



## **Complaints Procedure**

**February 2015**

**Review July 2016**

## SCHOOL COMPLAINTS PROCEDURE

### 1. Stages of the Procedure

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, staff should know the Complaints Procedure so they know what to do should they receive a complaint. A complaint may be made in person, by telephone or in writing, but a standard complaints recording form will be used and this is attached at Appendix 1. The School procedure makes clear the time limit within which a complaint may be made. Time also needs to be allowed for the Directors to implement any changes following a complaint being upheld. A flow chart of suggested stages can be found at Appendix 2.

#### 1.1 Stage One: Complaint Heard by Staff Member (to be complete on day of complaint)

The Directors should receive complaints in the first instance. Normally the parent would be directed to take the complaint to the member of staff involved. The views of a complainant who indicates that he/she would have difficulty discussing a complaint with a particular member of staff should be respected and in these cases, the complainant can be referred to another staff member. Similarly, if the member of staff directly involved feels too compromised to deal with a complaint, the complainant may be referred 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 complaint concerns the Directors, the complainant should be advised to write to either of the school directors. In any case a full record using the schools complaint recording form (appendix 1) should be completed.

Where the first approach is made to a Director, he or she should follow up the complaint and advise the parent about the school's procedure. Individual Directors 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. Most complaints will be resolved at this informal stage.

#### 1.2 Stage Two: Complaint Heard by Director (to be complete within same day of complaint)

The Director's influence will already have shaped the way complaints are handled in the school. At this point, however, as well as pursuing their initial complaint, the complainant may be dissatisfied with the way the complaint was handled at Stage 1. The Director may delegate the task of collating the information to another staff member, but not the decision on the action to be taken. The Director should investigate the complaint, review all the information and discuss the findings, together with any recommendations or apology, with the complainant. Reconciliation should be achieved at this stage. If the complaint relates to the alleged conduct or capability of a member of staff, which could result in disciplinary action, the complaints process should be replaced by appropriate line management and disciplinary procedures. **As almost all complaints concern the day to day management of the school, few matters should need to go further.**

#### 1.3 Stage Three: Complaint Heard by Complaints Appeal Panel (within 7 working days)

If the complainant remains dissatisfied, he/she should write to either director giving details of the complaint. Sometimes the Director will be able to diffuse the situation at this point, by speaking with or writing to the complainant and reassuring him or her that the school has taken the complaint seriously. This may be sufficient to satisfy the complainant. Should, however, this prove not to be the case, the other Director will convene a Complaints Appeal Panel. The Panel will be drawn from the nominated members who are all independent from the day to day running of the school and may consist of three or five nominated persons. The Panel may choose its own chair. The complainant if they wish can be accompanied to the panel hearing.

The appeal hearing is the last school-based stage of the complaints process, and is not convened merely to rubber stamp previous decisions. The procedure adopted by the Panel for hearing appeals is part of the school's complaints procedure and is set out at Appendix 3.

### 2. 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 Person sitting on a Complaints Appeal Panel needs to remember:

- (a) All information related to the complaint and complainant, student and school is confidential and should not be discussed outside the Panel
- (b) All records should be kept in a secure locked cabinet and be kept confidential at all times
- (c) It is important that the appeal hearing is independent and impartial and that it is seen to be so. No person may sit on the Panel if he or she has had a prior involvement in the complaint or in the circumstances surrounding it.
- (d) The aim of the hearing, which should 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 that the complainant might not be satisfied with the outcome, if the hearing does not find in his/her favour. It may, however, be possible to establish the facts and make recommendations, which will satisfy the complainant that his or her complaint has been taken seriously.
- (e) An effective Panel will acknowledge that many complainants feel nervous and inhibited in a formal setting. Parents / carers 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 appears appropriate and not adversarial.
- (f) The Persons sitting on the Panel need to be aware of the entire complaints procedure.

A checklist for a Panel Hearing is attached at Appendix 3.

### **3. Roles and Responsibilities**

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

The Complaints Appeal Panel should be clerked. The clerk would be the contact point for the complainant at the third stage and be required to:

- set the date (within 7 working days of complaint), 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 all of the parties in advance of the hearing;
- meet and welcome the parties as they arrive at the hearing;
- keep written records of all complaints indicating whether they were resolved at the preliminary stage or whether they proceeded to a panel hearing;
- notify the complainant the proprietors the head teacher and where relevant the person complained about of the Panel's findings and recommendations.

#### **3.2 The Role of the School Director**

- check that the complaints procedure has been correctly followed to this point;
- if a hearing is appropriate, notify the clerk to arrange the Panel.

#### **3.3 The Role of the Chair of the Panel**

Ensure that:

- 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;
- the remit of the Panel is explained to the parties and each party has the opportunity of putting their case without undue interruption
- At least one member of the panel will be from outside the direct management or running of the school.
- parents and others who may not be used to speaking at such a hearing are put at ease encouraged to attend and are offered appropriate support to attend;
- the issues are addressed;
- key findings of fact are made;
- the hearing is conducted in an informal, although structured, manner, with each party treating the other with respect and courtesy;
- 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 all parties should be given the opportunity to consider and comment on it;
- the Panel is seen to be open minded and acting independently.

#### **4. Notification of the Panel's Decision**

The Chair of the Panel should ensure that the complainant and the Directors are notified of the Panel's findings and recommendations, in writing, within one working day of the panel's decision. The letter needs to explain that any further appeal should be addressed to the Secretary of State.

#### **5. Sharing of information.**

All correspondence, statements and records of complaints must be kept confidential but are available to the proprietor and head teacher for inspection on the school premises, they must be shown to HMI/ISI when they inspect. Copies must also be made available to the registration authority on request.

Note: This model is based on a procedure published by the Department for Education and Skills, arising from Section 29 of the Education Act 2002 and recommended to Governing Bodies, as approved by the Council on 22.3.04.

Appendix 1

**School Complaints form**

**Please complete and return to..... (Head Teacher) who will acknowledge receipt and explain what action will be taken.**

**Your name:**

**Student's name:**

**Your relationship to the student:**

**Address:**

**Post Code:**

**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.  
(Who 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 who:**

**Complaint referred to:**

**Date:**

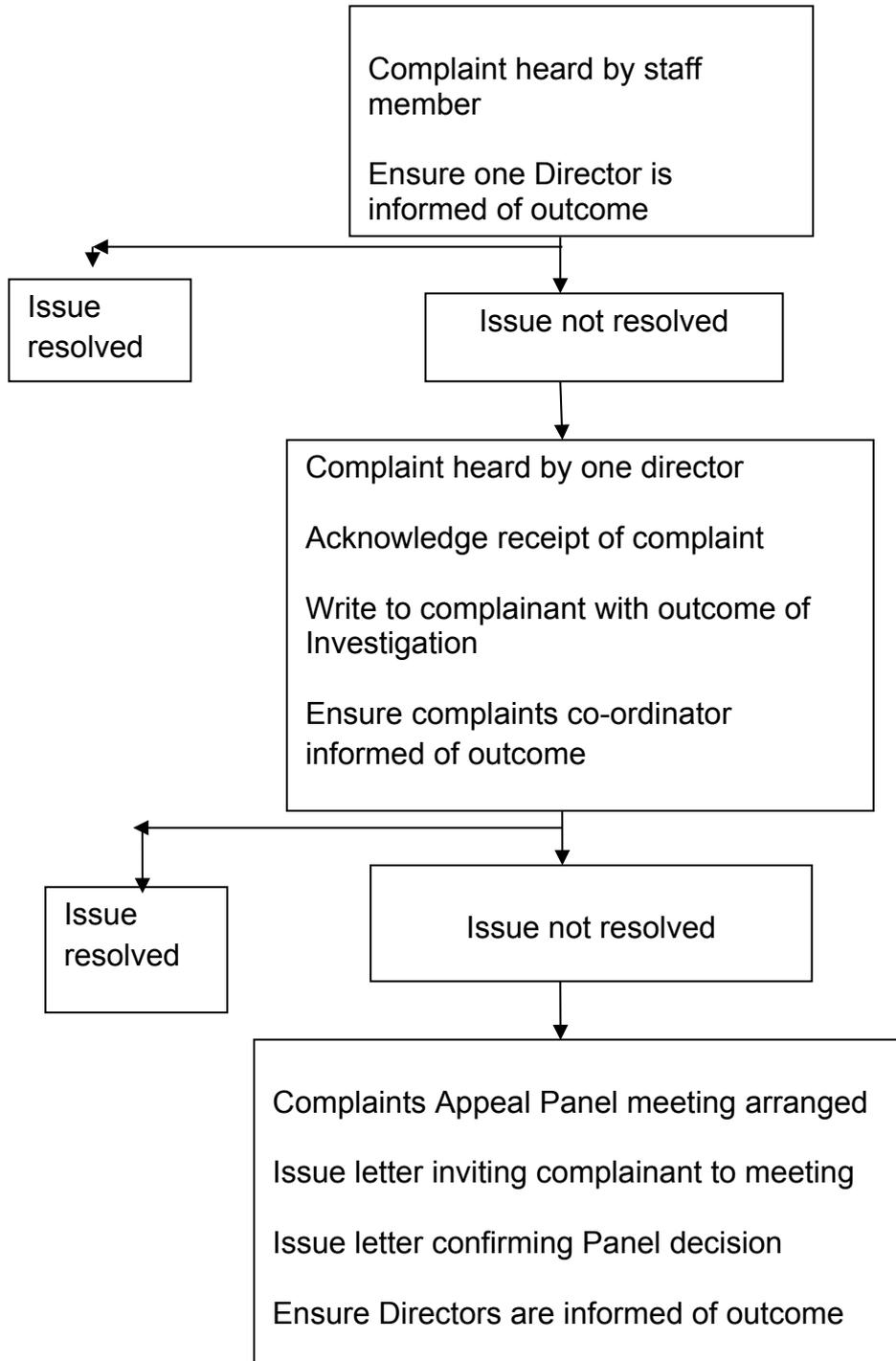
**This form needs a continuation sheet to enable the school to record the actions taken and the final outcomes**

Complaints continuation sheet..... Sheet number.....

Date.....

Appendix 2

Flow Chart



## **Appendix 3**

### **Checklist for a Panel Hearing**

The Panel needs to take the following points into account:

The hearing, while structured, is conducted as informally 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 Director may question both the complainant and the witnesses after each has spoken.

The Director is then invited to explain the school's actions and be followed by the school's witnesses.

The complainant may question both the Director 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 Director 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.