



Complaints Procedure

Introduction

It is in everyone's interest that complaints are resolved at the earliest possible stage. Taking informal concerns seriously at the earliest stage will reduce the numbers that develop into formal complaints. In most cases the class teacher will receive the first approach and it would be helpful if issues were resolved as soon as practicable.

The complaints procedure is a forum for dealing with complaints by parents or members of the general public.

It should be remembered, however, that certain complaints will fall outside the remit of the governing body's complaints procedure, for example:

- Admissions
- Statutory assessment of Special Educational Needs
- School Reorganisation proposals
- Matters likely to require a Child Protection Investigation
- Pupil Exclusions
- Whistleblowing
- Staff grievances, disciplinary procedures and curriculum issues

which are already dealt with in accordance with separate procedures.

In the event of the formal complaints procedure being implemented the member of staff concerned may be represented by a friend or trade union representative.

The school's complaints procedure will aim to:

- Be impartial
- Be non-adversarial
- Enable a full and fair investigation
- Respects 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.

Timeliness

Complaints need to be considered and resolved as quickly, and efficiently as possible:

- Realistic and reasonable time limits will be set for each action within each stage (where further investigations are necessary, new time limits will be set, and details sent to the complainant of the new deadline and an explanation for the delay)

- It is expected that complaints will be made as soon as possible after an incident arises (although three months is generally considered to be an acceptable time frame in which to lodge a complaint). School will, however, consider exceptions to this.

Stage One: Preliminary Stage (Informal) - Concern Heard by Staff Member

The experience of the first contact between the complainant and the school can be crucial in determining whether the **concern will escalate into a formal complaint**. It is the responsibility of the governing body to ensure that staff are made aware of the procedures and they know what to do when they receive a complaint.

In the first instance the complainant will raise the **concern** to the **appropriate** member of staff. Where the concern is about the headteacher, the complainant will refer the matter to the Chair of Governors who may decide to involve the L.A. at a later stage. Where the concern is against a governor it will be referred to the Clerk to the Governing Body.

In exceptional circumstances, if the member of staff directly involved feels unable to deal with the concern, the headteacher may nominate another member of staff to investigate. The ability to consider the **concern** objectively and impartially is crucial. The complainant should be asked at the earliest stage what they think might resolve the issue.

Where the first approach is made to a governor, the governor will refer the complainant to the appropriate person and advise them about the procedure. It is important that all stages of the complaints procedure are followed.

Stage Two: Complaint Heard by Headteacher

In the event of the complainant not being satisfied regarding the outcome of Stage One, they may refer the complaint to the headteacher. At this stage the complainant will be asked to submit written notice of the complaint to the headteacher (Appendix 1 Complaint Form). Alternative methods of contact, however, will also be allowed where complainants have communication preferences due to disability or learning difficulties:

- A complaint may be made in person, by telephone, or in writing;
- In order to prevent any later challenge or disagreement over what was said, brief notes of meetings and telephone calls will be kept and a copy of any written response added to the record. Where there are communication difficulties, schools may use recording devices to ensure the complainant is able to access and review the discussions at a later point.

The headteacher will then forward a copy of the complaint to the member of staff concerned.

The headteacher will investigate the complaint and will decide the most appropriate action to be taken. This could include, for example, an apology or a review of a policy. At this stage, it may be appropriate for the headteacher to refer the investigation of the complaint under a different procedure e.g. where the conduct of the member of staff is in question the disciplinary procedure should be followed.

The headteacher may delegate the task of collating the information to another staff member but not the decision on the action to be taken.

The headteacher will be responsible for writing to the complainant to inform them of the outcome of the investigation and, if the complainant is not satisfied at this stage, their right for the complaint to be referred to the Complaints Committee.

Stage Three: Complaint Heard by the Governing Body's Complaints Committee

The complainant will need to submit another complaint form (Appendix 2), which should be updated in light of the headteacher's decision, to the Chair of Governors. Again an alternative method of communication may be used, as detailed in Stage 2 (above). The Chair, or a nominated governor, will convene a meeting of the governing body's Complaints Committee.

At this meeting the complainant may attend to present their case, with a friend/relative in a supporting role if requested. The headteacher will also be in attendance to explain their decision regarding the complaint and the school's actions. Witnesses may be called by either party. An L.A. representative may attend in an advisory capacity. A procedure for conducting the meeting is attached as Appendix 3.

The Committee may decide the following:-

- 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.

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

Individual complaints must not be heard by the whole governing body at any stage, as this could compromise the impartiality of any committee set up for a disciplinary hearing against a member of staff following a serious complaint e.g. where the Committee believes that the headteacher has not taken appropriate action.

