

Sheldon School Complaints Procedure

Part 1: The Principles

Initial concerns

Problems that arise do not usually start as complaints: they are, at first, **concerns**. Concerns ought to be handled, if at all possible, without the need for formal procedures. We will take informal concerns seriously at the earliest stage and this will reduce the numbers that develop into formal complaints.

This complaints procedure does not in any way undermine our efforts to resolve concerns informally. In most cases the class teacher or form tutor will be the first point of contact for concerns. We hope that teachers and other staff are able to resolve such issues on the spot, including apologising where necessary.

Complaints – formal procedures

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. The school has nominated Mary-Clare Leigh, the headteacher's PA, as **complaints co-ordinator** to have responsibility for the operation and management of the school complaints procedure.

Principles

Our Complaints Procedure aims 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;
- 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

At each stage the complaints co-ordinator should make 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 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 the school wants 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.

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.* We want 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

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 will inform them in writing that the procedure has been exhausted and that the matter is now closed.

Part 2: The Formal Complaints Procedure

The stages of complaints

This complaints procedure has three well-defined stages.

- **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;

Stage One: Complaint heard by a staff member

It is in everyone's interest that complaints are resolved at the earliest possible stage. Usually that can be managed through a discussion with the relevant member of staff. In such cases, the complaints co-ordinator should be informed of the complaint and appropriate records kept.

In some cases the complainant may indicate 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 another member of the senior management team. 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 complaints co-ordinator and advise them 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 the headteacher

If a complainant is dissatisfied with the way the complaint was handled at stage one or is unhappy with the outcome, s/he may wish to pursue the complaint to the second stage where it will be heard by the headteacher. The head may delegate the task of collating the information to another staff member but will make the decision on the action to be taken. Where the headteacher is the subject of the complaint it should be heard by the chair of governors.

Stage Three: Complaint heard by the Governing Body's Complaints Appeal Panel

The complainant should write to the Chair of Governors giving details of the complaint. The Chair, or a nominated governor, will convene a Governing Body Complaints Appeal Panel. This is made up of three members of the Governing Body. The members will be nominated by the Governing Body. The panel will choose their own chair. The governors' appeal hearing is the last school-based stage of the complaints process, and is not convened merely to rubber-stamp previous decisions.

Individual complaints will 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 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:

- 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.
- 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.
- 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.

Roles and Responsibilities

The role of the clerk

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

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.

Part 3: Managing and Recording Complaints

Recording complaints

The school will record the progress of the complaint and the final outcome. A complaint may be made in person, by telephone, or in writing. An example of a complaint form can be found in Annex D. At the end of a meeting or telephone call, the member of staff will ensure that the complainant and the school have the same understanding of what was discussed and agreed. A brief note of meetings and telephone calls can be kept and a copy of any written response added to the record. The complaints co-ordinator will be responsible for the records and hold them centrally. (In accordance with the race equality policy, complaints relating to racial or racist incidents will be logged.)

Governing Body review

The Governing Body will monitor the level and nature of complaints and review the outcomes on an annual 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 complaints by the school and the Governing Body can be a useful tool in evaluating a school's performance.

Publicising the procedure

There is a legal requirement for the complaints procedure to be publicised. Details of the complaints procedure will be included in:

- the information given to new parents when their children join the school;
- the school website.

Section 29 of the Education Act 2002 requires that:

(1) The governing body of a maintained school (including a maintained nursery school) shall – establish procedures for dealing with all complaints relating to the school or to the provision of facilities or services under section 27, other than complaints falling to be dealt with in accordance with any procedures required to be established in relation to the school by virtue of a statutory provision other than this section, and publicise the procedures so established.

(2) In establishing or publicising procedures under subsection (1), the governing body shall have regard to any guidance given from time to time (in relation to England) by the Secretary of State.

Section 39 of the Education Act 2002 provides the following:

“maintained school” means a community, foundation or voluntary school, a community or foundation special school or a maintained nursery school;

“maintained nursery school” means a nursery school which is maintained by a local education authority and is not a special school;

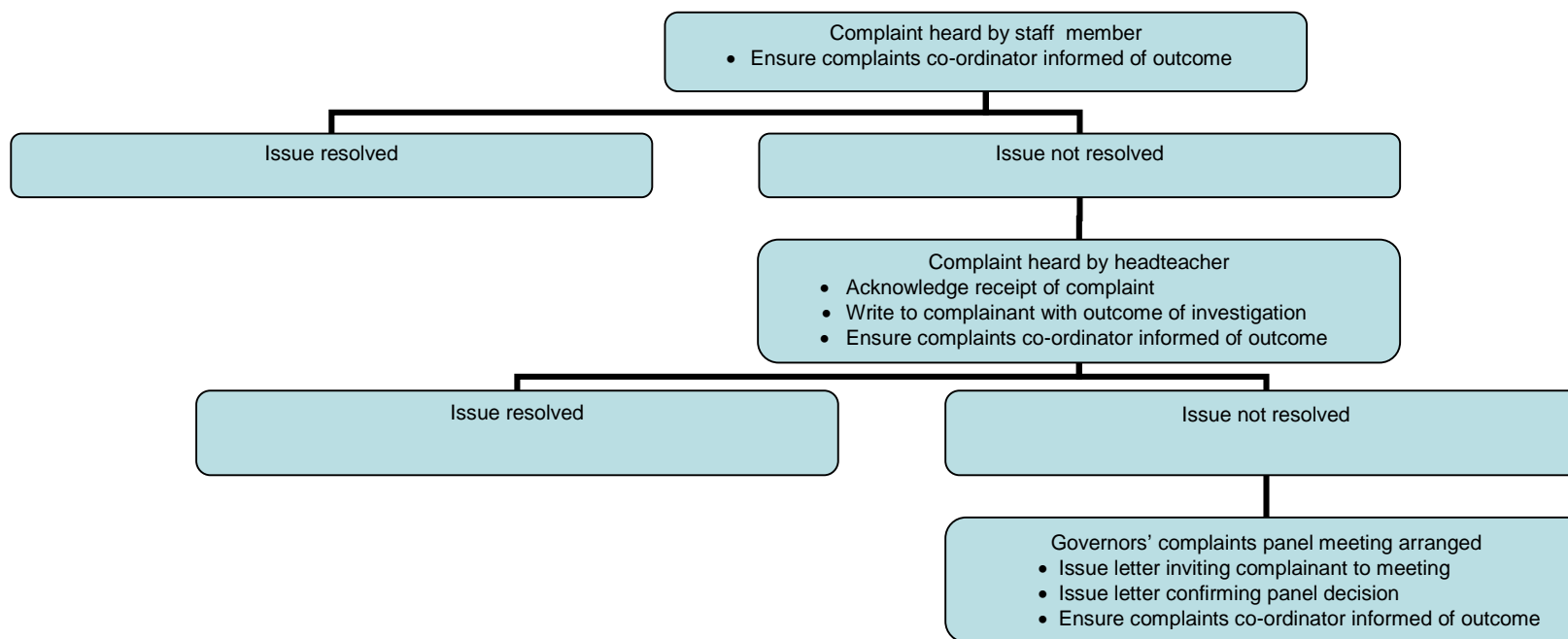
Checklist for a Panel Hearing

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 time scale.

Flowchart

Summary of Dealing with Complaints



Example of a complaint form

Please complete and return to Mary-Clare Leigh (complaints co-ordinator) who will acknowledge receipt and explain what action will be taken.

Your name:

Pupil's name:

Your relationship to the pupil:

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.
(Whom 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:

Official use

Date acknowledgement sent:

By whom:

Complaint referred to:

Date: