

Silkstone Common J&I School

GENERAL COMPLAINTS PROCEDURE FOR PARENTS AND OTHERS

1. Introduction

Our school is committed to developing a strong sense of partnership with parents/carers and other members of the local community. This provides a good basis for understanding and resolution when things appear to go wrong.

This policy describes the procedure to be followed when complaints are made by parents/carers and others about the conduct of the school or the actions of any member of staff.

2. What Constitutes a Complaint in our Procedure?

We accept the Local Government Ombudsman's definition of a complaint, which when applied to a school, covers the following areas:

"A complaint is an expression of dissatisfaction, however made, about the standard of service, actions, or lack of actions, by a school or its staff affecting an individual or a group."

Members of the public, parents/carers and pupils/students may legitimately express dissatisfaction about aspects of our work.

3. Why Have We Adopted a General Complaints Procedure:

We hope that the adoption of a clear complaints procedure will help to ensure that most complaints are resolved quickly and smoothly and as close to the source of the misunderstanding or problem as possible. In this way complainants can feel assured from the outset of a fair hearing, in line with a defined procedure for dealing with issues that have not immediately been resolved. We also hope that a staged framework might prevent an early and unnecessary escalation of the problem. In addition, we will ensure that lessons learned from the investigation of complaints will prove useful to improve the school's policy and practice.

4. The Policy's Guiding Principles

The guiding principles behind our Complaints Procedure include:

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| Simplicity | - simple, well publicised stages; |
| Access | - complainants knowing exactly where, how and to whom they should complain; |
| Speed and Clarity | - complaints being dealt with promptly, effectively and professionally within stated time limits and at as early a stage as possible; |
| Action | - action being agreed and reviewed, with complainants kept informed of progress throughout each stage of procedure; |

Objectivity	- beyond the first informal stage of investigation of a complaint against an individual, the subject of the complaint will not deal with it but will instead refer it to his or her manager or Chair of Governors where appropriate;
Development	- opportunities for the school to consider changes to current practice on the basis of what complainants are saying.

Those involved in the complaints process will ensure that it takes place in the context of the requirements of Child Protection, Special Educational Needs and other relevant procedures.

5. Our Procedure for Handling Complaints

5.1. Response Standards

We believe that most complaints can be resolved satisfactorily by informal discussion either over the telephone or through a meeting involving the key people involved.

We will normally acknowledge complaints within five working days. We will also normally provide a response or, if a lengthy investigation is involved, an update on progress, within ten working school days.

In the case of a lengthy investigation complainants will be kept informed of progress.

The main aim throughout the procedure is to resolve the matter as quickly and effectively as possible, to everybody's satisfaction.

5.2 Stage one – Informal Complaints

- Parents/carers and others should raise complaints or concerns with the child's Classteacher, Form Tutor or Head of Year -- whoever is most appropriate.
- If a parent believes that the complaint or concern is serious or sensitive s/he should talk to the Headteacher or appropriate senior manager, who will investigate, and then report back either in writing or, more usually at this informal stage, through an interview with the complainant.
- Although parents are encouraged to raise their concerns/complaints with the relevant school staff we recognise that parents may, on occasion, bring their complaint to the attention of the LEA, by telephoning, or writing to the Director of Education, Libraries and Heritage or the school's Assigned Inspector. In such cases, school staff will work with the Assigned Inspector in order to resolve the problem through the complaints procedure, involving contact/discussion with the parents.
- All colleagues involved in informal complaints should keep written records, and should record the date on which the informal complaint was made.
- Every effort will always be made to resolve the problem at this informal stage, including, possibly, the offer of a conciliation meeting.
- Complainants who remain dissatisfied at this stage will be informed that they have the opportunity to make a formal complaint. In such cases, complainants will be required to state clearly in writing that they are making a formal complaint.
- Individual complaints will not, at any stage, be heard by, or referred to, the whole Governing Body, as this could compromise the impartiality of any appeal or any disciplinary hearing against a member of staff following a serious complaint.

