

Churchdown School Academy



Complaints Procedures

Governors' Policy Document 2015

1. General Principles of Complaints
2. The Formal Complaints Procedures
3. Managing and Recording Complaints
4. Stages of Complaints
5. The Governing Body and its Appeal Panel
6. Notifying the School of a Complaint

Part 1: General Principles of Complaints

Dealing with Complaints – Initial concerns

1. Churchdown School believes taking informal concerns seriously at the earliest stage will reduce the numbers that develop into formal complaints.
2. Concerns ought to be handled, if at all possible, without the need for formal procedures. The requirement to have a complaints procedure need not in any way undermine efforts to resolve the concern informally. In most cases the class teacher, tutor or HOD/HOY will receive the first approach.

Dealing with Complaints – Formal procedures

3. The 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.

Framework of Principles

4. An effective Complaints Procedure will:
 - encourage resolution of problems by informal means wherever possible
 - be easily accessible
 - be simple to understand and use
 - be impartial
 - be non-adversarial
 - allow swift handling with established time-limits for action and keeping people informed of the progress
 - ensure 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
 - provide information to the school's senior management team so that services can be improved

Investigating Complaints

5. At each stage, the person investigating the complaint makes 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

6. At each stage in the procedure we will want 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 consider 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 complain
7. It would be useful if complainants were 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.
8. An effective procedure will 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

9. If properly followed, a good complaints procedure will limit the number of complaints that become protracted. However, 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 GB is able to inform them in writing that the procedure has been exhausted and that the matter is now closed.

Time-Limits

10. 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, new time limits can be set and the complainant sent details of the new deadline and an explanation for the delay.

Part 2: The Formal Complaints Procedure

The Stages of Complaints

11. An efficient school complaints procedures will have well-defined stages.
12. There are three school-based stages
 - Stage One complaint heard by staff member
 - Stage Two complaint heard by Head Teacher
 - Stage Three complaint heard by Governors complaints appeal panel
13. An unsatisfied complainant can always take a complaint to the next stage.

Part 3 – Managing and Recording Complaints

Recording Complaints

14. The school should record the progress of the complaint and the final outcome. A complaint may be made in person, by telephone, or in writing. At the end of a meeting or telephone call, it would be helpful if the member of staff ensured 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.

Governing Body Review

15. As well as addressing an individual's complaints, the process of listening to and resolving complaints will contribute to school improvement. When individual complaints are heard, the school may identify underlying issues that need to be addressed. The monitoring and review of complaints by the school and the GB can be a useful tool in evaluating a school's performance.

Complaints Procedure

Stage One: Complaint Heard by Staff Member

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, if staff are made aware of the procedures, they know what to do when they receive a complaint.

It would assist the procedure if the school respected the views of a complainant who indicates 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 Head Teacher, the complainant will be referred to the chair of governors.

Similarly, if the member of staff directly involved feels too compromised to deal with a complaint, the school 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 appropriate person and advise them about the procedure. It would be useful if governors did 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 Headteacher

At this point, the complainant may be dissatisfied with the way the complaint was handled at stage one as well as pursuing their initial complaint. The head may delegate the task of collating the information to another staff member but not the decision on the action to be taken.

Stage Three: Complaint Heard by the Governing Body Complaints Appeal Panel

The complainant needs to write to the Chair of Governors giving details of the complaint. The Chair, or a nominated governor, will convene a GB complaints panel. The complaints panel will have at least one independent person who is not involved in the day to day running of the academy.

The governors' appeal hearing is the last school-based stage of the complaints process, and is not convened to merely rubber-stamp previous decisions. Individual complaints would not be heard by the whole GB 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 panel can be drawn from the nominated members and may consist of three or five people. As stated above the complaints panel will have at least one independent person who is not involved in the day to day running of the academy. The panel may choose their own chair.

The Remit of The Complaints Appeal Panel

The panel can:

1. Dismiss the complaint in whole or in part
2. Uphold the complaint in whole or in part
3. Decide on the appropriate action to be taken to resolve the complaint
4. 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 observe:

- 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. However, it has to be recognised the complainant might not be satisfied with the outcome if the hearing does not find in their favour. It may only be possible to establish the facts and make recommendations which will satisfy the complainant that his or her complaint has been taken seriously.
- c. Extra care needs to be taken when the complainant is a child. Careful consideration of the atmosphere and proceedings will ensure that the child does not feel intimidated. The panel needs to be aware of the views of the child and give them equal consideration to those of adults. Where the child's parent is the complainant, it would be helpful to give the parent the opportunity to say which parts of the hearing, if any, the child needs to attend.
- d. The governors sitting on the panel need to be aware of the complaints procedure.

Roles and Responsibilities

The Role of the Clerk

Any panel or group of governors considering complaints should be clerked. 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 or the Nominated Governor

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; this is usually within a set deadline which is publicised in the procedure.

Checklist for a Panel Hearing

1. The hearing is as informal as possible
2. Witnesses are only required to attend for the part of the hearing in which they give their evidence
3. After introductions, the complainant is invited to explain their complaint, and be followed by their witnesses if they wish call witnesses
4. The Head Teacher may question both the complainant and the witnesses if present after each has spoken
5. The Head Teacher is then invited to explain the school's actions and be followed by the school's witnesses if they wish to call witnesses
6. The complainant may question both the Head Teacher and the witnesses if present after each has spoken
7. The panel may ask questions at any point
8. The complainant is then invited to sum up their complaint
9. The Head Teacher is then invited to sum up the school's actions and response to the complaint
10. Both parties leave together while the panel decides on the issues
11. The chair explains that both parties will hear from the panel within a set time scale.

Notification of a Formal Complaint to Churchdown School Academy

1 Parents' or Carer's Names

2 Contact Details

Address
Home Phone
Mobile Phone
E Mail

3 Student's Name

4 Details of Complaint

Date of Incident
Location
Staff Involved
Students Involved

Additional Information

(continued)

5 What action has already been taken to try and resolve the issue?

6 What action could be taken by the school to help resolve the issue?

7 Signature and Date