

COMPLAINTS PROCEDURE

Approved by S&C Committee: November 2015

Review Date: November 2017



INTRODUCTION

At Kennet Valley School, staff and governors like to feel that they are providing children and parents with a first class service. However, it is recognised that at times, there may arise causes for concern or areas of dissatisfaction. This document aims to describe the procedures that have been established for addressing such issues.

Governing Bodies of all maintained schools in England are required, under Section 29 of the Education Act 2002, to have in place a procedure to deal with complaints relating to the school and to any community facilities or services that the school provides. The law also requires the procedure to be publicised.

OUTLINE PROCEDURE

The School welcomes feedback, be it complaint or compliment, as it provides a valuable means of assessing performance, and improving what we do. In the case of a complaint, a simple model has been adopted, and is shown as a Flow Chart at Annex A. It comprises 3, usually successive, stages:

- Stage 1: complaint heard by staff member.
- Stage 2: complaint heard by Head Teacher.
- Stage 3: complaint heard by Governing Body Complaints Panel.

At Stage 1, a complaint need not be presented in writing. However, the staff member should enter it in the School Complaints Register, which is held by the Complaints Coordinator (Head Teacher). The role of the Complaints Coordinator is described below, and the format of the Complaints Register is shown at Annex B. For a complaint to be considered at Stage 2 or Stage 3 it must be presented in writing, preferably using the format at Annex C.

It should be noted that the Head Teacher may deal with an issue at Stage 1 in the role of staff member without the need to raise the issue to the more formal second stage.

DETAILED PROCEDURE

Stage One: Complaint Heard by Staff Member

It is in everyone's interest that issues 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 an issue will escalate, and gain formal status, or be satisfactorily resolved at this early stage. A set of Staff Guidelines are at Annex D.

The ability to consider the complaint objectively and impartially is paramount. To that end, should a complainant indicate that he or she would have difficulty in discussing a complaint with a particular member of staff, the Complaints Coordinator can refer the complainant to another staff member. Similarly, if the member of staff directly involved feels too compromised to deal with a complaint, the Complaints Coordinator may consider referring the complainant to another staff member.

Where the first approach is made to a governor, the next step would be to advise the complainant of the correct complaints procedure. Governors are not permitted to act outside the formal procedure or be involved at the early stages of a complaint in case they are needed to sit on a panel (Complaints or Disciplinary) at a later stage of the procedure.

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Stage Two: Complaint Heard by Head Teacher

The Head Teacher should be informed if a complainant wishes to formalise an issue. To be considered at this stage, the complaint must be presented in writing. This should be preferably, but not compulsorily, in the format at Annex C. The Head Teacher would then seek to resolve the issue using the powers vested by the Governing Body.

Should the complainant not be satisfied with the response received at Stage 2, or should the complaint directly concern the Head Teacher, the Complainant may refer to Stage 3 of the process.

Stage Three: Complaint Heard by Governing Body Complaints Panel

At this stage, the complainant formally raises the issue in writing to the Chair of the Governing Body giving details of the complaint. The Chair will then convene a Governing Body Complaints Panel. This is the last school-based stage of the complaints process, and is not convened to merely rubber-stamp previous decisions, but aims to resolve the issue.

The Composition and Terms of Reference of this Panel are at Annex E. It should be noted that individual complaints would not be heard by the Full Governing Body 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.

It is the duty of the Governing Body Complaints Panel to provide a formal response to a panel hearing within 3 working days outlining any findings and the options available to the complainant.

THE ROLE OF THE COMPLAINTS CO-ORDINATOR

The role of the Complaints Coordinator includes the following tasks:

- Providing copies of the Complaints Policy as requested.
- Maintaining the Complaints Log.
- Passing Complaints to the Head Teacher or Chair of the Governing Body as appropriate.
- Presenting a summary of the Complaints Log at meetings of the Full Governing Body, whilst safeguarding confidentiality.
- Sitting on the Complaints Panel and acting as Secretary to the Panel

List of Annexes:

- A. Complaints Flow Chart.
- B. Complaints Register Format.
- C. Complaints Form.
- D. Complaints Procedure – Staff Guidelines.
- E. Complaints Panel – Composition and Terms of Reference.



SCHOOL COMPLAINTS PROCEDURE Annex B

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COMPLAINTS REGISTER/LOG:

School Year:

Sheet

Ref No	Complainant's Name	Summary details of complaint (for full particulars of stage 2/3 cases see complaints record sheet in Complaints File)	Stage 1	Stage 2	Stage 3			Date and initials to show case concluded
			Date of complaint	Date written form recd	Date investigation begun	Date of Panel meeting	Date letter sent to Complainant	



Format for Written Complaints

Please complete and return to the Complaints Co-ordinator c/o the school, who will acknowledge receipt and explain what action will be taken.

Your name:

Pupil's name:

Your relationship to the pupil:

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?
(To whom did you speak and what was the response?)



What actions do you consider might resolve the situation at this stage?

Please give details of any supporting paperwork that you are attaching.

Signature _____ Date _____

For School Use

Date received _____

Date acknowledgement sent _____

SCHOOL COMPLAINTS PROCEDURE

Annex C

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By whom _____

Complaint referred to:

Date _____

Complaints Register/Log Ref No _____



COMPLAINTS PROCEDURE - STAFF GUIDELINES

General

- All staff should make themselves familiar with the Complaints Procedure.
- Personal detachment and objectivity is key.
- Early and satisfactory resolution, at the less formal stages of the process, is the goal.

Stage 1

- Remember that the complaint needs to be logged even if it is successfully resolved at this stage.
- Even at this stage you can pass the issue to another member of staff if you feel that it is more appropriate to do so.

Stage 2

- At this stage, the complaint needs to be presented in writing - and logged.
- The Head Teacher has responsibility for addressing and resolving the complaint. However, if there is a conflict with the Head Teacher, Stage 2 is inappropriate and the complaint must be dealt with at Stage 3.

Stage 3

- Once an issue has been referred to the Complaints Panel, no further dialogue on the matter between staff and complainant is permitted.

COMPLAINTS PANEL – COMPOSITION AND TERMS OF REFERENCE

COMPOSITION

The Complaints Panel comprises 3 members taken from the membership of the Full Governing Body (FGB). One acts as Chair, and one acts as Secretary. The Panel nominates their own Chair and Secretary. In order to avoid conflicts of interest and preserve impartiality, simultaneous membership of the Complaints and any disciplinary panel is not permitted. To avoid conflicts of interest, it is felt inappropriate for Staff Governors to sit on the Complaints Panel.

DELEGATED POWERS AND REMIT

The FGB will nominate the members of the Complaints Panel and provide them with the following delegated powers:

- The drawing up of procedures
- Hearing individual appeals
- Writing to the Complainant to advise on the outcome of appeal
- Making recommendations on policy as a result of complaints.

The Remit of the Complaints Appeal Panel

In addition, the panel may:

- 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, for consideration by the FGB, to ensure that problems of a similar nature do not recur

GUIDANCE

There are several points, which any governor sitting on a complaints panel should 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.
- 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 may 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 that will satisfy the complainant that his or her complaint has been taken seriously.
- c. 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.



ROLES AND RESPONSIBILITIES

The Role of the Secretary

Once the Complaints Panel has been convened by the Chair of the Governing Body, the clerk acts as the contact point for the complainant and is 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 Chair of the Complaints Panel

The Chair of the Panel has a key role, ensuring that:

- If a hearing is deemed appropriate, notify the clerk to arrange the panel;
- The correct procedure has been followed;
- The remit of the panel is explained to the parties and each party has the opportunity of putting their case without undue interruption;
- Key findings of fact are made;
- The issues are addressed;
- 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;
- The complainant is notified of the panel's decision, in writing, within 3 days of the meeting. The letter should explain if there are any further rights of appeal and, if so, to whom they need to be addressed.
- Once the School Complaints Procedure has been exhausted, parents have recourse to the DfES, but it will generally only take on a complaint if it believes the school or governors have acted unlawfully.