



Policy Statement & Procedures

# Complaints



# Complaints Policy Statement & Procedures

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<b>Signed by Representative of the Governing Body:</b> 		

## Scope

This document is applicable to the following:

✓	Parent/s & Carers	✓	Staff	✓	Community
	Children	✓	Governors	✓	Volunteers/Visitors
✓	Contractors				

## Policy Statement

The school will:

- Manage complaints in accordance with guidance from relevant legislation including the *Education Act 2002: Section 29* and *Complain about a School Guidance (DfE website, 2014)*;
- Ensure the procedure:
  - Is well publicized and easily accessible
  - Is simple to understand and use
  - Is impartial
  - Is non-adversarial
  - Allows swift handling with established time limits for action and keeping people informed of the progress
  - Allows a mediation process if agreed by the complainant
  - Allows for a hearing of a panel of Governors, where appropriate
  - Respects people's desire for confidentiality, wherever possible
  - Addresses all points of issue, provide an effective response and appropriate redress where necessary
  - Provides information to the school's Senior Leadership Team so that services can be improved.
  - Allows for a full and fair investigation by an independent person where necessary;
- ensure that procedures for complaints are publicized and published via the school's website;
- ensure that the procedures set out in this document are followed equitably and fairly in all cases;
- ensure that all complaints are taken seriously and that all parties involved in such will be kept fully informed in recognition of the school's ongoing commitment to partnership;
- ensure complainants know that the decision of the Board of Governors is final and cannot be appealed;
- use all complaints as an opportunity to further review best practice;
- provide complainants with contact details for the Secretary of State whom they may write to if they feel the school has acted unreasonable or not followed set procedures (*Secretary of State for Education and Skills, Department for Education and Skills, Sanctuary Buildings, Great Smith Street, London, SW1P 3BT*);

- ensure confidentiality and that all correspondence will be treated with discretion and investigators will be sensitive to the feelings of those involved – however some information may need to be shared in order to carry out a thorough investigation;
- ensure that appropriate amendment is made if a complaint is found to be justified;
- ensure all complaints are recorded and monitored by the Board of Governors to identify issues and allow any lessons to be learned;
- ensure staff and governors are appropriately trained and/or briefed to strengthen their skills in dealing with people who wish to complain;
- invoke formal procedures when initial informal attempts have been unsuccessful and the person/s raising the concern remain dissatisfied and wish to take the matter further;
- ensure that staff who may be questioned as part of a complaints procedure are treated fairly and have an opportunity to respond to the issues raised by the complainant – they will also be offered support, if required, to respond to any investigation into a complaint;
- make a decision as to whether to apply disciplinary or capability procedures if it becomes apparent the complaint has the potential to be a disciplinary issue and the complainant will be notified of this as the outcome (e.g. 'The matter has been referred to the appropriate procedures');
- ensure that the Chair of Governors write to the complainant (with the support of the school's legal advisors) should they become vexatious informing them that the Board of Governors has exhausted the procedure and the matter is now closed;
- not consider any complaint about a matter which is more than three months old, unless the Chair of Governors considers the nature of the complaint to be exceptional and in the public's best interest to uphold.

## **Related Documents**

This policy and procedures should be considered in relation to the guidance listed above and:

- Freedom of Information Policy Statement and Procedure;
- Special Educational Needs and Disability Policy Statement and Procedure;
- School Admission Policy Statement and Procedure;
- Equality Policy Statement and Procedure;
- Child Protection Policy Statement and Procedure.

## Procedures

**The Board of Governors of Henry Hinde Infant School have adopted the following procedures to deal with formal complaints from members of the school community or general public.**

### **Dealing with concerns at the earliest opportunity:**

If parents, pupils or members of the public have concerns they should:

1. Discuss their concerns with the member of staff most directly involved *and, if not satisfied*;
2. Discuss their concerns with a senior member of staff *and, if not satisfied*;
3. Discuss their concerns with the Headteacher. This discussion with the Headteacher is **Stage 1 of the formal process**.

Discussions at Stage 1 may be prompted by a letter or similar communication being received by the school – this does not mean that the concerns are automatically escalated to Stage 2 of the procedure. Stage 2 of the procedure will only be pursued if discussions at Stage 1 have failed to reassure or alleviate the concerns that have been raised.

At each stage in the procedure, the school will keep in mind ways in which a concern or complaint can be resolved. 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 appropriate 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;
- a commitment to review school policies in light of the complaint.

Complainants should be 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. Equally, an effective procedure will identify areas of agreement between the parties. It is also of importance to clarify any misunderstandings that might have occurred as this can create a positive atmosphere in which to discuss any outstanding issues.

**Only where all these avenues have been tried and found unsatisfactory should the complainant take a complaint to the Chair of the Board of Governors (Mr Mike Soley) or Clerk to the Board of Trustees (Mrs Tracey Burns).**

### **Making a Complaint to the Board of Governors - Stage 2**

Where informal attempts have been unsuccessful in resolving a complaint, the complainant should write to the Chair of Governors or Clerk to the Board of Governors at the school address. The envelope should be marked 'FOR IMMEDIATE ACTION' 'PRIVATE AND CONFIDENTIAL' and staff in the school office will ensure that the letter is forwarded without delay.

The complainant will be asked to complete a complaint form (Appendix 1), if they have not already done so, as a way of ensuring that the Board of Governors has the relevant information they require to consider the complaint in full. The Chair of Governors or Clerk will offer to help an individual to complete the form if appropriate.

On receipt of the complaint form the Chair of Governors (or other Governor) will:

- 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;

- ensure that the above actions are taken within 5 working days of the Chair receiving the school's complaint form, or as soon as practicably possible (e.g. in the case of a complaint form being received close to or during school holidays, etc.).

At this point the Chair of Governors will decide whether the complaint should go straight to the Governor's complaints panel or whether a mediation stage should be offered. Mediation can only proceed if the complainant and the Headteacher are willing for it to be tried. If mediation is not successful, the complaint will be considered by the Governor's complaints panel. The complainant will be notified of this outcome in writing.

## Mediation

Mediation can be a good way to resolve a complaint because:

- It gives both complainant and Headteacher another opportunity to hear each other's points of view (with a third party facilitating);
- It gives the third party an opportunity to help the Headteacher and complainant identify and build on areas of agreement;
- It gives the Headteacher and complainant a structure within which they can resolve remaining differences;
- If both complainant and the Headteacher emerge from the mediation satisfied, that is the best foundation for a continuing positive relationship between them;
- Even if the complaint continues to a Governor's panel, the issues to be considered are likely to be much clearer following the mediation.

Mediation may elicit one or more of the responses listed below from either party:

- an acknowledgment that the complaint is valid in whole or in part.
- an appropriate 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 acceptance that the complaint needs go no further
- a commitment to review school policies in light of the complaint.

See Appendix 2 for further information on Mediation.

## Governor's Complaints Panel

Where the complainant is still not satisfied that their complaint has been dealt with fully and properly, they may choose to take it to a panel of Governors.

### Establishing a complaints panel

The Board of Governors will agree the composition of the complaints panel at the first meeting of the Board each year. The Board of Governors reserves the right to substitute Governors within the complaints panel dependent on factors such as availability, whether any Governors have prior knowledge or have a conflict etc. and the decision will be made by the Chair of Governors.

When the Clerk of Governors receives a copy of the complaint form she will inform the Board of Governors 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.**

**There are several points which any Governor sitting on a complaints panel needs to remember:**

a) It is important that the 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.

The Chair of the Panel will be nominated by the Chair of Governors and is responsible for ensuring that both complainant and the Headteacher are given a fair hearing and that the panel arrives at its judgment 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 and ask for the decision to be reviewed—**but cannot expect the Headteacher to have changed the decision**;
- Consider and, if appropriate, identify limitations in a policy or procedures —**but cannot make changes to the policy**. (It can, however, recommend that the policy be reviewed by the Board of Governors 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 Board of Governors offer appropriate redress.

## Format of a Panel Hearing

1. Complainant and the 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 Headteacher may question the complainant.
5. The panel will question the complainant.
6. The Headteacher 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. Both parties leave together while the panel decides on the issues.
13. The clerk will remain with the panel to clarify any issues.

## Notes

The hearing should be made as unthreatening as possible to all parties.

The panel may ask questions at any point. Panel members must find ways to ask probing questions while maintaining impartiality.

The Headteacher must have no contact with members of the Governor's Complaints Panel except when the complainant is present to preserve the principle of neutrality. This means that the 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.

## Exceptional Circumstances

For the sake of clarity, the description above does not cover exceptional circumstances which might include:

- The Chair of Governors may not be able to find three governors who have no prior knowledge of the case

If a case has become a major talking point around the community, the Chair can nominate three Governors with minimal prior knowledge. If there are still insufficient Governors able to sit on a panel, the Board of Governors will put in place an alternative fair process. This may include consultation with Governor Services (01926 745137) and/or approaching Governors/Trustees from neighbouring schools within the West Rugby Professional Learning Cluster.