5.3 Stage Two: Formal Complaints

- When they express an interest in making a formal complaint, parents will be given a copy of the complaints leaflet and reminded of the ten school working day time limits included in the process.
- Formal complaints should be made in writing, should state clearly that a formal complaint is being made and will normally be investigated, in the first instance, by the Headteacher or designated senior manager.
- If the complaint directly concerns the Headteacher, however, complainants should contact the Chair of Governors, who will consult the school's Assigned Inspector and then investigate the complaint.
- Any other governors in receipt of complaints will refer them to the Headteacher or the Chair of Governors, as appropriate, and will not become further involved themselves.
- If the complainant is dissatisfied with the Headteacher's response, s/he should contact the Chair of Governors, who will consult with the School's Assigned Inspector.
- The Chair of Governors will determine a method of further investigation and provide a formal response to the complainant. The Assigned Inspector will normally be available to advise the Chair of Governors over the investigation and the response.
- If the Assigned Inspector considers that the complaint is complex or may have a legal dimension, s/he will refer it through the appropriate Head of School Effectiveness for possible support from an Education Officer.
- If the Chair of Governors feels that it would not be appropriate for him/her to investigate the complaint, s/he may delegate the Vice-Chair of the Governing Body or another governor to carry out the task and report confidentially to him/her. In exceptional circumstances the Chair of Governors might request that an Education Officer carry out the investigation.
- If a written complaint is received by the LEA, the school's Assigned Inspector or an Education Officer will consult with the Headteacher/Chair of Governors as appropriate and determine a suitable method of investigation. The complaint will then be dealt with following the complaints procedure.
- The complainant will receive a written response to his/her complaint. A meeting may also be arranged.
- If an Education Officer has carried out an investigation on behalf of the Chair of Governors, s/he will report in writing confidentially to the Chair of Governors. The Chair will normally share the whole report with the complainant, bearing in mind data protection requirements.
- If an Education Officer has carried out an investigation on behalf of the Chair of Governors, the Chair will share his/her response to the complainant with that officer and will inform the him/her a) when the complainant has been contacted and b) of the outcome.
- Colleagues investigating complaints should not visit complainants' homes. Alternative venues should be agreed.
- In some cases, a complaint may lead to disciplinary action against an individual, for which there are separate procedures. If this is the case the complainant will be informed that the complaint will be pursued through disciplinary action. Under the Governing Body's disciplinary procedures, the outcome of these procedures is confidential.

Complainants should normally receive a response to their formal complaint within twenty school working days of the receipt of that complaint.

When receiving the results of an investigation into a formal complaint carried out by/on behalf of the Chair of Governors, complainants should be informed of their right to appeal and reminded that the time limit for requesting an appeal hearing is ten school working days from the date of receiving feedback from the investigation.

5.4 Stage Three: Appeal

If they remain dissatisfied after an investigation by/on behalf of the Chair of Governors, complainants may appeal to the Grievance Panel/Hearings Committee of the Governing Body for a resolution of their complaint. A model agenda and guidance for chairs of such hearings are available from Education Officers. In serious cases, if invited by both parties, an Education Officer will make every effort to attend the hearing, to act as procedural adviser. The Committee will normally **either** a) dismiss the complaint in whole or part **or** b) uphold the complaint in whole or part. Appropriate recommendations may be made to the Headteacher or Governing Body. The decision will be communicated in writing to both sides, with reasons for the judgment given.

If the business of the appeal is not completed in one session, the meeting will be adjourned and a date agreed to re-convene. A reasonable date by which the appeal process will be closed will also be agreed before adjournment.

The appeal meeting should normally take place within twenty school working days of receipt of the request.

Under this complaints procedure there is no provision for further appeal beyond Stage Three.

If, at any point, the complainant, having exhausted the complaints procedure, attempts to re-open the same complaint, s/he will be informed in writing that the procedure has been exhausted and that the matter is now closed.

