



SCHOOL COMPLAINTS PROCEDURE - KEY MESSAGES

General Principles of Complaints

Dealing with Complaints – Initial Concerns

Students, parents or carers can make a complaint to the school about most aspects of its function including:

- Attitude / behaviour of staff
- Teaching and learning
- Application of behaviour management systems
- Bullying
- Provision of extra-curricular activities

The school will give careful consideration to all complaints and deal with them fairly and honestly. Sufficient opportunity will be provided for any complaint to be fully discussed with the aim of finding a resolution through open dialogue and mutual understanding.

1. We 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.
2. 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 Head of Year or class teacher of the individual will 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

3. 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.

Framework of Principles

4. We need to ensure our system 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
- Provide **information** to the schools senior management team so that services can be improved

General Principles

The school should be clear about the difference between a concern and a complaint. By taking informal concerns seriously at the earliest stage, the numbers that develop into formal complaints can be kept to a minimum.

The underlying principle is that concerns ought to be handled without the need for formal procedures. For example, it would be helpful if the staff receiving the first approach were able to resolve issues on the spot, including apologising, where necessary.

Formal procedures need only to be started when initial attempts to resolve the issue are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further.

The school should:

- welcome complaints as a positive means of promoting pupil/parent satisfaction
- use complaints as a way of identifying opportunities to do things better
- listen to pupils and parents
- seek to resolve complaints swiftly
- reply with an acknowledgement letter in the first instance if a complaint is sent in by letter and state you are looking into the matter (*nothing inflames a situation more than failure to acknowledge*)
- have clear, simple to understand and use, published procedures for making complaints (**schools are required by law to have, and to make available to parents, their complaints procedures**)
- keep complainants informed about progress
- provide redress where a complaint is found to have substance
- regularly review how effective the complaints procedure is

Investigating Complaints

The person who takes forward the first formal procedure should make sure s/he:

- establishes what has happened so far and who has been involved
- clarifies the nature of the complaint and what remains unresolved
- meet the complainant or contacts them if further information is required
- clarifies what the complainant feels would put things right
- interview those involved, with an open mind
- keep notes of any interviews.
- keep the chair of governors informed without giving any details at this stage

Resolving Complaints

At each stage, the school should keep in mind ways the complaint can be resolved. It might be sufficient to acknowledge that the complaint is valid in whole or in part. It might also be appropriate to offer:

- 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



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- an explanation of the steps taken to make sure it will not happen again
- an undertaking to review school policies in light of the complaint.

The school should encourage complainants to state what actions they feel might resolve the problem at any stage. **Please remember: an admission that the school could have handled the situation better is not the same as an admission of negligence.**

The awkward or vexatious complaints

A good complaints procedure will limit the number of complaints that become protracted. But there will be occasions when a complainant becomes dissatisfied even though all stages of the procedure have been followed. If the complainant tries to re-open the same issue, again, the chair of governors can write to say that the procedure has been exhausted and the matter is now closed.

Timescales

The school will consider and resolve complaints as quickly and efficiently as possible and set realistic time limits for each action. However, where investigations are complex, new time limits can be set as long as school informs the complainant of the reason for the delay and give them new deadlines.

Legal, child protection or disciplinary proceedings take precedence over complaints procedures and timescales.

Stage 1 – Complaint Heard by a Staff Member

It is in everyone's interest to resolve complaints 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. Staff should be fully aware of the procedures and know what to do if and when they receive a complaint.

A complainant might feel they would have difficulty discussing a complaint with a particular member of staff. Be flexible and refer the complainant to another member of staff. If the complaint is about the headteacher, the complaint should be referred straight to the chair of governors.

If a staff member directly involved feels compromised and unable to deal with the matter, once again refer to another staff member. This does not have to be a more senior member of staff; the ability to consider a complaint objectively and impartially is more important.

If a complainant approaches a governor in the first instance, the complainant should be referred to an appropriate member of staff. Governors should not act on individual complaints outside the formal procedure or be involved in the early stages in case they need to sit on a panel at the later stage.

Stage 2 – Complaint Heard by the Headteacher

The headteacher will have shaped the way complaints are handled in a school and will have decided who is the most appropriate person to deal with a complaint. In a large school it may be the deputy head or a head of year. The headteacher should be kept informed of any investigation carried out and should be involved in the final decision.

If the complaint is by letter the headteacher should acknowledge the complaint within 3 school days. The acknowledgement should include a summary of the complaints procedure and a target date of 15 school days for providing a response. If this date cannot be met, the complainant should be contacted and given a reason for the delay and a revised target date.



The headteacher should meet with the complainant to discuss their concerns and find solutions. The complainant may bring a friend, family member or advocate to the meeting and Interpreting services should also be made available where necessary. The Head Teacher may find it useful to have another member of staff present to observe and record the meeting and promote staff safety. Care should be taken in these circumstances not to create an intimidating atmosphere for the complainant.