A complaint to the Governor's Complaints Panel will never be against a junior member of staff (it may be against the way the Headteacher handled a complaint against a junior member of staff) but it is conceivable that a senior manager will appropriately stand in for the Headteacher. That would need to be considered very carefully but if agreed the senior manager would be 'the Headteacher' for the purpose of the panel.

There may be exceptional circumstances in which the complaint is against the Chair of Governors —e.g. for refusing to deal with a complaint. In those circumstances the procedure above would be adapted and every reference to 'Headteacher' would be read as 'Chair of Governors'.

## Writing the decision letter

The clerk should ensure that she has clear wording stating the panel decision about each of the issues that the panel considered before the panel is allowed to finish. The clerk will use that wording to draft the decision letter. This should be sent to all members of the panel for checking. Once approved by all three panel members, it should be sent to the complainant with a copy to the Headteacher.

The letter should clearly express how seriously the panel considered the complaint.

The clerk should be careful that the letter sticks to the facts and gives no hint of partiality.

The clerk should ensure that the letter reaches the complainant and the Headteacher by the deadline stated in a statement by the chair at the end of the hearing —usually five working days.

## Monitoring Complaints

As well as addressing an individual's complaint, the process of listening to and resolving complaints would contribute to school improvements. When individual complaints are heard, schools may identify issues that need to be addressed. The monitoring and review of complaints by the school and Board of Governors can be useful in evaluating the school's performance. Any discussion of complaints by the Board of Governors or others in the school community should not name or be able to identify individuals.

# Appendix 1: Model Complaint Form

# Henry Hinde Infant School Complaint Form

Please complete and return to *Tracey Burns, Clerk to Governors* who will acknowledge receipt and explain what action will be taken.

Your name:.....

Address:.....

.....

Postcode: .....

Daytime telephone number: .....

Evening telephone number: .....

If applicable, name of child(ren) at school:

Please give details of your complaint (or attach separate sheet):

What action, if any, have you already taken to try and resolve your complaint? (Who did you speak to and what was the response?)

Your relationship to the school, e.g. parent, carer, neighbour, member of public:  
**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 of acknowledgement sent:** .....  
**By Whom:**.....  
**Complaint referred to:** .....  
**Date:** .....

## Appendix 2: Mediation

### The benefits of mediation

Mediation can be a good way to resolve a complaint because:

- It gives both complainant and the Headteacher another opportunity to hear each other's points of view (with a third party facilitating);
- It gives the third party an opportunity to help the Headteacher and complainant explore and build on areas of agreement;
- It gives the Headteacher and complainant a structure within which they can resolve remaining differences;
- If both the complainant and the Headteacher emerge from the mediation satisfied, that is the best foundation for a continuing positive relationship between them;
- Even if the complaint continues to a Governor's panel, the issues to be considered should be much clearer.

Mediation may elicit one or more of the responses listed below from either party:

- an acknowledgment that the complaint is valid in whole or in part.
- 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;
- a commitment to review school policies in light of the complaint.

Recourse to mediation must be with the agreement of both parties and is intended to help arrive at a mutually agreeable solution—it is not possible to impose this on either party. Nor does it prevent a complainant having recourse to formal appeals procedures as detailed.

### In-house mediation

Many Chairs of Governors and other governors already have the skills—or can acquire the skills—to conduct a mediation process between their Headteacher and a complainant. The skills and attributes include:

- ability to listen impartially to both sides;
- ability to control a dialogue so that both sides listen to each other;
- ability to summarise the arguments and focus the dialogue;
- ability to identify areas of agreement that might form a basis for resolving one or more of the issues relating to the complaint;
- understanding that solutions cannot be imposed and that both parties need to be satisfied with whatever is resolved;
- understanding that mediation does not always work and there is a further step available to complainants.

### **If the Board of Governors requires outside help**

Governor Services offers a mediation service where a trained clerk, governor or adviser acts as mediator.

The mediation 'package' consists of the following elements:

- familiarisation with the background and nature of the complaint (including the reading of supporting documentation and interviews with the complainant, staff and governors as appropriate. These may be 'face to face' or by telephone);
- a mediation meeting between the complainant and a representative of the school;
- a written summary of the mediation meeting including, where appropriate, recommendations in relation to school policies, procedures and actions.

Mediation will be undertaken by a trained clerk, governor or adviser not directly linked to the school in order to ensure complete impartiality.

This service can be accessed on a consultancy basis. The standard cost of the above package is a half day unit. Where the process of familiarisation with the background to the complaint indicates that a half day of consultancy is likely to be inadequate, the school will be advised of this fact before proceeding further.

**To access the mediation service contact Governor Services on 01926 745137.**

### **Support and Training:**

For advice or training in relation to the process please contact **Governor Services on 01926 745137.**