Notification of the Complaints Committee's Decision

The chair of the committee needs to ensure that the complainant is notified of the decision, in writing, within 2 working days. There is no further right of appeal.

Further Notes for Guidance

There are several points which any governor sitting on the complaints committee needs to remember:

It is important that the hearing is independent and impartial and that it is seen to be so. No governor may sit on the committee if they have had a prior involvement in the

complaint or in the circumstances surrounding it. In deciding the make-up of the committee, 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.

If the whole governing body is aware of the substance of a complaint before the final stage has been completed, the school will approach the local Governor Services Team at the LA to arrange for an independent committee to hear the complaint.

- a) 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 that 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.
- b) An effective committee 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 committee chair 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.
- 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 committee 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.
- d) The governors sitting on the committee need to be aware of the complaints procedure.
- e) The process of listening to and resolving complaints can contribute to school improvement. When individual complaints are heard, schools may also identify underlying issues that need to be addressed. The monitoring and review of complaints can be a useful tool in evaluating a school's performance.

Roles and Responsibilities

The Complainant

The complainant or person who makes the complaint will receive a more effective response to the complaint if he/she:-

- co-operates with the school in seeking a solution to the complaint;
- expresses the complaint in full as early as possible;
- responds promptly to requests for information or meetings or in agreeing the details of the complaint;
- asks for assistance as needed;
- treats all those involved in the complaint with respect.

The Headteacher

The headteacher will:

- ensure that the complainant is fully updated at each stage of the procedure;
- ensure that all people involved in the complaint procedure will be aware of the legislation around complaints including the Equality Act 2010, Data Protection Act 1998 and Freedom of Information Act 2000;
- liaise with staff members, headteacher, Chair of Governors and Clerk to ensure the smooth running of the complaints procedure;
- keep records;
- be aware of issues regarding:-
 - sharing third party information;
 - additional support - this may be needed by complainants when making a complaint including interpretation support.

The Investigator

The Investigator is the person involved in Stages 1 and 2 of the procedure. The Investigator's role can include:-

- providing a comprehensive, open, transparent and fair consideration of the complaint through:-
 - sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved;
 - consideration of records and other relevant information;
 - interviewing staff and children/young people and other people relevant to the complaint;
 - analysing information.
- effectively liaising with the complainant and the complaints co-ordinator as appropriate to clarify what the complainant feels would put things right;
- identifying solutions and recommending courses of action to resolve problems;
- being mindful of the timescales to respond;
- responding to the complainant in plain and clear language.

The Role of the Clerk

The Clerk to the Committee would 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;
- circulate the minutes of the committee hearing
- notify all parties of the committee's decision
- liaise with the headteacher.

The Role of the Chair of the Governing Body

The Chair's role is to:

- check that the correct procedure has been followed;
- if a hearing is appropriate, notify the clerk to arrange a meeting of the Complaints Committee.

The Role of the Chair of the Complaints Committee

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

- the meeting is minuted;
- the remit of the committee 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 - this is particularly important if the complainant is a child/young person;
- the hearing is conducted in an informal manner with each party treating the other with respect and courtesy;
- the layout of the room will set the tone – care is needed to ensure the setting is informal and not adversarial
- the Committee is open minded and acting independently;
- no member of the Committee 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, **circulated with notice of the meeting**, 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;
- they liaise with the Clerk and complaints co-ordinator.

Complaints Committee Member

Committee members will need to be aware that:-

- it is important that the review committee hearing is independent and impartial, and that it is seen to be so;
No governor may sit on the committee if they have had a prior involvement in the complaint or in the circumstances surrounding it.
- the aim of the hearing, which will be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant; However, it must be recognised that 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.
- many complainants will feel nervous and inhibited in a formal setting; Parents/carers often feel emotional when discussing an issue that affects their child. The committee chair will ensure that the proceedings are as welcoming as possible.
- extra care needs to be taken when the complainant is a child/young person and present during all or part of the hearing;
Careful consideration of the atmosphere and proceedings will ensure that the child/young person does not feel intimidated. The committee should respect the views of the child/young person and give them equal consideration to those of adults.

If the child/young person is the complainant, the committee should ask in advance if any support is needed to help them present their complaint. Where the child/young person's parent is the complainant, the committee should give the parent the opportunity to say which parts of the hearing, if any, the child/young person needs to attend.

The parent should be advised however that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting which the committee considers not to be in the child/young person's best interests

- the welfare of the child / young person is paramount.

Unreasonable Complainants

Northcott School is committed to dealing with all complaints fairly and impartially, and to providing a high quality service to those who complain. We will not normally limit the contact complainants have with the school. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

Northcott School defines unreasonable complainants as *'those who, because of the frequency or nature of their contacts with the school, hinder our consideration of their or other people's complaints'*.

A complaint may be regarded as unreasonable when the person making the complaint:-

- refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance;
- refuses to co-operate with the complaints investigation process while still wishing their complaint to be resolved;
- refuses to accept that certain issues are not within the scope of a complaints procedure;
- insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice;
- introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on, or raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales;
- makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced;
- changes the basis of the complaint as the investigation proceeds;
- repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed);
- refuses to accept the findings of the investigation into that complaint where the school's complaint procedure has been fully and properly implemented and completed including referral to the Department for Education;
- seeks an unrealistic outcome;
- makes excessive demands on school time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with.

A complaint may also be considered unreasonable if the person making the complaint does so either face-to-face, by telephone or in writing or electronically:-

- maliciously;
- aggressively;
- using threats, intimidation or violence;
- using abusive, offensive or discriminatory language;
- knowing it to be false;
- using falsified information;
- publishing unacceptable information in a variety of media such as in social media websites and newspapers.

Complainants should limit the numbers of communications with a school while a complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text) as it could delay the outcome being reached. Whenever possible, the headteacher or Chair of Governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

If the behaviour continues the headteacher will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact the school causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after 6 months.

In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. This may include banning an individual from Northcott School.

Barring from the School Premises

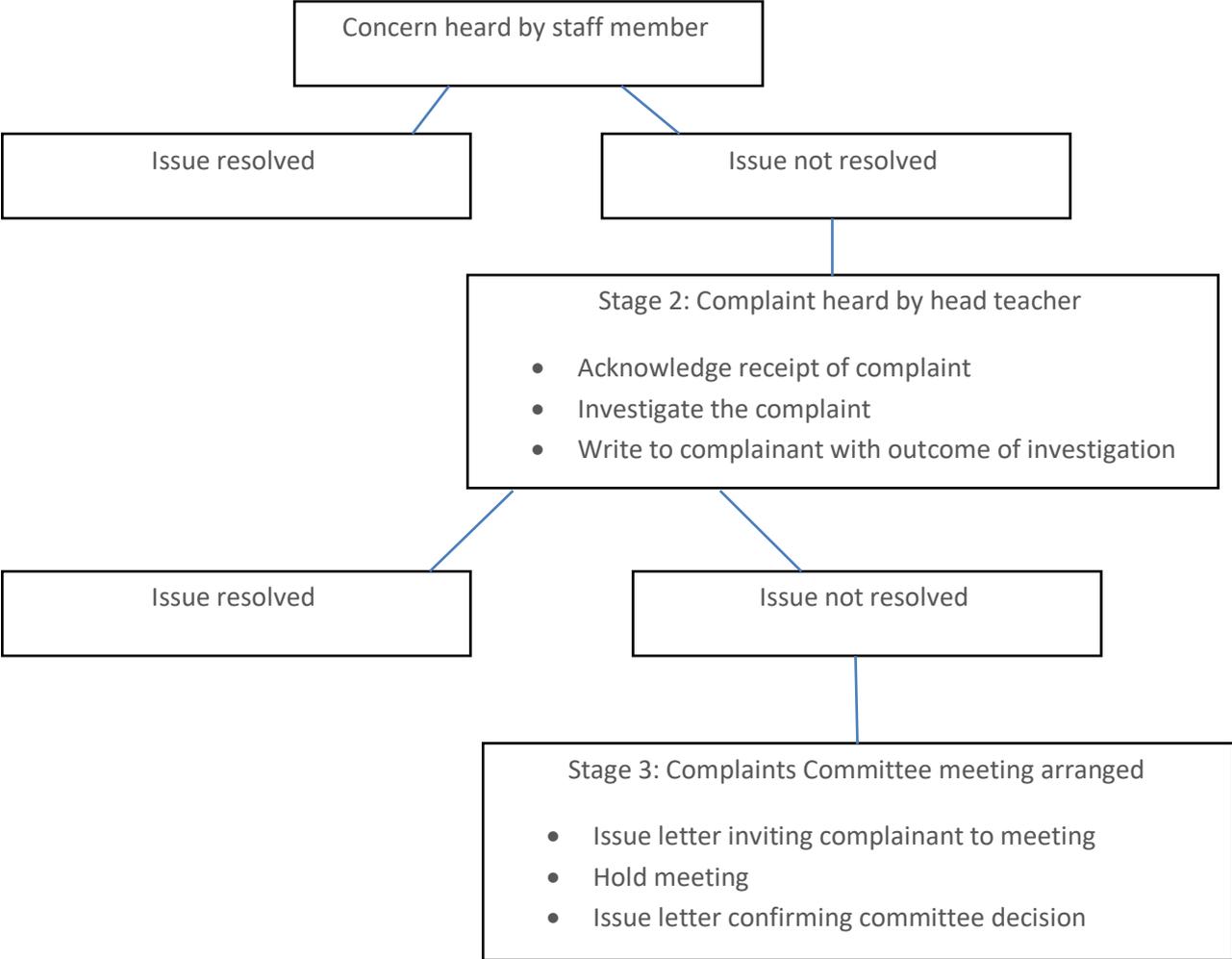
Although fulfilling a public function, schools are private places. The public has no automatic right of entry. Northcott School will therefore act to ensure that it remains a safe place for pupils, staff and other members of its community.

