



POLICY PROGRESS GUIDE



North Tyneside Council

Beacon Hill School and Specialist College for Business and Enterprise

Complaints Policy & Guidance (For School Complaints)

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Governors
Responsibility

Partnership

Teacher Co-ordinator

Justina Terretta

Signed

13th February 2017

Date

Chair of Committee

Sheila Clapperton

Signed

13th February 2017



GUIDANCE AND PROCEDURE FOR DEALING WITH SCHOOL COMPLAINTS

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Prepared by the Clerk to the Governing body

INTRODUCTION

Any person, including members of the general public, may make a complaint about any provision of facilities or services that a school provides, unless separate statutory procedures apply (such as exclusions or admissions).

This guidance is based on the principle that, where at all possible, complaints will be dealt with informally between the school staff and the complainant, without the need to invoke formal procedures. The school will take informal concerns seriously and make every effort to resolve the matter as quickly as possible.

There are occasions when complainants would like to raise their concerns formally. In those cases, the school's formal procedure should be invoked through the stages outlined in Part 2 of this document.

Since 1 September 2003, governing bodies of all maintained schools have been required, under Section 29 of the Education Act 2002, to have a procedure in place to deal with complaints relating to the school and to any community facilities or services that the school provides. All schools must publicise their complaints procedure.

There are certain complaints that fall outside the remit of the governing body's complaints procedure. These include:

- pupil admissions;
- content of a statutory statement of special educational needs;
- school re-organisation proposals;
- matters likely to require a Child Protection Investigation;
- pupil exclusions;
- whistleblowing;
- staff grievance, capability or disciplinary procedures;
- complaints about services provided by other providers who may use the school's premises or facilities;

All of the above are dealt with under their own specific procedures and the local authority or service provider can provide advice on how to make a complaint.

Note:

The governing body should ensure that any third party providers offering community facilities or services through the school premises, or using school facilities, have their own complaints procedure in place.

GUIDANCE

The difference between a concern and a complaint

A 'concern' may be defined as 'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'. A complaint may be generally defined as 'an expression of dissatisfaction however made, about actions taken or a lack of action' that requires resolution. Complainants should always be asked what outcome to a concern or complaint they are seeking.

It is in everyone's interest that complaints are resolved at the earliest possible stage. Where informal resolution is not successful, a formal complaint should be made using the complaint form attached as Appendix A, or by letter/email to the appropriate person in the school. The benefit of submitting the complaint on the form is that this helps to focus on the issue and the preferred outcome. However, a letter/email detailing the complaint, what action has already been taken and the desired outcome is acceptable. If the complainant has communication preferences due to disability or learning difficulties then the complaint may be made in person, by telephone or in writing.

Where the complaint is against a member of staff, the complaint should be addressed to the Headteacher and where the complaint is against the Headteacher, the complaint should be addressed to the Chair of Governors.

General complaints about the school, but not specifically against any person, would usually be addressed as complaints against the management of the school and therefore addressed as a complaint against the Headteacher.

At every stage of the process, informal and formal complainants should be asked what resolution they are seeking and the individual investigating the complaint at that stage should consider whether the school can offer that solution.

Purpose of the complaints procedure

The complaints procedure aims to:

- be easily accessible, simple to understand and use
- be impartial and non-adversarial
- enable complaints to be dealt with informally and at the least senior level possible to reach a speedy and satisfactory resolution
- enable a full and fair investigation
- respect people's desire for confidentiality
- address all the points at issue and provide an effective response and appropriate redress, where necessary
- provides information to the school's senior management team so that services can be improved.

Parents, pupils and members of the public who make a complaint will be expected to comply with the procedures and work with the school to seek informal resolution wherever this is possible. Where a complaint become formal, complainants are expected to co-operate by following the procedure, listening to explanations and

wherever possible working with the school to find a speedy and satisfactory resolution.

Serial and persistent complainants

If properly followed, the complaints procedure will limit the number of complaints that become protracted. However, there will be occasions when, despite all stages of the procedure having been followed, the complainant remains dissatisfied. It is important that the school recognises when it really has done everything it can in response to a complaint. If the complainant tries to reopen the same issue, the Chair of Governors can inform them that the procedure has been completed and that the matter is now closed.

If the complainant contacts the school again on the same issue, then the correspondence may be viewed as 'serial' or 'persistent' and the school can choose not to respond. However, the school must be careful that it does not mark a complaint as 'serial' before the complainant has completed the procedure. The decision to stop responding should never be taken lightly and the school should not stop responding just because an individual is difficult to deal with or asks complex questions. Once the school has decided that it is appropriate to stop responding, it will need to let the complainant know; ideally, through a hard copy letter but an email will suffice.

