



Jack Hunt School Governing Body (Trust)

COMPLAINTS POLICY

Policy Approved by Resources Committee: May 2016

Jack Hunt School Governing Body Complaints Policy

General

The Governing Body is required by the Education Act 2002 to have a Policy for dealing with complaints.

The school's complaints policy allows complaints about school issues to be dealt with efficiently and sensitively, and at the appropriate level.

Complaints can cover a wide variety of matters that concern parents and the community. The school expects ALL complaints to be taken seriously and to be dealt with comprehensively and as far as possible in confidence.

Aims

The Policy aims to ensure that all complaints from parents and the community are dealt with as quickly and sensitively as possible and by the person best able to do so.

As far as possible all concerns should be dealt with as informally as possible.

A parent, or other complainant should expect to have a response, even if not the final response, to their complaint within 2 school days of having made the complaint.

What is a Complaint?

A complaint is defined as any expressed dissatisfaction with:-

- (i) A students' education, behaviour or welfare.
- (ii) The impact of the school on the local community.
- (iii) The school premises when used by community users/third party users.

A complaint becomes formal when expressed in writing to the school through letter or e-mail or by telephone/visit to the school. The formal procedure 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.

School staff will use their professional judgement when deciding if an issue should be seen as a complaint, if uncertain advice should be sought from the Complaints Co-ordinator.

Responsibilities

Responsibilities for the operation of the policy are as follows:-

- (i) The Governing Body, for approving the policy, procedures, and guidelines, hearing and deciding on appeals, receiving reports, and advising the Head. The Governing Body will monitor the level and nature of complaints and review the outcomes annually.

- (ii) The Chairman of the Governing Body:
- to receive complaints at Stage 4;
 - 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; and
 - to decide at this point whether a complaint should go straight to the Governors' 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.
- (iii) If mediation is unsuccessful the complaint will be considered by the Governors' Complaints Panel. The nominated Governor or Chairman of the Panel at Stage 5 to ensure that:
- the parties understand the procedure;
 - the issues are addressed;
 - key findings of fact are established;
 - complainants are put at ease;
 - the hearing is conducted as informally as possible;
 - the Panel is open-minded and acts independently;
 - no member of the Panel has a vested interest in the outcome, or has been involved in the issues previously;
 - all parties have the chance to be heard; and
 - any written material is seen by all parties.
- (iv) The Clerk to the Governing Body will act as the reference point for the complainant at Stage 5. The Clerk must:
- set convenient dates and times and venues for hearings;
 - collate any written material and forward it to the parties;
 - meet and welcome the parties;
 - record the proceedings; and
 - notify the parties of the decision.
- (v) The Headteacher: for the overall internal management of the procedures, for hearing complaints at Stage 3 (see below), ensuring that the procedures are monitored and reviewed and reports made to the Governing Body.
- (vi) The Complaints Co-ordinator will usually be a member of the Senior Leadership Team and is appointed by the Headteacher for the efficient operation and management of the policy and procedures, for training staff on how to deal appropriately with complaints, for keeping parents, or other complainants informed of the procedures and for compiling reports for the Head as required.
- (vii) The Business Manager: for administrative, environmental and financial queries and complaints.
- (viii) Senior Leadership Team (SLT): for dealing with and where possible resolving complaints which progress to stage 2
- (ix) Curriculum Area Leaders (CALs) and other middle managers: for dealing with and where possible resolving complaints about matters related to teaching and learning at stage 1 of the procedures.
- (x) Heads of House: for dealing with and where possible resolving complaints concerning overall student progress, discipline issues, pastoral care.

- (xi) Child Protection Officer: for child protection issues.
- (xii) All staff: for hearing any concerns brought to them by parents or other complainants and reassuring them that they will be dealt with as soon as possible by the appropriate member of staff, and for informing the Complaints Co-ordinator of the concerns.

Information for Parents

The school will include in its brochure advice to parents that any complaints they may have should first be made to the Headteacher. A copy of the Complaints Policy will be made available to parents on request and on the school website.

Reviewed and approved by Resources Committee	May 2016
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Procedures

Formal Procedure

Every attempt will be made to resolve complaints informally, but if this fails then this procedure will be followed:

Stage 1 complaint referred to appropriate Line Manager (eg. Curriculum Area Leader/Head of House) (who is not the subject of the complaint);

Stage 2 complaint referred to appropriate Senior Leadership Team member (who is not the subject of the complaint)

Stage 3 complaint referred to the Headteacher;

Stage 4 complaint referred to Chair of Governors; and

Stage 5 complaint referred to Governing Body's Complaints Appeals Panel.

Guidelines

All staff and Governors should be conversant with the procedures.

Stage 1

On receipt of the complaint an immediate acknowledgement will be issued reassuring the complainant that the matter will be investigated.

If the matter is within the competence of the member of staff to resolve quickly this should be done. Otherwise the complainant should be reassured that the complaint will be passed to the relevant member of staff as soon as possible.

The member of staff receiving the complaint should complete a 'Complaints Logging Form' and pass a copy to the Complaints Co-ordinator.

Where the complaint is in writing the response should be in writing. Where the complaint was received via telephone then the response can be by telephone depending on the severity of the complaint. The complaint, regardless of how it is received, will always be logged and a copy of the response passed to the Complaints Co-ordinator.

If a resolution cannot be found the Co-ordinator should inform the complainant of their right of appeal to a Senior Leader (Stage 2) and inform the Headteacher of the action taken.

If the complaint concerns a child protection issue the Child Protection Officer will be informed. An allegation of abuse by a member of the school staff should be notified to the member of SLT responsible for Personnel. This will be dealt with by the School Policy "Allegation against members of Staff".

At Stage 1 the school should aim to resolve the complaint within 3 school days of receiving it. Where this is not possible, the investigating member of staff will inform the parties of the action being taken, and when it is expected to resolve it.

Where the Complainant is dissatisfied with the outcome of the investigation, the complainant may refer it to Stage 2.

Stage 2 – Appropriate SLT member

The appropriate SLT member will usually be the person with overall line management for the House or Curriculum Area related to the complaint.

The appropriate SLT member will decide the outcome at this stage by considering the complaint and results of the investigation undertaken.

This process should aim to be completed within 4 school days and the outcome communicated in writing to the complainant. Where this is not possible, the investigating member of staff will inform the parties of the action being taken, and when it is expected to resolve it.

If the SLT member is unable to resolve the complaint it can be referred by the complainant to Stage 3.

Stage 3 - Headteacher

The Headteacher will decide the outcome at this stage, but may delegate the collating of information to the Co-ordinator.

The Headteacher must normally resolve the matter within five school days of it reaching Stage 3. In some circumstances a longer time scale may be necessary and parties will be informed when it is expected to resolve it.

If the Headteacher is unable to resolve the issue it is open to the complainant to make representations to the Chair of Governors (Stage 4).

Stage 4 – Mediation with the Chairman of Governors

Complainants who are not satisfied by the Headteacher's decision following Stage 3 can make representations to the Governing Body.

The complainant must be advised by the Co-ordinator to write to the Chairman of the Governing Body giving details of the complaint. The Chairman will investigate and review the case and respond to the complainant.

At this point the Chairman of Governors will decide whether the complaint should go straight to the Governors' 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 complainant will be considered by the Governors' Complaints Panel.

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 Headteacher and complainant identify and build on areas of agreement
- it gives Headteacher and complainant a structure within which they can resolve remaining differences.
- if both complainant and Headteacher emerge from the mediation satisfied, that is the best foundation for a continuing positive relationship between them; and/or
- even if the complaint continues to a Governors' 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 acknowledgement 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; and/or
- a commitment to review school policies in light of the complaint.

Mediation must take place within 10 working days of being accepted.

Stage 5 – Appeals to the Governing Body

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.

The Chairman will nominate a Governor (or Panel) to hear the appeal if it proceeds.

The hearing must be within 5 working days of the complainant expressing a wish to go to Governors' Complaints Panel.

The complainant must be told of their right to be accompanied by a friend, and where relevant translators/interpreters must be arranged by the Clerk in consultation with the parties.

The nominated Governor/Panel will make its own procedures, and will agree these with the Chairman, who will report them to the next Governing Body meeting.

The Governor/Panel will ensure that the complainant is heard in private, is welcomed, and as far as possible is put at ease.

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.

The Governor/Panel will hear the appeal(s), consider all the views expressed and decide the outcome.

The Governor/Panel can:

- dismiss the complaint in whole or part;
- uphold the complaint in whole or part;
- decide on appropriate action to resolve the complaint; or
- recommend changes to the school's systems or procedures.

The Governing Body's decision is binding.

The decision at this stage must be communicated to the parties within three school days of the hearing.

Vexatious Complaints

If the complainant remains dissatisfied after all stages have been properly followed, the Chairman is empowered to inform them in writing that the procedure has been exhausted and that the matter is now closed.

Investigating Complaints

The person investigating the complaint will make sure that they:

- establish precisely what has happened so far, and exactly 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 investigation with an open mind.

Resolving Complaints

At each stage in the procedure the member of staff attempting to resolve the complaint 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; and
- an undertaking to review school policies in light of the complaint.

Complainants will be encouraged to state what actions they feel might resolve the problem at any stage. The Governors acknowledge that an admission that the school could have handled the situation better is not the same as an admission of negligence.

The Headteacher and Chairman will attempt to identify areas of agreement between the parties, and to clarify any misunderstandings that might have occurred in order to create a positive atmosphere in which to discuss any outstanding issues.

Reporting and Recording

In all cases it is important for staff to use the school's 'Complaints Logging Form' so that records of the complaint and the action taken can be recorded and traced. Supporting documents should be attached to the form.

The Headteacher and Complaints Co-ordinator will consider the handling of complaints from time to time, and will discuss issues with staff as necessary.

Monitoring and Review

The Complaints Co-ordinator will report to the Governing Body annually or earlier if the Chairman so determines, on the number and type of complaints received and their outcomes.

Exceptional Circumstances

If a complaint is made against the Headteacher, this will be dealt with by the Chair of Governors and go straight to Stage 5.

If a complaint is made against the Chair of Governors, this will be dealt with by the Headteacher and dealt with at Stage 5 with all references to 'Chair of Governors' replaced by 'Headteacher'.

Annexe A – Flowchart

