complaint is made against the Headteacher, it should be referred directly to the Chair of Governors.

Where the first approach is made to a Governor, s/he should refer the complainant to the Head teacher and advise the parent/carer/pupil about the procedure. Individual Governors should not act unilaterally on an individual complaint outside the formal procedure, nor be involved at the earlier stages, in case they are required to sit on a panel at a later stage of the procedure. Most complaints will be resolved at this stage.

Time limit: two weeks from the first report of the complaint.

Stage 3: Formal complaint made to the Governing Body's complaints appeal panel

If the complainant remains dissatisfied, he/she should write to the Chair of Governors giving details of the complaint. Enclosed with the letter should be a copy of the school's "Complaints Form" submitted to the Headteacher. No new complaints may be included.

The Chair, or nominated Governor, will convene a Governing Body (GB) Complaints Appeal Panel. The Panel can be drawn from the nominated members of the Complaints Committee and may consist of three to five Governors. The Panel may choose its own chair. Individual complaints should never be heard by the whole GB at any stage, as this could compromise the impartiality of any panel set up for a disciplinary hearing against a member of staff following a serious complaint.

The Governors' appeal hearing is the last school-based stage of the complaints process, and is not convened merely to rubber stamp previous decisions.

Time limit: three weeks from receipt of the letter by the Chair of Governors.

The remit of the Complaints Appeal Panel

The Panel can:

- Dismiss the complaint in whole or in part;
- Uphold the complaint in whole or in part;
- Decide on the appropriate action to be taken to resolve the complaint and
- Recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not recur.

Stage 4: Formal complaint to the Secretary of State for Education

If a complainant is not satisfied with the outcome determined by the Governing Body Appeals Committee then they will be directed to write directly to the Secretary of State for Education. Contact details will be provided on request.

Procedure of the Complaints Appeal Panel

The following partly repeats the content above:

- The complainant should write to the Chair of Governors at the school requesting a meeting of the Complaints Committee. Enclosed with the letter should be a copy of the 'school Complaint Form' submitted to the Headteacher. No new complaints may be included;

- When the Chair of Governors has convened a Complaints Appeal Panel a Clerk will be appointed for the Panel meeting;
- the school will have up to 10 school days from receipt of the complainant's letter to the Chair of Governors to submit its response to the Complaints Committee Clerk;
- any documents from either the complainant or the Headteacher to be considered by the committee, and the names of any witnesses who might be called must be received by the Complaints Committee Clerk at least seven school days before the hearing. Copies of all papers submitted plus the agenda will be sent to the Complaints Appeal Panel members, the Complainant, Headteacher and Chair of Governors, at least five days before the meeting. The Headteacher will copy any relevant papers to the member(s) of staff named on the complaint;
- The Complainant may bring a friend, supporter or interpreter to the meeting;
- Where the complaint is against the Headteacher, he may bring a friend, supporter, interpreter or professional representative to the meeting;
- If teachers or other members of staff are asked by the Headteacher to be present, they may bring a friend or a professional representative;
- It is not appropriate for a pupil to attend unless the Complainant is a pupil (see 3.2 below);
- The Committee will be made up of Governors who have not previously had significant involvement with the complaint;
- They will consider the complaint on the basis of the papers they receive and what is said at the meeting;
- In the event of any relevant person not attending the meeting, the Panel Chair has discretion to adjourn or proceed at any stage and Guidelines for a Governor sitting on a Complaints Appeal Panel are:
 - It is important that the appeal hearing is independent and impartial and that it is seen to be so. No Governor may sit on the Panel if they have had a prior involvement in the complaint or in the circumstances surrounding it. In deciding the make-up of the Panel, Governors need to try and ensure that it comprises a cross-section of the categories of Governor and is sensitive to issues of race, gender, disability and religious affiliation;
- The aim of the hearing, which should be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant. However, it has to be recognised that the complainant might not be satisfied with the outcome, if the hearing does not find in his favour. It may be possible to establish the facts and make recommendations which will satisfy the complainant that his complaint has been taken seriously;

- an effective Panel will acknowledge that many complainants feel nervous and inhibited in a formal setting, as parents often feel emotional when discussing an issue that affects their child. The Panel Chair will therefore ensure that the proceedings are as welcoming as possible and that the layout of the room will set the tone. Care is needed to ensure the setting appears appropriate and not adversarial;
- Extra care needs to be taken when the complainant is a pupil. Careful consideration of the atmosphere and proceedings will ensure that the pupil does not feel intimidated. The Panel needs to be aware of the views of the pupil and give them equal consideration to those of adults. Where the pupil's parent/carer is the Complainant, it would be helpful to give the parent/carer the opportunity to say which parts of the hearing, if any, the pupil needs to attend and
- The Governors sitting on the Panel need to be aware of the entire complaints procedure.

Roles and responsibilities

The Role of the Clerk

The Complaints Appeal Panel should be clerked by an appropriate member of the school's staff. The Clerk is the contact point for the complainant at the third stage and is 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 all of the parties in advance of the hearing;
- meet and welcome the parties as they arrive at the hearing;
- record the proceedings and
- notify all parties of the panel's decision.

