



DAME ALICE OWEN'S SCHOOL

COMPLAINTS PROCEDURES and POLICY

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- Agreed by the Governing Body Curriculum Committee
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Introduction

General Principles of complaints

Dealing with complaints - initial concerns

1. We need to be clear about the difference between a concern and a complaint. A concern is defined as “a cause of worry”. A complaint is “an expression of dissatisfaction”. Taking informal concerns seriously at the earliest stage will reduce the numbers that develop into formal complaints.

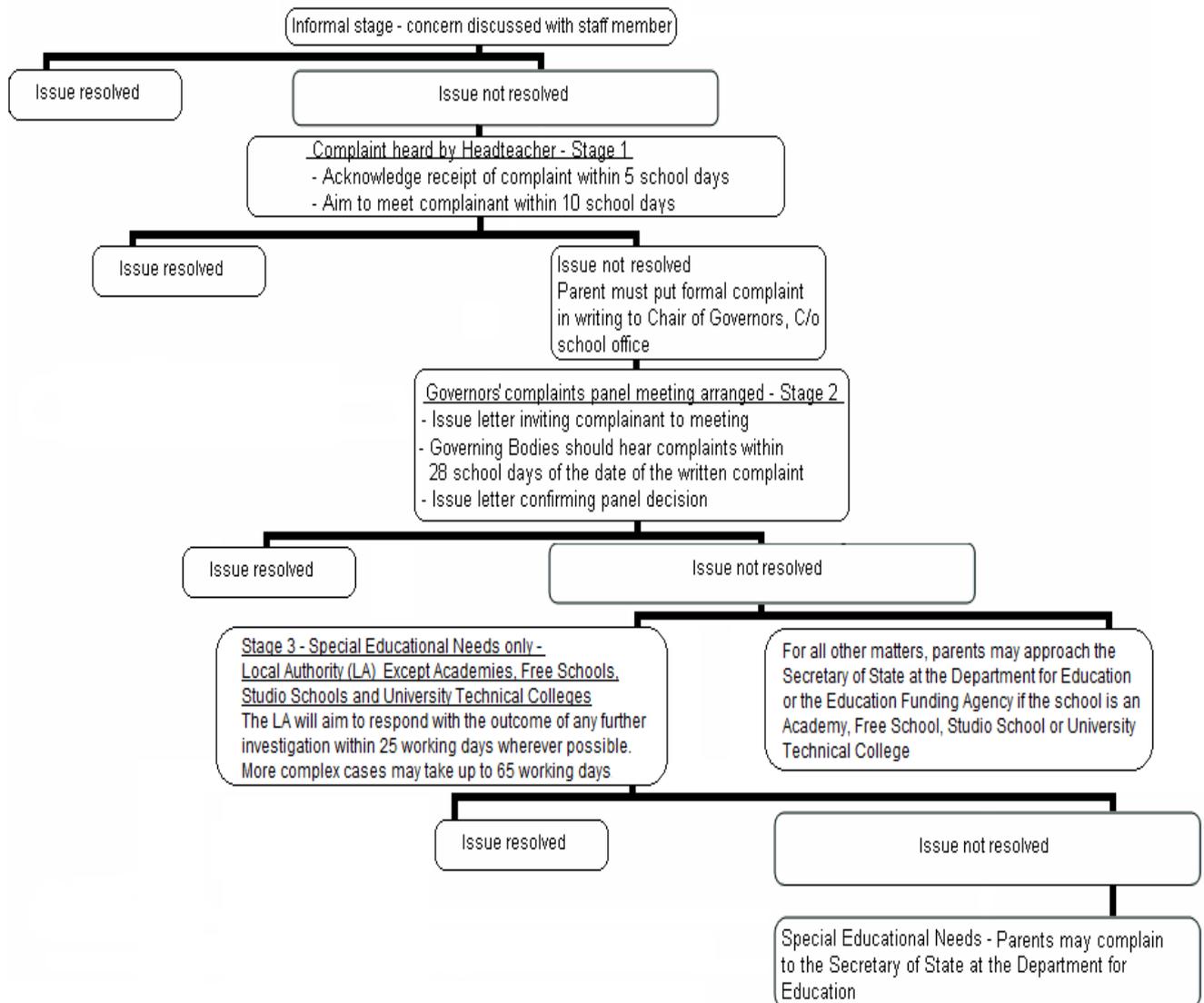
2. In dealing with complaints the underlying principle is that concerns ought to be addressed, if at all possible, without the need for formal procedures. The requirement to have a complaints procedure need not in any way undermine efforts to resolve the concern informally. In most cases the subject teacher or the individual delivering the service in the case of extended school provision, will receive the first approach. It is helpful when staff are able to resolve concerns on the spot, including apologising where appropriate.

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.

4. The School's 'Complaint Co-ordinator' is the Headteacher.

Dealing with complaints



Framework of Principles

5. An effective Complaints Procedure will:
- encourage resolution of problems by **informal** means wherever possible;
 - be easily **accessible** and **publicised**;
 - 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 by an independent person where necessary;
 - 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

6. It is suggested that 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

7. At each stage in the procedure we will 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 offer 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 complaint.

8. 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 liability.

9. 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

10. 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 Chairman of the GB is able to inform them in writing that the procedure has been exhausted and that the matter is now closed. A vexatious complaint is likely to involve some or all of the following:

- the complaint arises from a historic and irreversible decision or incident;
- contact with the school is frequent, lengthy, complicated and stressful for Staff;
- the complainant behaves in an aggressive manner to Staff when he/she presents his/her complaint or is verbally abusive or threatening;
- the complainant changes aspects of the complaint partway through the complaint process;
- the complainant makes and breaks contact with the school on an ongoing basis; or
- the complainant persistently approaches the school (and in some cases the Local Authority) through different routes about the same issue in the hope of eliciting different responses.

