

Chiltern Edge School



Complaints Procedure (2016-2017)

Person(s) responsible for Policy: Headteacher
Committee responsible for Policy: Resources Committee
Date to Governors: August 2016
Date Agreed: 17th October at Full Governing Body Meeting
Review Due: July 2017 and annually thereafter

Is this Policy to appear on school website: Yes

Is this Policy to be displayed in Reception: Yes

Headteacher's Signature: Date:	 17 October 2016
Signature of Chair of the Governors: Date:	Mrs Pauline Conway Acting Chair of Governors 17 October 2016



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Issue to be resolved by the Headteacher.

Details of the Complaints Procedures will be included in:

- the information given to the children themselves; (brief overview and advice about where to find the full procedure)
- the home-school agreement; (brief overview and advice about where to find the full procedure)
- home school bulletins or newsletters; (brief overview and advice about where to find the full procedure)
- documents supplied to community users including course information or letting agreements; (the full document)
- posters displayed in areas of the school that will be used by the public, such as reception or the main entrance; (brief overview and advice about where to find the full procedure)
- the school website (the full document)

Section 29 of the Education Act 2002 requires that:

1. The governing body of a maintained school (including a maintained nursery school) shall:
 - a. establish procedures for dealing with all complaints relating to the school or to the provision of facilities or services under section 27, other than complaints falling to be dealt with in accordance with any procedures required to be established in relation to the school by virtue of a statutory provision other than this section, and
 - b. publicise the procedures so established.
2. In establishing or publicising procedures under subsection (1), the governing body shall have regard to any guidance given from time to time (in relation to England) by the Secretary of State.

Section 39 of the Education Act 2002 provides the following:

- “maintained school” means a community, foundation or voluntary school, a community or foundation special school or a maintained nursery school;
- “maintained nursery school” means a nursery school which is maintained by a local education authority and is not a special school.

The principle underlying this procedure is that concerns ought to be handled, if at all possible, without the need for formal procedures. By taking informal concerns seriously at the earliest stage we hope to keep the numbers that develop into formal complaints to a minimum.

In most cases the class teacher or the individual delivering the service in the case of extended school provision, will receive the first approach. It would be helpful if staff were able to resolve issues on the spot, including apologising where necessary.

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.

Equality Statement

The School is committed to equality for all and ensuring that all stages of complaint handling are fair. The complaint procedures will be reviewed on a regular basis to ensure that complainants are not discriminated against on the grounds of race, nationality, gender, religion, age, disability, marital status, sexual orientation. The School acknowledges that unfair discrimination can arise on occasion and therefore will ensure that the Equality is the foundation for all its activities.

Our 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 leadership team and the governing body so that services can be improved.

Investigating Complaints

The person investigating the complaint will:

- 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

At each stage in the procedure schools we will try to find 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.

We will encourage complainants 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.

Recording Complaints

We will record the progress of the complaint and the final outcome. At stages one and two a complaint should be made in person, by telephone or in writing. An example of a complaint form can be found in Annex A. 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 will be kept and a copy of any written response added to the record.

The Headteacher will be responsible for the records and hold them centrally.

Governing Body Review

The GB 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. Complaints information shared with the whole GB will not name individuals.

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 GB may identify underlying issues that need to be addressed. The monitoring and review of complaints by the school and the GB will be a useful tool in evaluating a school's performance.

Publicising the Procedure

Details of the Complaints Procedures will be included in:

- the school prospectus;
- the information given to new parents when their children join the school;
- the information given to the children themselves;
- the home-school agreement;
- home school bulletins or newsletters;
- documents supplied to community users including course information or letting agreements;
- posters displayed in areas of the school that will be used by the public, such as reception or the main entrance;

the school website.

Chiltern Edge 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, staff will be made aware of the procedures, so that they know what to do when they receive a complaint.

We will respect 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 Headteacher will refer the complainant to another staff member. Where the complaint concerns the Headteacher, the Headteacher will refer the complainant to the Chair of Governors.

Similarly, if the member of staff directly involved feels too compromised to deal with a complaint, the Headteacher 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 will be to refer the complainant to the appropriate person and advise them about the procedure. Governors will 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 referred to Chair of Governors

The complainant should write to the Chair of Governors providing detail of the complaint and steps that have been taken to date. A form is provided at Annex A.

The Chair will explore the complaint with both parties seeking to resolve the matter.

Stage Four: Heard by Governing Body's (GB) Complaints Appeal Panel

If the informal mediation process is unsuccessful the Chair will ask the clerk to convene a Complaints Panel. The Chair will not be a member of the panel but could be asked to provide evidence/written material.

The governors' appeal hearing is the last school-based stage of the complaints process, and is not convened merely to rubber-stamp previous decisions.

Individual complaints will 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 will nominate three to five members with delegated powers to hear complaints at that stage. The panel will choose its own Chair. A checklist for the panel hearing can be found at Annex B. See also procedure flowchart at Annex C.

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.

We will ensure that:

- a) any 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 will try to 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 hearing, which will be held in private, will always seek 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) the 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 chair will ensure that the proceedings are as welcoming as possible. The layout of the room will set the tone and care will be taken to ensure the setting is informal and not adversarial.
- d) Extra care will 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 will listen to the views of the child and give them equal consideration to those of adults. Where the child's parent is the complainant, it will 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 will be aware of this complaints procedure.

Roles and Responsibilities

The Role of the Clerk

Any panel or group of governors considering complaints will be clerked. The clerk will be the contact point for the complainant and will:

- 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's role is to:

- 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 will ensure 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 will ensure that the complainant is notified of the panel's decision, in writing, with the panel's response; this will be within 7 working days. The letter will explain that any further appeals have to be directed to the Secretary of State.

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:

Annex B

Checklist for a Panel Hearing

The panel needs to take the following points into account:

- The hearing is as informal as possible.
- Witnesses are only required to attend for the part of the hearing in which they give their evidence.
- After introductions, the complainant is invited to explain their complaint, and be followed by their witnesses.
- The Headteacher may question both the complainant and the witnesses after each has spoken.
- The Headteacher is then invited to explain the school's actions and be followed by the school's witnesses.
- The complainant may question both the Headteacher and the witnesses after each has spoken.
- 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 chair explains that both parties will hear from the panel within 7 days.

Summary of Dealing with Complaints

Annex B - Flowchart