The Role of the Chair of the Governing Body or a Nominated Governor in the Chair's absence

Check that the Complaints Procedure has been correctly followed to this point and if a hearing is appropriate, notify the Clerk to arrange the Panel.

The role of the Chair of the Panel

To ensure that:

- 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;
- The remit of the Panel is explained to the parties and each party has the opportunity of putting their case without undue interruption;
- Parents and others who may not be used to speaking at such a hearing are put at ease;
- The issues are addressed;
- Key findings of facts are made clear;
- The hearing is conducted in an informal, although structured manner, with each party treating the other with respect and courtesy;
- Each side is given the opportunity to state their case and ask questions;
- Written material is seen by all parties and if a new issue arises all parties are given the opportunity to consider and comment on it and
- The Panel is seen to be open minded and acting independently.

Notification of the Panel's Decision

The Chair of the Panel should ensure that the Complainant and the Headteacher are notified of the Panel's decision in writing, within one week of the appeal meeting. The letter should explain that any further appeal should be addressed to the Secretary of State.

Appendix A

General Principles of Complaints

Dealing with Complaints — Initial concerns

Schools need to be clear about the difference between a concern and a complaint. Taking informal concerns seriously at the earliest stage will reduce the numbers that develop into formal complaints

These key messages deal with complaints but the underlying principle is that concerns ought to be handled, if at all possible, without the need for formal procedures. The requirement to have a complaints procedure need not in any way undermine efforts to resolve the concern informally. In most cases the class teacher or the individual delivering the service in the case of extended school provision, will receive the first approach. It would be helpful if staff were able to resolve issues on the spot, including apologising where necessary. If a governor is approached they should not get involved in the complaint but should refer the complainant to the Headteacher.

Dealing with Complaints — Formal Procedures

The formal procedures will need to be invoked when initial attempts to resolve the issue are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further.

Schools might wish to nominate a member of staff to have responsibility for the operation and management of the school complaints procedure. They could be termed the school's 'complaints co-ordinator'. In most schools this will be the Headteacher.

Framework of Principles

An effective Complaints Procedure will:

- encourage resolution of problems by informal means wherever possible;
- be easily accessible and simple to understand and use;
- be impartial;
- be non-adversarial;
- allow swift handling with established time-limits for action and keeping people informed of the progress;
- ensure a full and fair investigation by an independent person where necessary;
- respect people's desire for confidentiality;
- address all the points at issue and provide an effective response and appropriate redress, where necessary;
- provide information to the school's senior management team so that services can be improved.

Investigating Complaints

It is suggested that at each stage, the person investigating the complaint (normally the headteacher), makes sure that they:

- establish what has happened so far, and who has been involved;
- clarify the nature of the complaint and what remains unresolved;

- meet with the complainant or contact them (if unsure or further information is necessary);
- clarify what the complainant feels would put things right;
- interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish;
- conduct the interview with an open mind and be prepared to persist in the questioning;
- keep notes of the interview.

Resolving Complaints

At each stage in the procedure schools will want to keep in mind ways in which a complaint can be resolved. It might be sufficient to acknowledge that the complaint is valid in whole or in part. In addition, it may be appropriate to offer one or more of the following:

- an apology;
- an explanation;
- an admission that the situation could have been handled differently or better;
- an assurance that the event complained of will not recur;
- an explanation of the steps that have been taken to ensure that it will not happen again;
- an undertaking to review school policies in light of the complaint.

It would be useful if complainants were encouraged to state what actions they feel might resolve the problem at any stage. An admission that the school could have handled the situation better is not the same as an admission of negligence.

An effective procedure will identify areas of agreement between the parties. It is also of equal importance to clarify any misunderstandings that might have occurred as this can create a positive atmosphere in which to discuss any outstanding issues.

Vexatious Complaints

If properly followed, a good complaints procedure will limit the number of complaints that become protracted. However, there will be occasions when, despite all stages of the procedures having been followed, the complainant remains dissatisfied. If the complainant tries to reopen the same issue, the chair of the GB is able to inform them in writing that the procedure has been exhausted and that the matter is now closed from the GBs point of view. However if they wish to further the complaint, the complainant can currently write to The Secretary of State for Education at the Department for Education.

Time-Limits

Complaints need to be considered, and resolved, as quickly and efficiently as possible. An effective complaints procedure will have realistic time limits for each action within each stage. However, where further investigations are necessary, new time limits can be set and the complainant sent details of the new deadline with an explanation of the reason for the delay.

Certain stages within the complaints process have specified timescales, others do not as they are very much driven by the complainant, for example between stages 1 and 2.

Complaint Form

Please complete and return (Headteacher/complaints co-ordinator) who will acknowledge receipt and explain what action will be taken.

Your name:

Pupil's name:

Your relationship to pupil:

Address:

Postcode:

Home telephone number:

Mobile 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:

Official use

Date acknowledgement sent:

By who:

Complaint referred to:

Date: