



Groby Community College

Achieving Excellence Together

COMPLAINTS POLICY 2014-15

Model policy from Leicestershire LA to be adopted by the Full Governing Body of Groby Community College

Reviewed: Robert Coles
Agreed: Full Governing Body – Autumn 2014
Next review: Autumn 2015
Signed:..... Helen Brown.....**Chair of Governors**

Date: 25.11.14

Policy for Hearing and Dealing with Complaints

This school is committed to working in close partnership with all members of the school community. The school places great value on the role which parents and carers can play in supporting children's learning. Staff and governors actively encourage a positive relationship between the school and the families of children who attend the school.

If, at any time, a member of the school community has a concern about an aspect of life at the school, the concern will be dealt with by the school as quickly, sympathetically and effectively as possible. It is hoped that most concerns will be settled amicably at this stage.

However, if there is a continuing concern, this can be directed through the formal stages as outlined in the school's complaints procedure, detailed on the following pages.

To enable a proper investigation, concerns or complaints should be brought to the attention of the school as soon as possible.

School Complaints Procedure

It is in everyone's interest that complaints are resolved at the earliest possible stage. The experience of the first contact between the complainant and the school can be crucial in determining whether the complaint will escalate. To this end all staff and governors are aware of the procedure to be followed if a complaint is raised. Also, whilst not wishing to encourage complaints, complainants should note that they have a duty to raise a matter as soon as conveniently possible. It can then be investigated more effectively whilst information is fresh in the minds of all parties.

The school operates a 4 stage complaints procedure. If the complaint concerns the conduct of the headteacher it will be dealt with in accordance with Stage 3.

Stage 1: Complaint heard by staff member

In the first instance, it is hoped that the complainant will be able to discuss the issue with the member of staff concerned.

The school will respect the views of a complainant who indicates that he/she would have difficulty discussing the complaint with a particular member of staff. In these cases, the complainant should refer the complaint to the headteacher, who will refer it to another member of staff.

Similarly, if the member of staff directly involved feels too compromised to deal with the complaint, the complaint will be referred to another member of staff via the headteacher. The member of staff will consider the complaint objectively and impartially.

If the first approach is made to a governor, they will refer the issue and the complainant to the appropriate person and advise the complainant of the procedure. Governors will not act unilaterally outside the formal procedure or be involved at the early stages in case they are needed to sit on a panel at a later stage of the process.

Stage 2: Complaint heard by the headteacher

The complainant may be dissatisfied with the way the complaint was handled at Stage 1, and/or wish to pursue their initial complaint. If so, the complainant should submit the complaint in writing, to the headteacher, within 10 school days of Stage 1 being concluded. A copy of the complaint form is attached to this procedure.

The headteacher will acknowledge receipt of the complaint within 5 school days.

The headteacher should meet with the complainant to clarify details of their concerns, the resolution that is being sought and agree a timescale for response. The headteacher will investigate the complaint further and make every effort to resolve the issue. On conclusion of the investigation the headteacher will write to the complainant summarising the outcome reached and the process for appeal.

The headteacher may delegate the task of collating information concerning the complaint to another staff member, but not the decision, nor the action to be taken.

If the complaint is wholly or mainly about the headteacher the complaint will be considered in accordance with Stage 3 of the procedure described below.

Stage 3: Complaint heard by the chair of governors

If the complaint cannot be resolved at Stage 2 or the complaint concerns the conduct of the headteacher the complainant may take their complaint to the chair of governors.

The complainant will need to write to the chair of governors, care of the school, within 10 school days of the date of the letter notifying them of the outcome of Stage 2. The complainant should provide a copy of the written complaint, a copy of the headteacher's letter concluding Stage 2 and give details in writing of why they are not satisfied with the outcome.

The chair of governors will acknowledge receipt of the complaint within 5 school days and provide a timescale for response.

The chair will investigate the complaint and make every effort to resolve the issue, having met with the complainant (if unsure of further information is necessary) and the headteacher. On conclusion of the investigation the chair of governors will write to the complainant summarising the outcome reached and the process for appeal. The complaint will move on to Stage 4 if the complainant remains dissatisfied by the outcome.