The Head Teacher should make whatever enquiries s/he considers necessary to ascertain the facts and the legitimacy of decisions taken. This may include

- Interviewing staff / pupils
- Reviewing minutes of meetings
- Reviewing school records

Pupils should be interviewed in the presence of another member of staff, or in the case of serious complaints (e.g. where the possibility of criminal investigation exists) in the presence of their parents. Again, care should be taken in these circumstances not to create an intimidating atmosphere.

It is important that the headteacher investigates complaints thoroughly and objectively. If s/he feels unable to do this (e.g. if s/he has been directly involved in the decision making process that led to the complaint) s/he should delegate responsibility for investigating the complaint to another member of the management team or the chair of governors. It is strongly advised that the headteacher (or designated person) should keep a record of interviews, telephone conversations and other documentation.

Once all the relevant facts have been established, the headteacher should provide a written response to the complainant. This should include a full explanation of decisions taken and the reasons for them. Where appropriate, it should include details of actions the school will take to resolve the complaint.

It may be useful at this point to offer the complainant a meeting to discuss the response and seek reconciliation. The complainant should be provided with details of how to contact the Governing Body if they are not satisfied with the response.

Stage 3 – Complaint Passed to Chair of Governors

The Chair of Governors decides whether to convene the Complaints Committee to look into the complaint or commission the LA to start an investigation.

If the complaint is about the headteacher then the Chair is advised to seek guidance from LA before proceeding.

Stage 4 - The Governors' Complaints Committee

If the Complaints Committee is activated this is the last school based stage of the process and should not be perceived as a rubber stamp exercise.

The meeting should allow for:

- The complainant to explain their complaint and the headteacher to explain the school's response.
- Witnesses to be brought by the complainant or the headteacher.
- The headteacher and the complainant to ask questions of each other and any witnesses.
- The committee to ask questions of the complainant, headteacher and any witnesses.



- The complainant and the headteacher to summarise their position

Having considered all the evidence and questioned all parties, the Committee can:

- dismiss the complaint in whole or in part
- uphold the complaint in whole or in part
- decide on the appropriate action to resolve the complaint
- recommend changes or actions to school system and procedures to make sure that similar problems do not recur or
- request an investigation by an officer of the local authority.

A written response detailing the decisions, recommendations and the basis on which these have been made should be sent to the complainant within 15 school days.

The Complaints Committee should feedback to the Headteacher and governors may choose to revisit or review their policies.

The school should retain a copy of all correspondence and records of meetings.

Withdrawing a Complaint

Complaints may be withdrawn in writing at any time.

The headteacher and Chair of Governors should review the issue of concern and consider whether further investigation is required through other internal management systems.

The Complainant should be notified of the right to appeal to the Secretary of State for Education or the Local Government Ombudsman if they are unhappy with the way in which procedures have been carried out.

Advice from the LA

Sometimes a complainant contacts the LA in the first instance. We cannot investigate a complaint, we can only investigate how the school has handled the complaint. So when a parent rings up we advise them to ring school and speak with the Headteacher (if a small school) or a senior member of staff (Headteacher, Deputy Headteacher or Head of Year) in a large school.

Not acknowledging a complaint either by a phone call or a letter could exacerbate the problem. It is in the schools best interest to arrange a meeting with the complainant to discuss and resolve the complaint as soon as possible.

If you have any questions or need advice on complaints please contact:

Senior Improvement Manager, Leadership & Management – Learning, The Deighton Centre, Deighton Road, Huddersfield, HD2 1JP

Tel: 01484 225185 or 860 5185

baljit.birring@kirklees.gov.uk



Stage 1: Complaint heard by Staff Member

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 that end, if staff are made aware of the procedures, they know what to do when they receive a complaint.

It would assist the procedure if the school respected 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 may consider referring the complainant to another staff member. The member of staff may 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. It is implicit that governors did not act unilaterally on an individual complaint outside the formal procedure or be involved at an early stage in case they are needed to sit on a panel at a later stage of the procedure. Any governor approached by a parent or member of staff must without commenting refer the complainant back to the relevant member of staff (not the Headteacher).

Stage 2: Complaint Heard by the Headteacher

The headteacher's influence will 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 1 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 3: Complaint Heard by the Governing Bodies Complaints Appeal Panel

The complainant needs to write to the Nominated Governor i.e. Chair of the Complaints Appeal Panel giving details of the complaint. The nominated governor, will convene a meeting with the panel.

The governors appeal hearing is an independent appeal, which 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 a 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.



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The governing body may nominate a number of members with delegated powers to hear complaints at that stage, and set out its terms of reference. These can include:

- Drawing up its procedures
- Hearing individual appeals
- Making recommendations on policy as a result of complaints

The procedure adopted by the panel for hearing appeals would normally 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 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:

- a) 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.
- b) 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.
- c) 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 informal and not adversarial.
- d) Extra care needs to be taken when the complainant is a child. Careful consideration of the atmosphere and proceedings will 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.
- e) The governors sitting on the panel need to be aware of the complaints procedure.
- f) The Complaints Panel **does not have a disciplinary function** any such issues arising should be referred to the Headteacher.