Time-Limits

11. Complaints need to be considered, and resolved, as quickly and efficiently as possible. The Academy will aim to deal with these quickly and efficiently at Stage 1, so avoiding the formal Stage 2 procedure wherever possible. All complaints will be acknowledged within **5 school days**.

The Governing Body will deal with and respond fully to Stage 2 formal complaints within **28 school days** of the written complaint being received. If this is not possible parents need to be given the reasons for the delay and to be kept informed of progress.

12. The complaint procedure is divided into three stages

- The informal Stage : complaint heard by staff member (though not the subject of the complaint);
- Stage one: complaint heard by headteacher;
- Stage two: complaint heard by GB's complaints appeal panel.

PROCEDURES

The informal Stage, and Stage One

Most concerns, or potential complaints, can be resolved by offering parents a full discussion with the member of staff who is best able to help ie Informal Stage.

If the concern or potential complaint cannot be resolved informally then the Headteacher should be written to so that the concerns for complaint can be expressed and summarised. The Headteacher will try to resolve the issue at this stage ie Stage One.

If the responses to the initial stages of complaint ie Informal Stage and Stage One do not satisfy the complainant then the Chairman of Governors should be contacted by the complainant by writing to the Clerk to the Governors via the school address. Governors cannot be involved in Stage Two if they were closely involved in Stage One procedures.

Stage Two: Complaint Heard by the Governing Body's Complaint Appeals Panel

The complainant needs to write to the Chairman of Governors giving details of the complaint. The Chairman, or a nominated governor, will convene a GB complaints panel.

The governors' appeal hearing is the last stage of the complaints process.

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 governing body may nominate a number of members with delegated powers to hear complaints at that stage, and set out its terms of reference. These can include:

- drawing up its procedures;
- hearing individual appeals;
- making recommendations on policy as a result of complaints.

The panel for hearing appeals will be set up by the Academy Trust (Governing Body), and will consist of at least three people not directly involved in the matters detailed in the complaint, one of whom will be independent of the management and running of the school.

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 governor sitting on a complaints panel needs to remember:

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. In deciding the make-up of the panel, governors need to try and ensure that it is a cross-section of the categories of governor and sensitive to the issues of race, gender and religious affiliation.

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. An effective panel will acknowledge that many complainants feel nervous and inhibited in a formal setting. Parents often feel emotional when discussing an issue that affects their child. The panel Chairman 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 informal and not adversarial.

d. 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.

e. The governors sitting on the panel need to be aware of the complaints procedure.

Roles and Responsibilities

The Role of the Clerk

The panel will be clerked. The clerk will 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 Chairman 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 Chairman of the Panel

The Chairman 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;
- 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 Chairman of the panel needs to ensure that the complainant is notified of the panel's decision, in writing, with the panel's response within 7 working days.

Checklist for a Panel Hearing

The panel needs to take the following points into account:

- The hearing is as informal as possible.
- After introductions, the complainant is invited to explain their complaint.
- The headteacher may question the complainant.
- The headteacher is then invited to explain the school's actions.
- The complainant may question the headteacher.
- The panel may ask questions at any point.
- The complainant is then invited to sum up their complaint.
- The headteacher 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 Chairman explains that both parties will hear from the panel within a set time scale.

Can parents complain to anyone other than the Governing Body?

Parents have the right to complain to the Secretary of State at the Department for Education under the Education Act 1996 if they feel the Governing Body/Local Authority is acting unreasonably or failing in its statutory duty. A complaint can be made to:

The Secretary of State
Department for Education
Sanctuary Buildings
Great Smith Street
London SW1P 3BT
Tel: 0370 000 2288
www.education.gov.uk

Complaint Form

Please complete and return to the Clerk to the Governors who will acknowledge receipt and explain what action will be taken.

Your name:

Student's name:

Your relationship to the student:

Address:

Postcode:

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:

The complainant, and only the complainant, may make his or her representations at each stage of the proceedings in person, accompanied by a friend to act purely as an observer and advisor if so desired.

Where appropriate, steps will be taken to ensure that information is available to complainants in languages other than English and arrangements made for an interpreter to be present during any oral representations.

13. Recording Complaints

The School will 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 is 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 will be kept and a copy of any written response added to the record on the student file.

The headteacher is responsible for the records.

14. Governing Body Review

The Governing Body will monitor the level and nature of complaints and review the outcomes on a regular basis to ensure the effectiveness of the procedure and make changes where necessary. Preferably, no individuals will be named.

The Governors recognise that the process of listening to, and resolving, complaints will contribute to school improvement. The monitoring and review of complaints by the school and the Governing Body is a useful tool in evaluating a school's performance.

15. Publicising the Procedure

This Complaints Procedure will be publicised via the school website.

16. What complaint/appeal procedures are NOT covered by this policy?

These complaint procedures do not cover:

- Complaints by Governors about other Governors - contact School Governance for advice - email gov.courses@hertsforlearning.co.uk
- Child Protection Procedures - see www.hertsdirect.org/childprotection
- Appeals about admissions - see www.hertsdirect.org/schoolappeals
- Appeals to governors' discipline committee against permanent exclusion from school - see www.hertsdirect.org/schoolappeals
- Staff Disciplinary Procedures - see www.thegrid.org.uk

What is the position of staff complained about?

Under these complaints procedures any member of school staff who is complained about will have the opportunity to respond to the complaint during its investigation. They should also be able to see any response sent to the complainant as a result of the investigation.

To be monitored by the Senior Leadership Team and the Governing Body.