

William Stockton and Wimboldsley Federated Schools



Complaints Policy And Procedure 2017/8

Review Date: March 2018

William Stockton and Wimboldsley Federated Schools

Policy and Procedure for Dealing with Complaints

A distinction needs to be made between a 'concern' and a 'complaint'. If we take informal 'concerns' seriously at the earliest stage it will reduce the development of serious complaints.

The procedure outlined in this paper deals with complaints. Every effort should be made to resolve the complaint informally before invoking these more formal procedures.

The Deputy head teacher will be the Complaints Co-ordinator for the William Stockton School and Miss Morris will be the Complaints Co-ordinator for Wimboldsley. They will be responsible for the operation and management of the school complaints procedure.

Framework of Principles

The Complaints Procedure will:

- 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;

Investigating Complaints

The person investigating the complaint will:

- 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 we will keep in mind ways in which a complaint can be resolved, often it may 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.

Complainants will 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.)

Vexatious Complaints

The complaint procedure should 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 re-open the same issue, the Chair of the Board of Governors will inform them in writing that the procedure has been exhausted and that the matter is now closed.

Unresolved complaints

From 1 August 2012 complaints about maintained schools not resolved by the school that would have been considered by the Local Government Ombudsman or the LA should be addressed to the Secretary of State for Education.

The Secretary of State or another member of the Department's ministerial team can be contacted by email at: ministers@education.gsi.gov.uk or by telephone: 020 7925 5065

Further complaints from parents/carers who demonstrate unsafe behaviour towards staff or children

Further complaints from parents and carers are to be put in writing if the behaviour of the parent/carer is considered unsafe by the head Teacher or Governing Body.

Complaints sent directly to the Chair of Governors

If a complaint is sent directly to the Chair of governors, in effect by passing the complaints procedure. The Chair of Governors will re-direct the complainant to the correct step of the complaints policy.

The complainant will be informed, by the Chair of Governors that they **must** follow the Complaints policy to ensure a fair hearing/decision.

Complaint about the head teacher:

Step 1 If a parent is concerned about anything to do with the behaviour, leadership or management of the head teacher, they should, in the first instance, discuss the matter with the head teacher; most matters of concern can be resolved positively in this way.

Step 2 Where a parent feels that a situation has not been resolved through contact with the head teacher, or that their concern is of a sufficiently serious nature, they should make an appointment to discuss it with the Federation's other Head Teacher. They will consider all matters of concern very seriously and investigate each case thoroughly. Most complaints would normally be resolved at this stage.

Step 3 Only when an informal complaint fails to be resolved by the Federation's other Head Teacher should a formal complaint be made to the Chair of the governing body. This complaint must be made in writing, stating the nature of the complaint, who has been spoken to already and the preferred outcome. The parent should send this written complaint to the Chair of the governing body via the school office.

The Stages of Complaints

Stage One: Complaint heard by subject of complainant (if appropriate) within five days. **Responded to within 10 school days of receipt of complaint.**

Stage Two: Complaint heard by Headteacher within five school days (Complaint heard by Federation's other Headteacher if the subject of the complaint is against the Headteacher)

Stage Three: Complaint heard by Governing Body Complaints' Appeal Panel – if all in school attempts at solving the complaint are unsuccessful.

Note:

If the complaint is made to a person at a stage later than appropriate the complainant should be referred back to the appropriate stage. It is undesirable for a Governor to act unilaterally on an individual complaint outside the formal procedure, or to be involved at the early stages in case they are needed to sit on a panel at a later date.

Complaint Heard by Governing Body Complaints Appeal Panel

The complainant needs to write to the Chair of Governors giving details of the complaint. The Chair, or nominated governor, will convene a Governing Body Complaint Appeal Panel within 21 school days. The governor's appeal hearing is the last school-based stage of the complaints process. It is not convened to merely rubber-stamp previous decisions.

Individual complaints should 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 Remit of the Governing Body 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 or procedures to ensure that problems of a similar nature do not recur.

There are several points which any governor sitting on a complaints panel needs to remember:

1. 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.
2. The aim of the hearing, which needs to 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 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 will satisfy the complainant that his or her complaint has been taken seriously.
3. An effective panel will 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 will ensure that the proceedings are as welcoming as possible. The layout of the room will

set the tone and care is needed to ensure the setting is appropriate and not adversarial.

The Role of the Clerk

It is strongly recommended 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 proceeding 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

The Chair of the Board of Governors will:

- check that the correct procedure has been followed;
- Notify the clerk to arrange the panels if a hearing is appropriate.

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 other 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 helpful 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 within seven days. 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:

- Witnesses are only required to attend for the part of the hearing during which they give evidence.
- After introductions, the complainant is invited to explain their complaint, and be followed by their witnesses.
- The headteacher may question both the complainant and the witnesses after each has spoken.
- The headteacher is then invited to explain the school's actions and be followed by the school's witnesses.
- The complainant may question both the headteacher and the witnesses after each has spoken.
- The panel may ask questions at any point.
- The complainant is then invited to sum up their complaint.
- The headteacher is then invited to sum up the school's actions and response to the complaint.
- The chair explains that both parties will hear from the panel within seven school days.
- Both parties leave while the panel decides on the issues.

Use of documentation shared during the complaints procedure

All documentation shared during the complaints procedure are confidential & remains the property of the school. All documentation must be returned to the school (Head teacher or Chair of Governors) after meetings and Panel Hearings.

Governing Body Review

The Governing Body 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. Complaints information shared with the whole Governing Body will not name individuals. The monitoring and review of the complaints by the school and the Governing Body will be used to help evaluate the school's performance.

Equal Opportunities:

At William Stockton and Wimboldsley Federated Schools we are committed to ensuring equality of education and opportunity for disabled pupils, staff, and all those receiving services from the school regardless of gender, race, and disability.

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