Roles and Responsibilities

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 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 Nominate 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 publicised in the procedure. 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

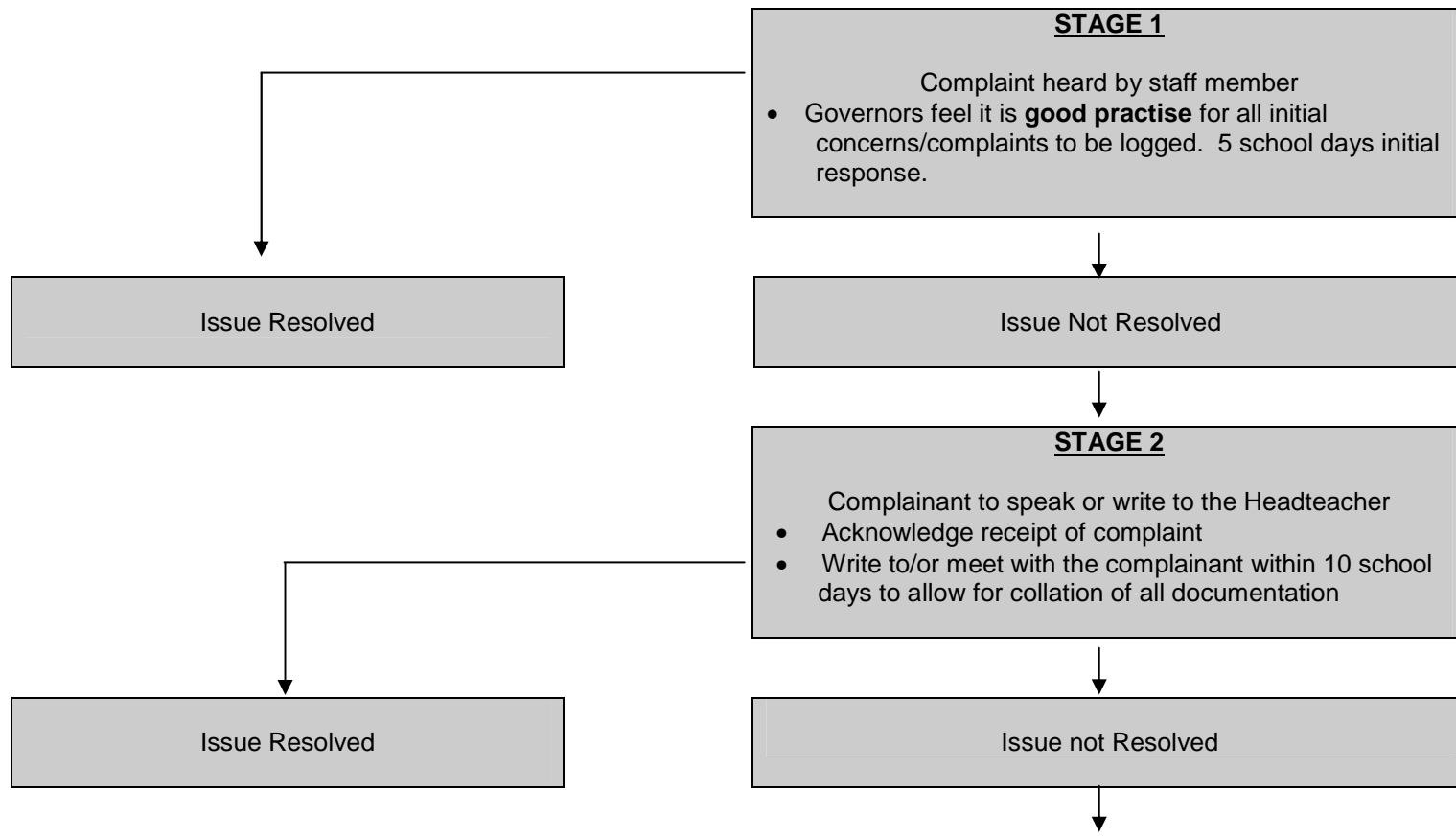
The panel needs to take the following points into account:

- The hearing is as informal as possible.
- Witnesses are only required to attend for the part of the hearing in which they give their 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.
- Both parties leave together while the panel decides on the issues.
- The chair explains that both parties will hear from the panel within a set timescale.
- The names of the people involved and the details of the incident must be kept confidential except to those people involved in the hearing.



SCHOOL COMPLAINTS PROCEDURE Flowchart

Summary of Dealing with Complaints





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STAGE 3

Complainant advised how to contact the Governing Body.

- Chair of Governors decides as to whether to convene the Complaints Committee.



STAGE 4

Governor's complaints panel meeting arranged within a further 5 school days

- Issue letter inviting complainant to meeting
- Issue letter confirming panel decision
- If there is no resolution then the Chair of Governors contacts the Head of 'Children's Services' LEA

The complainant should be notified of the right to appeal to the Secretary of State for Education or the Local Government Ombudsman if they are unhappy with the way in which procedures have been carried out.



SCHOOL COMPLAINTS PROCEDURE

Annex D – STAGE 2 onwards

Please complete and return to the Headteacher who will acknowledge receipt and explain what action to be taken.

Your Name:

Student's Name:

Your relationship to the Student:

Address:

Postcode:

Daytime 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?)



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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: