



Pebworth First and Blackminster Middle Schools  
Federation



# Complaints policy

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This policy should be read in conjunction with the Child Protection and Safeguarding policy.

## Overview

Since September 2003 Governing Bodies (GBs) of all maintained schools in England were required, under Section 29 of the Education Act 2002 to have in place a procedure 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.

## General Principles of complaints

### ***Complaints Co-ordinator***

The member of staff with responsibility for the operation and management of the school complaints procedure is Fiona Bolton. She shall be known in the policy as the schools 'Complaints Co-ordinator'.

### ***Dealing with Complaints – Initial concerns***

There is a difference between a concern and a complaint. Taking informal concerns seriously at the earliest stage shall reduce the numbers that develop into formal complaints. Concerns can be raised at any time and in a number of ways. Federation staff shall take all concerns seriously. An investigation shall be carried out. The results of the investigation shall be notified to the person raising the concern, the Complaints Co-ordinator and any staff involved in the investigation. The Complaints Co-ordinator shall record all outcomes.

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/Tutor shall receive the first approach. It would be helpful if staff were able to resolve issues on the spot, including apologising where necessary.

### ***Dealing with Complaints – Formal procedures***

Formal procedures shall 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.

### ***Investigating Complaints***

At each stage, the person investigating the complaint (the Complaints Co-ordinator or the person assigned to deal with the complaint), makes sure that they:

1. establish what has happened so far, and who has been involved;
2. clarify the nature of the complaint and what remains unresolved;
3. meet with the complainant or contact them (if unsure or further information is necessary);
4. clarify what the complainant feels would put things right;
5. interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish;
6. conduct the interview with an open mind and be prepared to persist in the questioning;
7. keep notes of the interview;
8. keep all those involved informed about the progress of the complaint.

## Resolving Complaints

At each stage in the procedure the Federation shall 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 shall not recur;
- an explanation of the steps that have been taken to ensure that it shall not happen again;
- an undertaking to review school policies in light of the complaint.

Complainants shall be 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.

The Federation complaints procedure shall 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, the Federation complaints procedure shall limit the number of complaints that become protracted. However, there shall 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 Governing Body shall inform them in writing that the procedure has been exhausted and that the matter is now closed.

## Time-Limits

Complaints need to be considered, and resolved, as quickly and efficiently as possible. The Federation, through the Complaints Co-ordinator, shall set realistic time limits for each action within each stage. All those involved in the complaint procedure shall be notified of the deadline. However, where further investigations are necessary, new time limits shall be set and the complainant sent details of the new deadline and an explanation for the delay.

## Managing and Recording Complaints

### ***Recording Complaints***

The Complaints Co-ordinator shall record the progress of the complaint and the final outcome. A complaint may be made in person, by telephone, or in writing. The Federation Complaint Form can be found in Annex B. At the end of a meeting or telephone call, the member of staff dealing with the complaint shall ensure that the complainant and the school have the same understanding of what has been discussed and agreed. A brief note of meetings and telephone calls shall be kept and a copy of any written response added to the record.

The Complaints Co-ordinator is responsible for the records held centrally.

## Governing Body Review

The Governing Body shall 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. Complaints information shared with the whole Governing Body shall not name individuals.

As well as addressing an individual's complaints, the process of listening to and resolving complaints shall contribute to school improvement. When individual complaints are heard, Federation staff shall reflect on and identify underlying issues that need to be addressed. The monitoring and review of complaints by the school and the Governing Body is a useful tool in evaluating a school's performance.

## Publicising the Procedure

There is a legal requirement for the Complaints Procedures to be publicised.

The Governing Body include details of the Complaints Procedures in:

- the school prospectus;
- any report/communication from the governors to parents;
- the information given to new parents when their children join the school;
- Newsletters and bulletins;
- documents supplied to community users including course information or letting agreements;
- the school website.

# The Formal Complaints Procedure

## The Three Stages for Complaints

The Federation complaints procedure is made up of 3 clear stages. A flow chart of suggested stages can be found in Annex A. At each stage we clarify exactly who shall be involved, what shall happen, and how long it shall take. There may, on occasion, be the need for some flexibility; for example, the possibility of further meetings between the complainant and the member of staff directly involved and further investigations shall be required by the Headteacher after a meeting with the complainant.

### Stage One

Complaint heard by staff member (though not the subject of the complaint). This should be resolved in 2 to 3 days. 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 shall escalate. The school shall respect the views of a complainant who indicates that he/she would have difficulty discussing a complaint with a particular member of staff. In these cases, the Complaints Co-ordinator can refer the complainant to another staff member. Where the complaint concerns the Headteacher, the Complaints Co-ordinator can refer the complainant to the Chair of Governors.

Similarly, if the member of staff directly involved feels too compromised to deal with a complaint, the Complaints Co-ordinator shall consider referring the complainant to another staff member. The member of staff could be more senior but does not have to be. The ability to consider the complaint objectively and impartially is crucial.

Where the first approach is made to a governor, the next step would be to refer the complainant to the appropriate person and advise them about the procedure. Governors shall not act unilaterally on an individual complaint 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 procedure.

## Stage Two

Complaint heard by Headteacher. Where possible the complaint should be resolved in 5 days. The Headteacher's influence shall already have shaped the way complaints are handled in the school. At this point, the complainant may be dissatisfied with the way the complaint was handled at Stage One as well as pursuing their initial complaint. The Head may delegate the task of collating the information to another staff member but not the decision on the action to be taken.

## Stage Three

Complaint heard by the Governing Body's complaints appeal panel.

The complainant needs to write to the Chair of Governors giving details of the complaint. The Chair, or a nominated governor, shall convene a Governing Body complaints panel. The governors' appeal hearing is the last school-based stage of the complaints process, and is not convened to merely rubber-stamp previous decisions.

Individual complaints would 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 may nominate a number of members with delegated powers to hear complaints at this stage

The procedure adopted by the panel for hearing appeals shall be part of the school's complaints procedure. The panel can be drawn from the nominated members and may consist of three or five people. The panel may choose their own chair.

## 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 systems, policies or procedures to ensure that problems of a similar nature do not recur.

There are several points which any governor sitting on the complaints panel needs to remember. 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 is a cross-section of the categories of governor and sensitive to the issues of race, gender and religious affiliation.

The aim of the hearing, which needs to be held in private, shall always be to resolve the complaint and achieve reconciliation between the school and the complainant. However, it has to be recognised the complainant might not be satisfied with the outcome if the hearing does not find in their favour. It may

only be possible to establish the facts and make recommendations which shall satisfy the complainant that his or her complaint has been taken seriously.

An effective panel shall acknowledge that many complainants feel nervous and inhibited in a formal setting. Parents often feel emotional when discussing an issue that affects their child. The panel chair shall ensure that the proceedings are as welcoming as possible. The layout of the room shall set the tone and care is needed to ensure the setting is informal and not adversarial.

Extra care needs to be taken when the complainant is a child. Careful consideration of the atmosphere and proceedings shall ensure that the child does not feel intimidated. The panel needs to be aware of the views of the child and give them equal consideration to those of adults. Where the child's parent is the complainant, it would be helpful to give the parent the opportunity to say which parts of the hearing, if any, the child needs to attend.

The governors sitting on the panel need to be aware of the complaints procedure.

## Roles and Responsibilities

### ***The Role of the Clerk***

A panel or group of governors considering complaints shall be clerked. The Clerk to the Governors of the Federation is Lisa Tanner. The clerk shall 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;
- written material is seen by all parties. 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

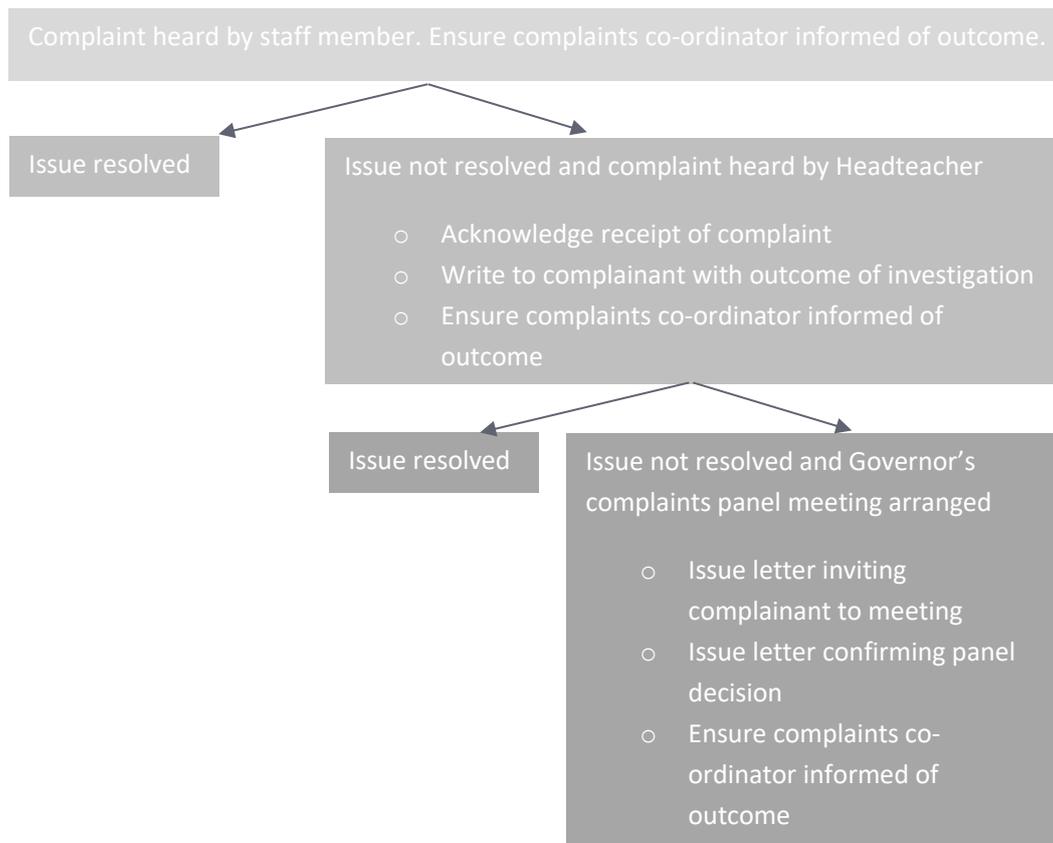
The chair of the panel needs to ensure that the complainant is notified of the panel's decision, in writing, with the panel's response; this is usually within a set deadline which is usually 2 to 3 days after the meeting. The letter needs to explain if there are any further rights of appeal and, if so, to whom they need to be addressed.

### ***Checklist for a Panel Hearing***

The panel needs to take the following points into account:

1. The hearing is as informal as possible.
2. Witnesses are only required to attend for the part of the hearing in which they give their evidence.
3. After introductions, the complainant is invited to explain their complaint, and be followed by their witnesses.
4. The Headteacher may question both the complainant and the witnesses after each has spoken.
5. The Headteacher is then invited to explain the school's actions and be followed by the school's witnesses.
6. The complainant may question both the Headteacher and the witnesses after each has spoken.
7. The panel may ask questions at any point.
8. The complainant is then invited to sum up their complaint.
9. The Headteacher is then invited to sum up the school's actions and response to the complaint.
10. Both parties leave together while the panel decides on the issues.
11. The chair explains that both parties shall hear from the panel within a set time scale.

## Annex A: Summary of complaints process



As of 1st August 2012, the Local Authority no longer investigate complaints about maintained schools. This covers all complaints whether about the curriculum, sex education, religious education as well as non-curriculum matters.

Parents/carers who are unhappy with the way in which a complaint was investigated should refer their complaint to the Secretary of State for Education, Sanctuary Buildings, Great Smith Street, London, SW1P 3B7. The right of parents to seek legal recourse to their complaint shall not be altered.

Parents/carers can still be referred to the Worcestershire Information, Advice and Support Service (formerly Parent Partnership Service) on 01905 6768153 who shall continue to provide support.

## Annex B: Pebworth First and Blackminster Middle Schools Federation Complaint Form

Please complete and return to Fiona Bolton (complaints co-ordinator) who will acknowledge receipt and explain what action shall be taken.

Your name:	
Student's name:	
Your relationship to the student:	
Address:	
Postcode:	
Day time 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**

<b>Date acknowledgement sent:</b>	
<b>By who:</b>	
<b>Complaint referred to:</b>	
<b>Date:</b>	