Stage 4: Complaint heard by the governing body Complaints Appeal Panel

The complainant needs to write to the chair of governors within 10 school days of the date of the letter notifying them of the outcome of Stage 3, notifying that they wish their complaint to be heard by the complaints appeal panel. The chair, or a nominated governor, will convene a governing body complaints appeal panel.

The governors' appeal panel hearing is the last school based stage of the complaints process and is not convened to merely rubber stamp previous decisions. Individual complaints will not be heard by the whole governing body 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 governing body will nominate 3 governors to have delegated powers to hear the complaint at this stage. These governors should have no previous knowledge of the complaint. The panel will choose their own chair.

The remit of the Complaints Appeal Panel is to:

- 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;
- recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not recur.

The complainant will be notified in writing of the panel's decision, usually within 5 days. The letter will confirm the end of the school's and governing body's involvement with the complaint and explain any further rights of appeal. The complainant should be advised that the local authority has no role unless the complaint relates to a service provided by the local authority.

Complaint Form for _____ School

Complainant's Name:

Pupil's Name:

Complainant's Relationship to pupil:

Address of Complainant:

Post Code:

Daytime Tel:

Mobile:

E-mail:

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, when 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.

Signed:

Date:

Official Use:

Date acknowledgement sent:

By who:

Complaint referred to:

Date:

Complaints Toolkit

Overview

Governing bodies (GBs) of all maintained schools and maintained nursery schools in England are required, under section 29 of the Education Act 2002, to have a procedure in place to deal with complaints relating to the school and to any community facilities or services that the school provides. The law also requires the procedure to be publicised.

Similarly, academies must have a written complaints procedure that is publicised. For complaints from parents of pupils, this procedure must comply with The Education (Independent School Standards) Regulations 2010 and offer:

- an opportunity to resolve the complaint with the academy on an informal basis, for example through discussion with a senior member of staff;
- a formal complaint stage when the complaint is made in writing and usually responded to by the chair of governors; and
- a hearing with a panel set up by the academy trust, comprising at least three people not directly involved in the matters detailed in the complaint, one of whom must be independent of the management and running of the school.

The school/academy should work in close partnership with all members of the community, particularly valuing the role of parents and carers in supporting children's learning as well as all members of staff and governors encouraging positive relationships between the school/academy and the families of children who attend.

If, at any time, a member of the community raises a concern about an aspect of life at the school/academy, the concern must be dealt with as quickly, sympathetically and effectively as possible. It is hoped that most concerns will be settled amicably as soon as they are raised. However, any continuing concern should be directed through the school's/academy's formal complaints procedure.

It is recommended that the GB ensures that any third party providers offering community facilities or services through the school premises, or using school facilities, have their own complaints procedure in place.

General Principles of Complaints

Dealing with complaints – initial concerns

- Staff and governors 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.
- The complaints policy and procedure deals 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 will receive the first approach. It will be helpful if staff are able to resolve issues on the spot, including apologising where necessary. It is good practice for the staff member to keep a brief note relating to the concern and how it has been addressed.

Dealing with complaints – formal procedure

- The formal procedure 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 smaller schools this may often be the head teacher. However, if the complaint relates to the headteacher this responsibility transfers to the chair of governors or the vice chair. The complainant should be advised as soon as possible as to the person holding this responsibility and how they can be contacted.

Framework of principles

A complaints procedure should be designed to:

- encourage resolution of problems by **informal** means wherever possible;
- be easily **accessible** and **publicised**;
- be **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 and the governing body so that services can be improved.

The stages of a complaint

- There are four school based stages:
 - Stage 1: complaint heard by staff member
 - Stage 2: complaint heard by headteacher
 - Stage 3: complaint heard by chair of governors
 - Stage 4: complaint heard by GB's complaints appeal panel
- An unsatisfied complainant can always take a complaint to the next stage.
- If the complaint concerns the conduct of the headteacher or a governor, or if the headteacher or governor has been involved in the issue previously, the complaint will be passed directly to Stage 3 or 4, as appropriate.

N.B. A model School Complaints Policy and Procedure is available to be downloaded, amended, adopted and published as a separate document to this Toolkit and provides details of what happens at each stage. This toolkit document is not intended to be publicised or provided to any complainant.

