

## Complaints Procedure

### Dealing with Complaints – Initial concerns

1. It is important to distinguish between a concern and a complaint. Taking informal concerns seriously at the earliest stage will reduce the numbers that develop into formal complaints.
2. Our guiding principle is that concerns ought to be handled, if at all possible, without the need for formal procedures. It is helpful if staff are able to resolve issues promptly, including apologising when appropriate.

### Dealing with Complaints – Formal procedures

3. Formal procedures 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.
4. The Deputy Head Pastoral is the nominated complaints co-ordinator.

### Framework of Principles

5. Our Complaints Procedure is intended 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 so that services can be improved.

## **Investigating Complaints**

6. The complaints co-ordinator will seek to:

- 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**

7. At each stage in the procedure we will seek ways in which any 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.

8. Complainants may 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.

9. We will seek to 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**

10. Our complaints procedure is designed to 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 reopen the same issue, the chair of the Governing Body is able to inform them in writing that the procedure has been exhausted and that the matter is now closed.

### **Time-Limits**

11. We will seek to consider and resolve complaints as quickly and efficiently as possible, employing realistic time limits for each action within each stage. However, where further investigations are necessary, new time limits can be set and the complainant sent details of the new deadline and an explanation for the delay.

## **Stages of Complaints Procedure**

### **1. Informal expressions of concern**

#### **1.1 To a teacher**

**Heads of Year** are the usual first point of contact for parents if they have concerns about their son.

If the concern relates to a particular subject, the **Head of Department** may be approached.

Heads of Year may consult their Head of School, the Deputy Headteacher and the Headteacher, usually in that order but as they judge appropriate.

Heads of Department may consult their Head of Faculty, their Senior Team Link, the Deputy Headteacher or the Headteacher, as they judge appropriate.

The teacher receiving the expression of concern will seek to resolve it as promptly as possible, striving to do so within five working days of being alerted to the concern.

#### **1.2 To a more senior member of staff**

If the first informal attempt to resolve the matter is unsuccessful it should be referred to one of the more senior members of staff in section (a) above, preferably in the order listed.

#### **1.3 To the Headteacher and the Chair of Governors**

The Headteacher will always seek to deal with expressions of concern before they reach a more formal stage and will involve the Chair of Governors if this is deemed to be helpful.

## **2. Formal complaints**

### **The Stages of Complaints**

2.1 There are three school-based stages of complaint:

- Stage one: complaint heard by staff member (though not the subject of the complaint);
- Stage two: complaint heard by headteacher;
- Stage three: complaint heard by Governing Body's complaints appeal panel;

2.2. An unsatisfied complainant can take a complaint to the next stage.

2.3 If a complaint concerns the conduct of the headteacher or a governor, the chair of Governors will be involved in considering the complaint.

#### **Stage One Complaint Heard by Staff Member**

2.4 We will seek to resolve complaints at the earliest possible stage. The first contact between the complainant and the school should be considered a key opportunity to resolve matters.

2.5 As a general rule the school will seek to 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.

2.6 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.

2.7 Where the first approach is made to a governor, the complainant will be referred to the appropriate person and advised about the procedure. Governors should 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**

2.8 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 headteacher 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 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, will convene a Governing Body complaints panel.

The governors' appeal hearing is the last school-based stage of the complaints process. Individual complaints are not heard by the whole Governing Body at any stage, as this could compromise the impartiality of any subsequent panel set up for a disciplinary hearing following a serious complaint.

The governing body may nominate a number of members with delegated powers to hear complaints 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 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 pupil. Careful consideration of the atmosphere and proceedings will ensure that the pupil does not feel intimidated. The panel needs to be aware of the views of the pupil and give them equal consideration to those of adults. Where the pupil's parent is the complainant, the parent should be given the opportunity to say which parts of the hearing, if any, the pupil needs to attend.

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

## **Roles and Responsibilities**

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

Any panel or group of governors considering complaints should 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 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 within three school days of the hearing. The letter needs to explain if there are any further rights of appeal and, if so, to whom they need to be addressed.

Date Agreed: \_\_\_\_\_  
 Date Reviewed: \_\_\_\_\_