If a parent's behaviour is a cause for concern, Northcott School can ask him/her to leave school premises. In serious cases, the headteacher or the local authority can notify parents in writing that their implied licence to be on school premises has been temporarily revoked subject to any representations that a parent may wish to make. The school will always give a parent the opportunity to formally express their views on the decision to bar in writing.

The decision to bar will then be reviewed, taking into account any representations made by the parent, and either confirmed or lifted. If the decision is confirmed the parent will be notified in writing, explaining how long the bar will be in place.

Anyone wishing to complain about being barred can do so, by letter or email, to the headteacher or Chair of Governors. However, complaints about barring cannot be escalated to the Department for Education. Once the school's own complaints procedure has been completed, the only remaining avenue of appeal is through the Courts; independent legal advice must therefore be sought.

Flowchart: Summary of Complaints procedure



Reviewed: December 2018

Approved by Governors:

Next Review: December 2019

Complaint Form

Please complete and return to the Headteacher in the first instance, 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. (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 whom:

Complaint referred to:

Date:

(Should you not be satisfied with the outcome of the headteacher's investigation, you will be asked to submit a revised copy of this form to the Chair of the Governing Body).

Complaint Form to the Governing Body

Please complete and return to the Chair of Governors who will acknowledge receipt and arrange a meeting of the Complaints Committee.

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. (Who did you speak to and what was the response)?

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What actions do you feel might resolve the problem at this stage?
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Are you attaching any paperwork? If so, please give details.

Signature: Date:

Official use: Date acknowledgement sent: By whom: Complaint referred to: Date:

Procedure for Hearing Complaints by the Complaints Committee of the Governing Body

1. Introduction by the Chair of the Committee and a reminder to all present of:
 - a) the Complaints Procedure under which the meeting has been called;
 - b) the manner in which the meeting will be conducted as set out below in paragraphs 1-12;
 - c) the degree of confidentiality;
 - d) those present and the purpose of the hearing;
 - e) the supporting evidence.
2. Presentation by the complainant, including evidence from witnesses (where appropriate). When witnesses have given evidence and answered all questions put to them, they should leave the room.
3. Questions by the governors and the headteacher (or nominated person) on the evidence.

Presentation by the headteacher (or nominated person) to the committee, including evidence from witnesses (where appropriate), to explain the school's actions. When witnesses have given evidence and answered all questions put to them, they should leave the room.

4. Questions by the governors and the complainant on the evidence.
5. Opportunity for the complainant to make a final statement and/or sum up their complaint.
6. Opportunity for the headteacher (or nominated person) to make a final statement and/or sum up the school's actions and response to the complaint.
7. Withdrawal by the complainant and the headteacher (or nominated person) whilst the committee considers the matter.
8. Consideration of the matter by the committee. In the event that further information or clarification is needed from any of the persons who have left the meeting then all such persons should return to the meeting when such information is obtained. An opportunity should be given to each party to question or comment upon this additional information.
9. If there is no clear view about the facts presented by both parties, i.e. they are disputed, the governors should decide on the balance of probability what version of the facts they accept.

10. If any new facts emerge during either presentation, the governing body should decide whether further investigation is required and, if so, adjourn the hearing and reconvene when the investigation is completed. School Complaints Procedure

11. Before reaching a decision the governors should consider:

- a) all the information presented by both parties;
- b) any mitigating circumstances;
- c) any decision must be reasonable and fair.

12. Recall of parties concerned to hear the decision of the committee orally (if appropriate and practical).

The Chair of the Complaints Committee should clearly inform the complainant of the decision.

13. Confirmation of the decision of the committee should be sent in writing to all parties concerned by the Clerk to the Committee.