Investigating complaints

At each stage the complaints co-ordinator or the person delegated by him or her to investigate the complaint must:

- establish what has happened 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. It is good practice to arrange for an independent note taker to record minutes of the meeting

Resolving complaints

- At each stage of the procedure it is important 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 the school's/academy's policies in the light of the complaint.
- Complainants should be encouraged to state what actions they feel might resolve the problem at any stage.
- All parties should note that an admission that the school/academy could have handled the situation better is not the same as an admission of negligence.

Time limits

- Complaints should be considered and resolved as quickly and as efficiently as possible. Realistic time limits for each action within each stage must be agreed between the complaint co-ordinator and the complainant. However, where further investigations are necessary, new time limits may need to be set and the complainant should be sent details of the new deadline and an explanation for the delay.

Cut-off Limits

- The complainant has a duty to raise the complaint as soon as conveniently possible, as it can be investigated more effectively whilst information is fresh in the minds of all parties. However, there may be good reasons why a complainant has not made a complaint earlier (e.g. they were gathering further information to support their complaint or they were not fully aware of the implications of an incident until a later date). In light of this, schools should ensure that if they have a general cut-off policy that they are willing to consider exceptions. Schools should not have blanket policies of refusing to consider any complaints not lodged within the stated period.

Vexatious complaints

- If properly written and followed, a complaints procedure should limit the number of complaints that become protracted. However, there may be occasions when, despite all the stages of the procedure having been followed, the complainant remains dissatisfied. If the complainant tries to reopen the same issue, the chair of governors can inform them in writing that the procedure has been exhausted and that the matter is now closed as far as the school/academy is concerned but refer them to the Department for Education (DfE) / Education Funding Authority (EFA) or Ofsted.
- If the complainant writes again on the same issue, then the correspondence may be recognised as vexatious and there will be no obligation on the part of the school to respond.
- It is important to note however that, should a complainant raise an entirely new, separate complaint, it must be responded to in accordance with the complaints procedure. It is not the complainant who is vexatious; it is the correspondence.
- The chair of governors has the right to regard a complaint as vexatious if there is an unreasonable delay or if a complainant brings forward numerous trivial matters which after careful consideration by the chair, are considered to be vexatious. It is recognised that determining what a “trivial” matter is can be subjective and careful judgements must be used in applying this criteria. Objectively considering the complaint ensures you are better able to respond in a measured and professional way.

Recording complaints

- An initial complaint may be made in person, by phone or in writing. If a complaint moves to Stage 2 it is recommended that the complainant is asked to submit the complaint in writing to the complaints co-ordinator. An example of a complaint form is included in the model School/Academy Complaints Policy and Procedure document.
- Notes of meetings and phone calls must be kept and a copy of any written response added to the record.
- The complaints co-ordinator will be responsible for the records and hold them securely within school/academy.

Governing body review

- The governing body, through the headteacher's termly report, will monitor the level and nature of complaints and review the outcomes on a regular basis to ensure the effectiveness of the procedure and make changes where necessary.
- As well as addressing an individual's complaint, the process of listening to and resolving complaints will contribute to school improvement. When individual complaints are heard, underlying issues that need to be addressed may be identified and lessons to be learned. The monitoring and review of complaints by the school/academy and the governing body will be a tool in evaluating the school's/academy's performance.

Publicising the procedure

There is a legal requirement for the complaints procedure to be publicised. It is up to the GB to decide how to fulfil this requirement but details of the complaints procedure could be included in:

- the school/academy prospectus;
- any report/communication from the governors to parents;
- the information given to new parents when their children join the school;
- the information given to the children themselves;
- the home-school agreement;
- bulletins or newsletters;
- documents supplied to community users including course information or letting agreements;
- a specific complaints leaflet which includes a form on which a complaint can be made;
- posters displayed in areas of the school/academy that will be used by the public, such as reception or the main entrance;
- the school/academy website.

Complaint Panel Guidance

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 ;
- recommend changes to the school's/academy's systems or procedures to ensure that problems of a similar nature do not recur.

Panel members need to be aware of the following points:

- It is important that the panel is seen to be independent and impartial. No governor may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it. Care should be taken when appointing a panel and the governing body should strive to ensure that there is a cross section of governors represented sensitive to issues of race, gender and religious affiliation;
- The meeting must be held in private. It should attempt to achieve a reconciliation between the complainant and the school/academy, recognising that this will not always be possible. However, it is important that the complainant feels that his complaint has been treated seriously and been adjudicated fairly;
- Parties to the hearing may feel nervous and uneasy - the governors and the clerk should attempt to make the tone of the hearing welcoming without losing a degree of formality, recognising the serious nature of the complaint;
- Extra care and consideration needs to be exercised if the complainant is a child;
- The panel must elect their own chair;
- They are conversant with complaints policy and procedure, together with the guidance offered by this toolkit.

N.B. An academy appeal panel must include one panel member who is independent of the management and running of the school.

Roles and responsibilities

Role of the chair of governors or nominated governor

The chair should:

- check that the correct procedure has been followed;
- notify the clerk to arrange a panel if a hearing is required.

Role of the clerk

Once the complaint has moved to Stage 4 the clerk should be the point of contact for all parties. The clerk has a responsibility to:

- advise all parties of the procedure to be followed with regard to documentation, timescale, witnesses and the order of the hearing;
- set the date, time and venue of the hearing, ensuring that the time and dates are as far as possible convenient to all parties, having regard to the need to handle the complaint swiftly;
- collate any written material and send it to all parties at least five school days in advance of the hearing;

- meet and welcome the parties as they arrive at the hearing;
- ensure that neither party has access to the panel prior to the hearing;
- ensure that the room for the hearing is set out adequately and there is a suitable waiting area;
- record the proceedings;
- notify all parties in writing of the panel's decision.

Role of the chair of the panel

The chair must ensure that:

- the remit of the panel is explained to all parties;
- all parties have received all relevant documentation;
- the issues are addressed;
- key findings of fact are made;
- all parties are put at their ease;
- all parties show respect for each other and all parties are afforded the opportunity of presenting their case and asking questions with respect and courtesy;
- the panel is open minded and acts independently;
- no panel member has a vested interest in the outcome of the hearing or has had any prior involvement;
- if a new issue arises during the hearing all parties are given adequate opportunity to consider and comment upon it.

The hearing

The panel needs to take the following points into account:

