
COMPLAINTS POLICY

Rationale

The School and its Governing Body aim to establish and promote an effective working relationship with all stakeholders and partners who have an interest in the operation and organisation of the School.

The School is required by law under Section 29 of the Education Act 2002 to have in place and to publish a procedure for the handling of complaints relating to the School and to any community facilities and services that the School provides.

The great majority of concerns can be resolved informally, for example by telephone or in person and where possible the School will make every effort to resolve issues in this way. However a person raising a concern may sometimes think that action has not been taken over a significant problem, that the issue has not been satisfactorily investigated or that a wrong decision has been made. It is for these and similar reasons that a procedure is required in order to manage any complaint that may be raised.

This Policy is based on:

- Guidance for Schools and Governing Bodies – Dealing with Complaints - LBC
- School Complaints Procedure – LBC
- School Complaints Procedure – DCSF (2002)

Aims

- To encourage resolution of problems by informal means wherever possible
- To be easily accessible and publicised
- To be simple to understand and use by all
- To ensure that all concerns raised and complaints made are dealt with promptly, thoroughly and fairly with established time-limits for action and keeping everyone informed of progress
- To describe the processes that may be used by a person wishing to raise an issue of concern to them
- To respect people's desire for confidentiality
- To provide information to the School's Leadership Team so that services can be improved
- To protect the rights of all stakeholders in the raising or receiving of a complaint

Implications

Those raising a concern or making a complaint and those receiving such concerns or complaints must both understand and recognise the processes established to deal with the issues raised.

All staff must be aware of and follow School complaints procedures.

No actions within this policy's remit may overrule or jeopardise the proper conduct of Grievance, Complaint or Disciplinary procedures under the Conditions of Employment of any member of staff.

Related policies to this include:

All Current School Policies

Conditions of Employment of Staff

LA and National Grievance and Disciplinary procedures relating to employees in the School

Health and Safety Policy

Equal Opportunities Policy

Agreed by the Governing Body

on July 2015

Amended

Ratified by Governors

Implementation to be monitored by

HT

By Full Governing Body

Reviewed

on September 2015

To be reviewed

by September 2016

COMPLAINTS POLICY PROTOCOLS, PROCESSES AND PROCEDURES

APPENDIX ONE

General Principles

Dealing with Complaints – Initial Concerns

The School will take all informal concerns seriously at the earliest stage in order to resolve the issues as swiftly and effectively as possible and it is envisaged that the majority of concerns will be managed in this way to reduce the need to invoke formal complaint procedures. There are a variety of mechanisms through which concerns can be raised such as:

- Parents' Evenings
- Tutor Evenings
- Subject Evenings
- Academic Review Days
- The Home/School Agreement
- Reports
- Interviews with staff

Investigating Complaints

When a complaint is received, the actions such as those listed below will be put into operation; this list is not an exhaustive or exclusive list:

- Establish what has happened to date and who has been involved and advise appropriate line managers
- Clarify the nature of the complaint and what remains unresolved
- Meet with the complainant or contact them
- Clarify what the complainant feels would put things right
- Interview and/or seek information from those involved in the matter and/or those complained of, allowing them to be accompanied if they wish
- Seek the advice of outside agencies in information provision / advice
- Conduct the interview with an open mind and be prepared to persist in the questioning
- Keep notes of the interview

Resolving Complaints

The School will, following investigation, acknowledge the extent to which the complaint is valid ie in full, in part or not at all. If it is acknowledged as being valid to any extent then one of the following actions may be appropriate to offer; the actions listed are not an exhaustive or exclusive list:

- An apology
- An explanation
- An admission that the situation could have been handled differently or better (not an admission of negligence on the part of the School)
- An assurance that the event complained of will not occur again
- 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

Vexatious Complaints

It is anticipated that if the procedures of this policy are followed then the number of protracted complaints will be limited. However there will be occasions when the complainant remains dissatisfied despite all stages of the procedure having been followed. If the complainant tries to reopen the same issue the Chair of the Governing Body is able to inform them in writing that the procedure has been exhausted and that the matter is now closed.

Time Limits

All complaints need to be resolved within reasonable time limits whilst bearing in mind the need to be both thorough and efficient. However there will be occasions when any of the time limits listed below may need to be extended due to the complexity of the investigation or the unforeseen absence of key members of staff involved in the complaint. Should such an occasion arise then the complainant shall be advised of the situation and a new indicator time limit established; if the reasons for delay are unlikely to be resolved then the complainant will be advised of the alternative course of action to ensure the complaint is handled.

The Time Limit guidelines:

- An acknowledgement of the complaint within 2 working days or sooner upon receipt (either by telephone, in person, email or in writing by School) or 5 days in the case of the Chair of Governors
- An update / resolution within no more than 7 working days from the date of receipt as to the progress of the investigation
- An offer of an interview with the complainant by the School within 7 working days from the date of receipt if appropriate
- An offer of an interview with the Chair of Governors to the complainant within 20 working days if appropriate
- All complaints should be raised within 20 working days of the alleged incident to allow for full and proper investigation to be conducted. Any complaints received after this time may not be considered for action.

If the complainant requests the complaint to be considered by the Complaints Panel then the following timescale applies:

- An acknowledgement of receipt by the Chair of Governors within 5 working days should a request be made by the complainant to the Governing Body for the matter to be considered by the Complaints Panel of the Governing Body
- Inform complainant of the outcome of the consideration in accordance with the procedures within 10 working days of receipt of request for the complaint to be considered by the Complaints Panel
- A meeting of the Complaints Panel within 10 working days following the decision by the Chair for the Complaints Panel to consider the complaint and to decide as to whether a meeting with the complainant will be offered in accordance with procedure
- An offer of a meeting to the complainant within 10 working days once a decision to offer such a meeting has been reached
- An outcome of the hearing to be communicated to the complainant within 5 working days of the meeting

It is the commitment of the School that these time limits will not be exceeded and that the complaint is resolved well within the time limits but should it be necessary to extend the time limits then the complainant shall be informed as to the new deadlines and given an explanation.

COMPLAINTS POLICY PROTOCOLS, PROCESSES AND PROCEDURES

APPENDIX TWO

The Stages of Complaints

- The concern or issue should be raised, in the first instance with the student's Form Tutor (If the matter concerns this teacher, then it should be referred to the Pastoral Leader or the Curriculum/ Subject Leader of that teacher)
- If a satisfactory solution is not reached then the matter should be raised with the relevant Pastoral / Curriculum / Subject Leader or their line manager (a member of the School's Leadership Group)
- If a satisfactory solution is still not reached, then a complaint should be made to the Headteacher, either personally or in writing
- If the problem is still not resolved then a complaint should be made in writing to the Chair of the Governing Body
- If the problem is still not resolved after consultation between the Chair of Governors and the Headteacher then the complainant may request the complaint be investigated by the Governing Body's Complaints Panel although such incidences are rare
- If the complainant considers that the problem has not been resolved by the Governing Body the complainant has the right to make a complaint in writing to the Director of Children and Learning who, whilst having limited powers of intervention, will investigate whether the School has followed its Complaints Policy and its procedures.

There are occasions when a concern or complaint is raised with a number of people for example, the member of staff directly with copies to the Headteacher and Chair of Governors. Should this be the case then the stages of complaint will be followed but acknowledgement of the complaint will be given by all parties within the time limits laid out previously.

COMPLAINTS POLICY PROTOCOLS, PROCESSES AND PROCEDURES

APPENDIX THREE

Other Complaints

- If the initial concern is about the Headteacher, it should be raised in writing with the Chair of the Governing Body.
- If the concern is about a particular member of the Governing Body, it should be raised in writing with the Chair of the Governing Body.
- If the concern is about the Chair of the Governing Body, it should be raised in writing with the Director of Children and Learning.
- If the complaint is that the Governing Body is acting 'unreasonably' or is failing to carry out its statutory duties properly, the complainant should write to the Secretary of State for Children, Schools and Families.

COMPLAINTS POLICY PROTOCOLS, PROCESSES AND PROCEDURES

APPENDIX FOUR

Unacceptable Behaviour by a Complainant

It may be that a person wishing to express a concern or make a complaint will approach a member of the support or teaching staff in an agitated state. It is not acceptable, however, that the member of staff should be treated or spoken to in an aggressive manner or rudely, or that (s)he should suffer abuse or harassment. If such a situation does occur, the following procedure should be adopted:

- The person should be urged to be calm and moderate in expressing their concern
- If unacceptable behaviour continues, the person should be asked again to be calm and moderate, and the staff member should consider where support can be sought (Line Manager, colleague, etc)
- If the behaviour continues, the staff member should seek support and warn the person that they should be calm and moderate or will be asked to leave the premises.
- Any further unacceptable behaviour will lead to the person being asked to leave the premises. The Line Manager and Senior colleague(s) should be immediately informed, where possible, and will give support to the staff member. If necessary, the assistance of the police may be requested.
- After any such incident, the staff member and any witness(es) should give a written account of the incident. Further action may then be considered by the staff member and/or the Head Teacher and the school's Governing Body.
- Any complaint about the possible abuse of a person by a staff member will be dealt with in accordance with the relevant conditions of employment and Luton Human Resources policies and guidance.

**COMPLAINTS POLICY
PROTOCOLS, PROCESSES AND PROCEDURES**

APPENDIX D

Manner of Response to a complaint received by the Governing Body

Any complaint received by the Chair of Governors must first be checked to see whether or not it is:

- An allegation of professional misconduct by a member of staff
- A complaint that involves racism or other equality issues
- A complaint that involves a statutory appeals procedure
- An allegation of physical/sexual/emotional abuse by an adult
- An allegation of inappropriate sexual behaviour of another pupil
- A complaint against the Governing Body
- An anonymous complaint

If any of these are applicable, the relevant statutory, national or LA procedures must be followed; Governors must not proceed with this complaints policy.

Otherwise the Chair of Governors will act as follows:

If a complaint is received by the Chair of Governors, the Chair will:

- Within 5 school days acknowledge in writing, receipt of the complaint
- Request the Headteacher to investigate the complaint on their behalf and where possible resolve the matter and respond directly to the complainant
- Upon receipt of request for the complaint to be heard by a Complaints Panel, acknowledge receipt within 5 days and respond within 10 working days as to whether the formation of such a panel is appropriate
- Consider whether the matter should be dealt with by a Governors' Complaints Panel during the 10 working day period. Consideration should include whether procedures have been correctly followed, the outcomes of attempts to resolve the complaint are reasonable and finally whether the complaint is vexatious in nature
- Establish a Complaints Panel of 3 Governors (not including School employees or the Chair of Governors) to address the complaint, should the complaint in part or in full remain unresolved and all other avenues have been exhausted.
- Instruct the Complaints Panel to meet to consider the complaint and whether to offer a meeting to the complainant in accordance with procedure within 10 working days of deciding that the formation of a panel is warranted following a consideration of the investigation and outcomes to date

Note:

It is rare that complaints reach this stage but the Governing Body should be prepared to form such a panel if required

The Complaints Panel should:

- Consist of 3 Governors and must not include the Chair of Governors or School employees
- Inform the Headteacher of the details of the complaint
- Request the Headteacher to provide a written response/explanation to the complaint.
- Decide whether or not this response satisfactorily answers the complaint, and inform the complainant if this is deemed to be the case. The Panel should give a written explanation of any satisfactory response to the complainant.
- Decide whether or not to offer a meeting with the complainant. Any meeting should be held within 10 working days of the decision to offer a meeting to the complainant.
- If a meeting is to be held, the complainant should be informed of the way in which the meeting will be conducted, in writing, and that the aim of the meeting is to resolve the complaint. The complainant and the Head Teacher should be invited to attend. Each should be allowed to bring a friend. The complainant should be allowed to submit further written evidence and the Headteacher should be invited to provide a written response to the complaint and evidence offered. The complaint, any evidence and the response should all be circulated to the Panel, the complainant and the Headteacher at least 5 working days before the meeting.
- If either the complainant or the Headteacher wishes to call witnesses the agreement of the Chair of Governors will be needed before the meeting is held.

Conduct of the meeting

The meeting will follow the following format:

- The complainant will explain their complaint
- Panel members may ask questions of the complainant
- The Headteacher will explain his/her response
- Panels members may ask questions of the Headteacher
(The Chair may allow the Headteacher to ask questions of the complainant and vice-versa)
- Any witness(es) (agreed beforehand by the Chair) may be called to give evidence.
- Panel members may ask questions of the witness(es)
- The complainant, Headteacher, any friends accompanying them and any witnesses will then leave the meeting. The Panel will consider the information it has gathered and give its decision in writing to the complainant and Headteacher as soon as possible, preferably within 5 working days. The decision will uphold or not uphold all or part of the complaint. Complainants should be advised that if they are not satisfied with the decision then they can raise the matter with the Director of Children and Learning.