



Persevere, Achieve and be Aspirational

Orchard Fields Community School Complaints Policy and Procedure

Adopted October 2017
Date for review October 2018

Complaints Policy and Procedure

Rationale

At Orchard Fields Community School, we are committed to continual self evaluation, and therefore welcome feedback on how we can improve. We wish to do the best we can by every member of our school community and therefore we actively encourage anyone involved with the school to come and discuss concerns with us, so that we can look for solutions and meet / exceed our own high expectations. However, we recognise that from time to time complaints will arise and we want to be able to deal with these effectively.

This policy sets out complaints procedures, both formal and informal, and aims to ensure that the process of dealing with concerns and complaints is consistent, fair and productive for all concerned. Through this policy/ procedures we aim to ensure that concerns and complaints are quickly resolved so that the important relationships which underpin our school community are not strained or damaged.

This policy does not cover those matters already provided for by existing statutory procedures which include:

- admission to schools
- exclusions
- special educational provision
- school reorganisation
- matters related to public exams, school records
- grievances by staff
- child abuse

At Orchard Fields Community School the complaints procedure consists of 3 stages:

- The informal stage
- The formal procedure - Stage 1
- The formal procedure - Stage 2

The Informal Stage

It is expected that if a parent has any concerns about the school or their child's education, that they discuss the matter with the child's class teacher first. The vast majority of concerns are resolved quickly and informally through discussion with the class teacher, or member of staff directly involved.

If the parent feels that a concern has not been addressed through discussion with the class teacher, or that the concern is of a sufficiently serious nature, then an appointment should be made with the Headteacher or Deputyhead. The Headteacher/Deputyhead will consider any such complaints very seriously and most complaints will be resolved at this stage. An appointment should be made with the Headteacher/Deputyhead via the school office.

It might be sufficient to acknowledge that the concern or 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.

The Formal Complaints Procedure

Stage 1

The formal procedures will need to begin 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 formal complaints procedure should also be used if the complaint is about the Headteacher.

The complainant should write to the Chair of Governors or Clerk to the Governing Body at the school address. The envelope should be marked 'FOR IMMEDIATE ACTION' and staff in the school office must ensure that the letter is forwarded without delay.

Upon receipt of a complaint, the Chair of Governors will check to ensure that the informal stage of the process has taken place, and that an attempt has been made to resolve the complaint informally. If the complaint has come to the Chair of Governors without undertaking an informal attempt to resolve the complaint, the complainant will be directed back to the appropriate stage. The only exception to this would be a complaint about the Headteacher, but it would still be expected that the complainant has raised their complaint firstly with the Headteacher, unless exceptional circumstances exist.

The nature of the complaint and the steps taken to resolve it should be clearly stated in writing.

The Chair of Governors will review the way in which the complaint has been handled by the school and ensure that the issues have been dealt with properly and fairly. The Chair of Governors will write to the complainant with the outcome of this process with 15 days of receiving the complaint.

If the complainant remains unsatisfied with the result, then they can request that the procedure moves to stage 2.

Stage 2

At this stage the complaint will be considered by a panel of 3 Governors.

Individual complaints must not be heard by the whole Governing Body, as this could compromise the impartiality of any panel set up for a disciplinary hearing against a member of staff following a serious complaint.

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.

The panel will meet to consider the complaint and make a final decision regarding the outcome on behalf of the full Governing Body. This meeting will normally take place within 15 working days of the complainant's initial request that the issues be reconsidered.

When the clerk of governors receives a copy of the complaint he/she will inform the governing body that a complaint has been received and that it has been passed to the panel to deal with. **No further information about the complaint should be shared with other governors.**

The clerk is responsible for obtaining papers setting out the case from both sides, with any supporting evidence. These should be copied and sent to panel members, parents and Headteacher five working days before the hearing. This ensures that everyone has ample time to read and understand the papers.

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.
- 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
- c) 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 not intimidating and not adversarial
- d) Governors sitting on the panel need to be aware of the complaints procedure and any other procedures relating to the complaint e.g. Anti-bullying policy.

The Chair of the Panel will be nominated by the Chair of Governors and is responsible for ensuring that both complainant and Headteacher are given a fair hearing and that the panel arrives at its judgement without fear or favour.

Remit of the panel: the complaints 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 problems of a similar nature do not recur.

It may:

- consider and, if appropriate, criticise, the way in which an operational decision was communicated – **but cannot overturn the decision itself**
- consider the thoroughness with which the Headteacher investigated a complaint about a member of staff – **but cannot expect the Headteacher to provide details about confidential discussions with that staff member.**
- consider the manner in which a complaint about any decision was addressed – **but cannot expect the Headteacher to have changed the decision**
- consider and, if appropriate, identify limitations in a policy or procedures – **but cannot make or improve policy.** (It can, however, recommend that the policy be reviewed by the governing body to ensure that problems of a similar nature do not recur, and individual panel members can subsequently play their part in improving the policy)
- consider whether it should recommend that the governing body offer appropriate redress

Format of a Panel Hearing

1. Complainant and Headteacher will enter the room where the hearing is taking place together.
2. The chair will introduce the panel members and the clerk and outline the process.
3. The complainant is invited to explain the complaint.
4. The head teacher may question the complainant.
5. The panel will question the complainant.
6. The head teacher is then invited to explain the school's actions.
7. The complainant may question the Headteacher.
8. The panel will question the Headteacher.
9. The complainant is then invited to sum up their complaint.
10. The Headteacher is then invited to sum up the school's actions and response to the complaint.
11. The chair explains that both parties will hear from the panel within five working days.
12. The chair checks that both parties have said all they wanted to say and that they feel they have had a fair hearing. If either party says 'no' the chair should attempt to rectify that before the hearing ends.
13. Both parties leave together while the panel decides on the issues.
14. The clerk will remain with the panel to clarify points and decisions.

The hearing should be made as unthreatening as possible to all parties. The panel may ask questions at any point if an immediate question will help to clarify a point. However, discipline in following the format listed above will set a good example to the other parties about respecting the structure of the process. Panel members must find ways to ask probing questions while maintaining an air of impartiality.

The Headteacher must have no contact with members of the governors' complaints panel except when the complainant is present to preserve the principle of neutrality. This means that Headteacher and complainant enter and leave the room where the hearing is held together.

The chair of the panel should discourage the introduction of fresh documentary evidence at the hearing - there should be every encouragement to produce the evidence in advance so that both sides have time to study it. However, if new and relevant evidence is accepted by the chair, the chair will adjourn the hearing for a few minutes to allow everyone to read the document. Both parties must leave the hearing room during the adjournment.

The panel will write to the complainant within 5 working days of the meeting to advise of the outcome.

The decision of the panel is final. If the complainant remains dissatisfied then the next stage would be to put the complaint in writing to the LA. The complainant has no right of appeal to the LA, but they can play a useful role in mediating between the parties and helping to reach a mutual understanding or agreement.

If the complainant remains dissatisfied with the response of the Governing Body then they have the right to refer the matter to the Secretary of State for Education on the grounds that the Governing Body has failed to discharge a statutory duty or that the Governing Body has acted, or was proposing to act unreasonably.

Monitoring, Evaluation and Review

The Chair of Governors will monitor the implementation of this policy. In the Headteacher's termly report to the Governing Body, there will be a regular analysis of the complaints made at the formal stage of the procedure.

Review

This policy will be reviewed annually by the full Governing Body. Any alterations that come from this review will be discussed and ratified at a formal meeting.