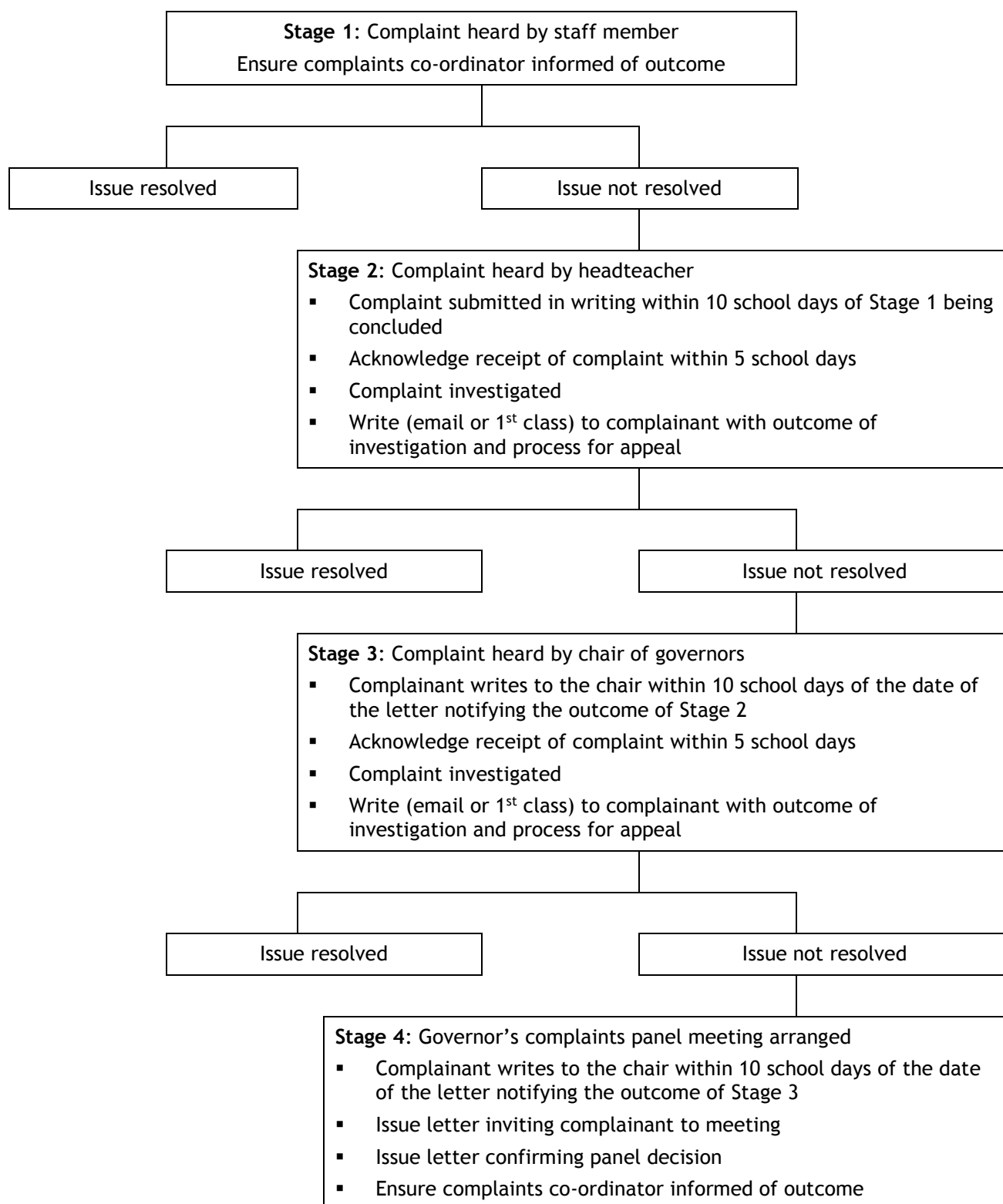
- The hearing should be as informal as possible, whilst recognising that all meetings need a degree of formality to operate successfully.
- Both parties come before the panel together and neither party is allowed access to any panel member without the other party being present.
- Each party may be accompanied by a colleague or supporter who cannot act as an advocate nor will they have the right to address the panel.
- Witnesses are only required to attend for the part of the hearing in which they give their evidence. They should be advised as to the confidential nature of the hearing and reminded not to discuss the information they give with anyone else.
- The chair should welcome and introduce all parties. The chair will then explain the order of the hearing.
- The complainant is invited to explain their complaint, to be followed by their witnesses.
- The headteacher may question both the complainant and any witnesses after each has spoken.
- The headteacher will then explain the school's/academy's actions followed by their witnesses.
- The complainant may question the headteacher and the witnesses in turn.
- The panel may ask questions at any point.
- The complainant is invited to sum up their complaint.

- The headteacher is then invited to sum up the school's/academy's actions and response to the case.
- The chair explains that the panel will deliberate and that all parties must leave as the panel's decision will be communicated in writing by the clerk within a time scale notified to all parties at that time.
- Both parties leave at the same time.
- The panel deliberates and reaches a decision. The panel notifies the clerk of the decision and agrees the wording of the decision letter.

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; this is usually within five school days. If this timescale cannot be achieved it should be disclosed at the conclusion of the hearing and an alternative reasonable timescale notified to all parties.
- The school/academy, through the headteacher, will be notified at the same time.
- The decision letter concludes the school's/academy's and the GB's involvement with the complaint.
- The decision letter needs to explain any further rights of appeal and, if so, to whom they need to be addressed e.g. DfE, EFA or Ofsted.
- The complainant should be advised that the local authority has no role unless the complaint relates to a service provided by the local authority.

Flow Chart of Complaints Procedure



NOTES:

- *If the complaint is in respect of the headteacher or a governor, it will be passed directly to Stage 3*
- *Realistic time limits for each action within each stage need to be agreed between the complaint co-ordinator and the complainant.*