

COMPLAINTS POLICY AND PROCEDURES

The vast majority of disagreements between schools and parents/carers are resolved during routine day-to-day school business by means of communication, negotiation and mediation. However, from time to time, disagreements can develop into formal complaints. The parents/carers should arrange to meet with the Headteacher with the aim of resolving any perceived problems. Very often, this direct practical approach means that the complaint goes no further. However, if a parent/carer insists on submitting a formal written complaint they should be informed of the procedure and encouraged to do the following:

1. Put their complaint in writing.
2. Make the complaint brief and clear, outlining the precise nature of the problem.
3. Keep a copy.
4. Send it to the Headteacher (or the chair of governing body if the complaint is about the Headteacher).

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 subject teacher will receive the first approach, and then the form teacher. Any issue which cannot be sorted out with the subject teacher or form teacher, or is a complaint about a teacher should go to the Headteacher.

The Headteacher is responsible for the day to day running of the school and the Governors set policy.

DEALING WITH COMPLAINTS – INFORMAL STAGE

All concerns will be taken seriously in order to establish an effective partnership between the school and the parents and should be dealt with promptly so that they can be resolved swiftly at the time. Occasionally there may be complaints where the individual complainant does not wish to be identified at the preliminary stage. As far as possible, these should be dealt with under this procedure. However there may be circumstances where confidentiality cannot be guaranteed because of the seriousness of the complaint. In addition, the wish of the individual complainant to remain anonymous may limit the ability of the school to fully investigate the nature of the complaint or take any action once an investigation is complete. The complainant should be informed if their desire for confidentiality inhibits the full investigation of the complaint.

The school may decline to investigate a matter if it is not very recent and the complaint could reasonably have been expected to be raised earlier. The normal expectation is that a complaint will be raised within **three months** of the alleged subject matter of the complaint though it will be important to judge whether or not the nature or seriousness of the allegation merits a more flexible approach.

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.

Therefore all staff must be made aware of the procedures in order to respond appropriately to complaints.

Complainants have the right:

- To confidentiality (if an investigation cannot proceed without the complainant being identified, the complainant will be given the option whether or not to continue);
- To have any complaint dealt with efficiently and have it properly investigated;
- To know the outcome of any investigation into their complaint;
- To be kept informed of the progress of their complaint;
- To receive an apology if a complaint is upheld;
- To be informed of any changes to the policies or procedures arising from a complaint or suggestion.

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 will receive the first approach. It is beneficial if staff seek to resolve issues on the spot, including apologising where necessary.

It is suggested that the person investigating the complaint 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, at least contact them;
- 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;
- Feedback to the complainant.

Formal Stage 1

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.

Formal Stage 2

The headteacher will notify the complainant that, if he/she is not satisfied with the outcome of the response from the headteacher, he/she will be able to refer the matter **in writing** to the chair of the governing body setting out the complaint. It is important that the matter is reported only to the chair so that the governors on the Complaints Committee are not tainted.

The chair of the governing body will consider the evidence of the Complaint, in confidence and without reference to any other member of the governing body. If the complaint is serious or complex, advice must be sought. Having considered the complaint the chair of the governing body will either write to the complainant with his/her findings and, should it be necessary, the reasons for a meeting with the complainant and the headteacher in an attempt to resolve the matter.

Should either the complainant or the headteacher be dissatisfied with the outcome of the chair of the governing body's investigation they may ask for the matter to be referred to a panel of the governing body by writing to the clerk of the governing body setting out the reasons for the referral. The chair of the governing body should summarise the complaint to other members of the Complaints Committee and ascertain their preliminary view as to whether the matter should be dealt with at a meeting of the committee. If the members' view is that the complaint should not proceed, the complainant should be informed, with reasons.

Because it is quite likely that the complainant is not known to those investigating, at this stage it is very important to include a face to face interview. Such an interview would ensure that the nature of the complaint is very clear and also that the complainant knows the complaint is being taken seriously.

At this stage, following an investigation, the governors could:

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

A common problem at this stage has been that the written response to the complainant has not addressed the specifics of the complaint. It is therefore essential to address the questions and concerns raised in the complaint.

Cases which may result in disciplinary action being taken against a member of staff must follow the procedures recommended by the Education Human Resources Section from whom specific advice should be sought.

Where the chair of the governing body is being asked to consider a complaint about a matter which involved the headteacher's management responsibilities, he or she should consider carefully whether the headteacher's actions are within the boundary of reasonable responses and not substitute their own retrospective view of how they would have acted in the same circumstances.

The chair of the governing body should consider whether a conciliatory role between the headteacher and the complainant would be the best way of resolving the complaint.

Formal Stage 3

This stage is reached when all efforts to resolve the complaint at school level (i.e. both the headteacher and governors have failed, in the eyes of the complainant, to resolve the issues).

If the complainant remains unsatisfied and still wishes to take the complaint further then they have the following option:

- Refer the matter to the Secretary of State (if the complainant believes the school has broken the law or has acted unreasonably).

How to conduct an investigation – applicable to all levels

1. Ask the complainant to put their complaint in writing to the clerk to the governing body. It is often useful to stress that the letter not be too unduly long and that, if there is more than one issue, to let them clearly, i.e. number them or put them in bullet points. Sometimes parents/carers do not make it clear when they write and the precise nature of the complaint can be difficult to see.
2. Meet with the complainant. This **may** be less important for the headteacher who may have met with the parent/carer on numerous occasions. However, for the chair of the governing body or any governor, delegated to investigate the matter, it is highly recommended in order to grasp the essential substance of the complaint. **It is also important to meet personally, so that the complainant knows they are being listened to and, that the complaint is being taken seriously.**
3. The complainant, the headteacher and chair of the governing body will provide the clerk with all documentation to be used at the meeting, at least **ten days** before the meeting take place.
4. The clerk will distribute all documentation to both parties and to the members of the panel at least **seven days** before the meeting.
5. The complainant, the headteacher and chair of the governing body will be advised by the clerk that they may be accompanied by a friend or representative at the meeting.
6. The normal procedure to be followed at the meeting is set out below. Provided he/she is satisfied that it will give all parties an opportunity to present their case, the vice-chair of the governing body may vary this procedure with advice from the clerk to the governing body.
 - the panel will be chaired by the vice-chair of the governing body and he/she will make arrangements for a note taker to be present. In the absence of the vice-chair the panel will agree a chair for the meeting;
 - the chair explains the purpose of the meeting and introduces those present;
 - the person calling the meeting presents their case;
 - the panel will have an opportunity to question the person calling the meeting;
 - the respondent presents their case;
 - the respondent can be questioned by the panel;

School holidays are not included in these timescales. It is good practice to keep all parties, especially the headteacher and the complainant, informed of progress at all stages.

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.

VEXATIOUS COMPLAINANTS

If properly followed, a good complaints procedure will limit the number of complaints that become protracted. However, sometimes a complainant finds it difficult to accept that this is the end of the procedure (this may apply to any of the formal stages but this is particularly the case at Stage 3) and it may be necessary to make very clear that the procedure has been exhausted and that the matter is now closed. Should this not stop the complainant from repeatedly trying to re-open the same issue then there should be some consideration to initiating the vexatious complaint process with the appropriate legal advice.

Signed:

S L Gaston, Head Teacher
P James, Chair of Governors

Date: 10 July 2014