While parents/carers/guardians of children should have the opportunity to raise issues about emerging problems, all members of the school community have a right to expect that their school is a safe place in which to work and learn. Therefore, violence, threatening or aggressive behaviour, repeated harassment or racially aggravated behaviour, or abuse against school staff or other members of the school community will not be tolerated.

Anonymous complaints

The governing body will not consider anonymous complaints.

Confidentiality

Complaints should be treated in confidence and information only given on a need to know basis. Complaints should not be shared with the whole governing body, except in very general terms, as governors may need to be involved at a later stage. However, the governing body may be required to consider recommendations that come out of a complaint process.

Additionally, complainants should also refrain from jeopardising a fair and impartial process by breaching confidentiality or by making public comments via social media (such as facebook and twitter) which could be detrimental to the professional reputation of a member of staff.

Support

The Clerk to the Governing body can provide advice and support to school staff and governors at any stage of the complaint. In some circumstances the Local Authority's Governor Services, Human Resources or School Improvement Service may also provide this support.

Complaints about the Headteacher

Where it's clear that the complaint is about the Headteacher and it hasn't been possible to resolve it informally, then the matter will be referred to the Chair of Governors and Stage 2 of the process will commence.

Complaints made to a governor

Where the first approach is made to a governor, the complainant should be referred to the appropriate person, made aware of the procedure and where they can obtain a copy of the complaints procedure. Individual governors should not act unilaterally in relation to an individual complaint as they may be required to be part of an Appeal panel at a later stage of the procedure, and it is important that they remain impartial for that occasion.

Publicising the complaints procedure

Whilst it's a statutory requirement for the school to publicise its complaints procedure, it is for the governing body to decide how to fulfill this requirement. Details of the complaints procedure could be included in:

- the school website;
- School prospectus;
- information given to new parents when their children join the school;
- information given to children themselves;
- bulletins or newsletters;
- documents supplied to community users;
- a specific complaints leaflet which includes a form on which a complaint can be made;
- posters displayed in public areas of the school;

Monitoring the procedure

The governing body will review this procedure regularly and at least every two to three years to make sure it is still fit for purpose. The number of formal complaints will be reviewed annually and this information can be used in self-evaluation of the school's performance.

Keeping records

Where formal procedures are followed, records should be kept at all stages. The Headteacher or a nominated Complaints Co-ordinator should be responsible for these records and hold them centrally.

It is good practice to ensure that even at the informal stage, proportionate records are being kept, in case the complaint becomes formal. Accurate information of any investigations should be documented to avoid confusion, challenge or disagreement at any later stage. Where there are communication difficulties, the school may wish to use recording devices to ensure the complainant can access and review the discussions at a later point.

Any personal information recorded regarding the complaint must be kept according to the principles of the Data Protection Act 1998.

Time limits

Complaints need to be considered and resolved as quickly and efficiently as possible. An effective complaints procedure will have realistic time limits for each action within each stage. However, where further investigations are necessary or other delays are experienced, new time limits can be set and the complainant made aware of the new deadline and the reasons for the delay. The suggested time limits in this procedure refer to school days, i.e. excluding school holidays and weekends.

It is expected that complaints will be made as soon as possible after an incident arises and no more than three months after the incident took place, except in exceptional circumstances. This could be due to new evidence coming to light or a reasonable explanation as to why the complaint could not be made earlier. The Headteacher and/or the Chair of Governors will decide whether to consider a complaint received outside of this timeframe.

Resolving complaints

Throughout the process, it is important to clear up any misunderstandings that might have occurred. Sometimes people's own perceptions of an issue may be inaccurate and by clearing up any misperceptions, it might be possible to create a positive atmosphere in which to discuss any outstanding issues and resolve the complaint at an early stage.

At each stage in the procedure, the lead person will want to keep in mind ways in which the complaint can be resolved. It might be sufficient to acknowledge that the complaint is valid in whole or in part. It would be helpful for the lead person to have some indication from the complainant what their desired outcome for resolution of the issue would be. 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 (please note that an admission that the situation could have been handled better is not the same as an admission of unlawful or negligent action);
- an assurance that the event or issue 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.

PROCEDURE

Stage 1 - Informal action

Informal action by the relevant member of staff to address the issues raised

If a concern has been raised with the class teacher and the complainant feels the issue hasn't been addressed, then they can make an informal complaint. Most complaints can be dealt with at an informal stage and resolved very quickly, which is usually the best outcome for most issues.