If, at any point, a complainant requests to proceed to the next stage of the complaints procedure at a time past the twenty working school day time limit, s/he will normally be told in writing that the complaint has expired.

6.0 Complaints against Chairs of Governors

In the event of a formal complaint being made against the Chair of Governors, the complaint will be heard by the Grievance Panel/Hearings Committee. The recommended procedure for Appeals Hearings will be adopted. Complainants will be informed of the limited powers of such a committee in these circumstances: if the complaint is upheld or upheld in part, the committee may make recommendations to the Chair of Governors and the Governing Body.

6.1 Complaints against Governors

A formal complaint against a governor other than the Chair should be referred to the Chair, who will investigate and then decide on appropriate action. In extreme cases this might include making a recommendation to the Governing Body about possible suspension (See *A Governor's Guide to the Law*).

**APPENDIX A
SAMPLE FORM FOR MAKING A FORMAL COMPLAINT**

FORMAL COMPLAINT
School
Name of complainant (PLEASE USE BLOCK CAPITALS)
Address (BLOCK CAPITALS)
Contact details: Telephone Mobile 'phone e-mail
I wish to make a formal complaint against The School's complaints procedure has been explained to me. DETAILS OF YOUR COMPLAINT: (please be as specific as possible. Continue on another sheet if necessary)

APPENDIX B

GUIDANCE FOR CHAIRS OF GOVERNORS/OFFICERS CONDUCTING COMPLAINTS INVESTIGATIONS

- 1) Many complaints are detailed and complex. It is recommended that the complainant be interviewed as the first step of the investigation. This interview could take place by telephone. The objects will be a) to enable the complainant to clarify the nature of the complaint and what remains unresolved, b) to enable the complainant to explain details and c) to enable the investigator to clarify/separate issues. The separation of individual issues should enable each area to be addressed separately and appropriately.
- 2) During this interview, the investigator should a) inform the complainant that the person who is the subject of the complaint will need to see a copy of the written complaint, and to obtain the complainant's permission for this in writing; b) ask the complainant what would bring closure to the issue for him/her; c) (If the complainant has unrealistic expectations of the process,) clarify exactly what the possible outcomes of the complaints procedure could, and could not, be; d) inform the complainant of the expected timescale for the whole process; e) conduct the interview with an open mind and be prepared to persist in the questioning; f) keep notes of the interview.
- 3) At the end of this interview, the investigator should agree with the complainant the issues that have been raised in the complaint. It is recommended that the investigator then writes to the complainant with these issues clearly specified, asking the complainant to sign to confirm/amend the document.
- 4) If an officer or another governor is carrying out the investigation, s/he should inform the Chair of Governors of the expected timescale.
- 5) The investigator should carry out the inquiry as quickly as possible, keeping written, dated records of interviews and other processes. Those involved in the matter, and those complained of, should be interviewed. All involved should be allowed to be accompanied if they wish.
- 6) If undertaking the inquiry on behalf of the Chair of Governors, the investigator should report confidentially in writing to the Chair and discuss the most appropriate method of sharing the results with the complainant.
- 7) The investigator should bear in mind data protection requirements and ensure that individuals are not named in the report or identified in any other way.
- 8) The investigator should consider making positive recommendations.
- 9) Normally, the entire report should be shared with the complainant. If the investigation leads to recommendations of any disciplinary procedures, no details of these may be given to the complainant. No personal information about a third party can be disclosed without that person's consent.
- 10) Sometimes the initial sharing of the report is best achieved in a meeting with the complainant. If an Education Officer or other officer has carried out the investigation, s/he will make every effort to be available for this meeting if requested by both sides. Sometimes the more appropriate time for a meeting is a short period after the

complainant has received the report. On occasions, no such meeting will be necessary at all.

- 11) It is recommended that investigators do not visit complainants' homes, and that suitable alternative venues be agreed.