If the class teacher cannot resolve the complaint, then the complainant should be referred to the relevant member of staff or the Headteacher, still as part of the informal stage. If the complainant remains dissatisfied with the outcome of informal action they should put their complaint formally in writing to the Headteacher and progress to Stage 2 of the procedure.

Stage 2 - Formal action

Investigation by the Headteacher or Chair of Governors

The Headteacher (where the complaint is against a member of staff) or Chair of Governors (where the complaint is against the Headteacher) will investigate the complaint.

The written complaint will be acknowledged by the Headteacher or Chair of Governors within 5 school days.

An opportunity to meet with the complainant to discuss the grounds for the complaint can be offered as part of this stage of the process. The Headteacher or Chair of Governors will consider all relevant evidence and a written response will normally be issued within 25 school days of receipt of the complaint, or from the date when the complainant meets with the Headteacher or Chair of Governors. If this time limit needs to be extended, the complainant will be both advised of the new deadline and the reasons for the delay.

The written response will include the decision they have made and their reasons for the decision. Where the school agrees to take any remedial actions those actions will be made known to the complainant. However, the complainant would not receive detailed information on any issue that is referred to the school's corrective procedures. The written response will also advise the complainant of the action required if they are dissatisfied with the decision.

Stage 3 – Formal Action

Appeal Hearing (review by a panel of governors)

Where the complainant remains dissatisfied with the outcomes of Stages 1 and 2, they should write to the Chair (or Vice Chair of the governing body if the previous Stage involved the Chair) giving details of their concerns, requesting a Complaints Appeal panel is convened.

The complainant must request a move to Stage 3 within 10 school days of receiving the decision from Stage 2. If written notification is not forthcoming from the complainant within the deadline the issue will be considered closed except for in exceptional circumstances.

The Chair or Vice Chair will arrange an Appeal panel consisting of three governors within 25 school days. All three panel members will have no prior knowledge of the complaint. If the panel considers that an extension to the time limit is required, the Clerk to the panel will contact the complainant explaining the reasons for the delay and give an alternative date for the panel to meet.

The Clerk to the panel will invite all documentary information to be submitted by the complainant and the Headteacher (or the Chair of Governors) by a set deadline. This must be sufficient time for both parties to collate and submit their evidence and for the Clerk to copy the evidence packs and allow all those who require the documentation to have received all the relevant documentation at least 5 school days before the date of the Appeal hearing. The Clerk to the Panel may seek guidance and support from the Clerk to the Governing body who can confirm his/her role and duties in this process.

Once the deadline has passed for submission of documentary information to be presented to the Appeal hearing, additional documentation may only be considered by the panel at the discretion of the Chair of that panel.

The complainant can bring a companion with them to the hearing if they wish. Staff and Headteachers who are the subject of a complaint can also bring a friend or representative (i.e. that could be a representative of their professional association if they wish) to support them at the hearing. Neither party is able to bring legal representation with them.

The panel can make the following decisions:

- Dismiss the complaint in whole or in part;
- Uphold the complaint in whole or in part;
- Decide upon 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.

The Chair of the Appeal panel will notify the complainant of the panel's decision in writing within 5 school days, summarising the reasons for the decision and where it has been agreed action is required on behalf of the school, an indication of those actions.

Where a panel needs to re-convene to further consider the complaint, all parties will be notified of the new deadline. Consequently, a final response will be given within 5 school days of the reconvened meeting.

This is the final stage of the school's complaints procedure and the school will not consider the complaint beyond this process. If the complainant remains dissatisfied they can refer their complaint to the Secretary of State for Education via the School

Complaints Unit. The Secretary of State has a duty to consider all complaints raised but will only intervene where the governing body has acted unlawfully or unreasonably and where it is expedient or practical to do so.

Appendix A

Complaint Report Form

Name of School _____ Date _____

Name of complainant _____

Address of complainant _____

Telephone numbers: Day time _____ Mobile _____

E-mail: _____

Name of child (if appropriate) _____

Complainant's relationship to Child _____

To be completed by Complainant as fully and as accurately as possible:

Please give details of your complaint *(please continue on a separate sheet if necessary)*

What action, if any, have you already taken to try to resolve your complaint?
(Who did you speak to and when? What was the response? Why was this not satisfactory?)

What action do you consider would resolve the matter? *(please attach further information if required)*

I confirm that this is an accurate representation of my complaint.

Signed by the complainant _____ Date _____

Please return this completed form to the Headteacher or the Chair of Governors if the complaint is in respect of the Headteacher.

Please mark the envelope to the Chair of Governors 'private and confidential'.