



## KESGRAVE HIGH SCHOOL

# COMPLAINTS POLICY

*This Policy and Procedure is based on guidance for dealing with school complaints issued by the Department for Education in 2015*

## General Principles

### Dealing with Complaints – Initial concerns

1. The scope of this policy is dealing with complaints from parents/carers or students. Any other complaints should be made in writing to the Headteacher in the first instance.
2. There is a difference between dealing with a concern and a complaint. Taking informal concerns seriously at the earliest stage will reduce the numbers that develop into complaints, which will start informally but become formal if necessary. Concerns ought to be handled, 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.

### 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.

## Framework of Principles

4. The principles underpinning this policy are to:
  - encourage resolution of problems by **informal** means wherever possible;
  - be easily **accessible** and **publicised**;
  - be **simple** to understand and use;
  - apply to complaints brought by parents/carers or students;
  - be **impartial** and **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.
  - ensure that all actions are **appropriately** recorded.

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### Investigating Complaints

5. The appointed person investigating the complaint (the complaints co-ordinator) will ensure 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

6. At each stage in the procedure it is important to 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 acknowledgment 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.

Alternatively, the school's actions may be deemed to have been appropriate and reasonable and the complaint invalid.

7. Complainants will be encouraged where appropriate to state what actions they feel might resolve the problem at any stage. An acknowledgment that the school could have handled the situation better is not the same as an admission of negligence.
8. Where possible areas of agreement between the parties will be identified. 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.

### Time-Limits

9. Complaints need to be considered, and resolved, as quickly and efficiently as possible. Realistic time limits for each action within each stage will be set. However, where further investigations are necessary, new time limits can be set and the complainant sent details of the new deadline and an explanation for the delay.

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### Informal Stage

On occasions, a parent, carer or student may raise a concern directly with school staff without any formality. At this stage, it may be unclear whether they are making a complaint, seeking information or have misunderstood a situation. In any event, the school aims to resolve the concern at this point in a speedy and effective way.

If the concern is not resolved immediately and a complaint is confirmed by the parent, carer or student, the opportunity to discuss the matter with an appropriate member of staff will be given e.g. Headteacher, Head of Year, Head of Subject, Member of the Leadership Team. In the case of a complaint against the Headteacher, the complainant will be invited in to meet with the Headteacher in the first instance.

If the informal process has been exhausted and no satisfactory solution has been found, the parent, carer or student will be invited to put their complaint in writing to the Headteacher and the school will follow the Formal Procedure. If the complaint is against the Headteacher, the letter should be addressed to the Chair of Governors.

### Formal Procedure

#### STAGE 1 : Referral to the Headteacher for further investigation

This stage will be heard by the Headteacher unless the complaint is against the Headteacher, in which case this stage will be heard by the Chair of Governors.

The Headteacher (or Chair of Governors) will acknowledge the written complaint and provide an opportunity to meet the complainant to discuss it within **ten school days** of receipt.

The Headteacher (or Chair of Governors) or nominated person will investigate the complaint and a written response will be made. The written response will include full reasons for the conclusions reached by the Headteacher (or Chair of Governors) and what action, if any, the school proposes to take to resolve the matter.

If no satisfactory solution has been found at this stage, the complainant must inform the Chair of Governors within **ten school days** of receipt and the complaint will progress to Stage 2.

#### STAGE 2 : Review by the Governors' Complaints Panel

##### Composition of the Governors' Complaints Panel

On receipt of the notification that the complainant wishes to progress the complaint to Stage 2, the Governing Body will nominate an appointed lead to convene and run a Complaints Panel. A written acknowledgement of the complaint and the request for it to be heard at Stage 2 of the Procedure will be sent to the complainant by the Chair of Governors within **ten school days** of receipt.

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The letter will inform the complainant that the complaint will be heard by the Governors' Complaints Panel (GCP) within **fifteen school days** of receiving the complaint. The right to call witnesses to the meeting, subject to the approval of the Chair of the Governors', and the right of the complainant to be accompanied by a companion of her/his choice and submit any further documents will also be explained in the letter. The companion's role will be to support only; they will not be able to present the complaint or answer questions on the complainant's behalf.

The meeting will be held following the procedures for hearing a complaint detailed in Appendix 2.

A written decision will be sent to both the complainant and the Chair of Governors and/or Headteacher by the Chair of the GCP within **ten school days** of the hearing. The letter will explain that the decision of the Governors' Complaints Panel is final but that complaints can be taken to the Education Funding Agency (EFA)

### **The Education Funding Agency (EFA)**

If a complainant feels that the school has or is proposing to act unreasonably, or has failed to discharge a duty under certain legislation they can contact the EFA via the following link:

[https://form.education.gov.uk/submitform.php?self=1&form\\_id=cCCNJ1xSfBE&type=form&ShowMsg=1&form\\_name=Contact+the+Department+for+Education&noRegister=false&ret=%2Fmodule%2Fservices&noLoginPrompt=1](https://form.education.gov.uk/submitform.php?self=1&form_id=cCCNJ1xSfBE&type=form&ShowMsg=1&form_name=Contact+the+Department+for+Education&noRegister=false&ret=%2Fmodule%2Fservices&noLoginPrompt=1)

The role of EFA is to ensure the school's complaints procedure meets the regulations and will check whether the complaint has been dealt with properly by the school in any of the following three areas:

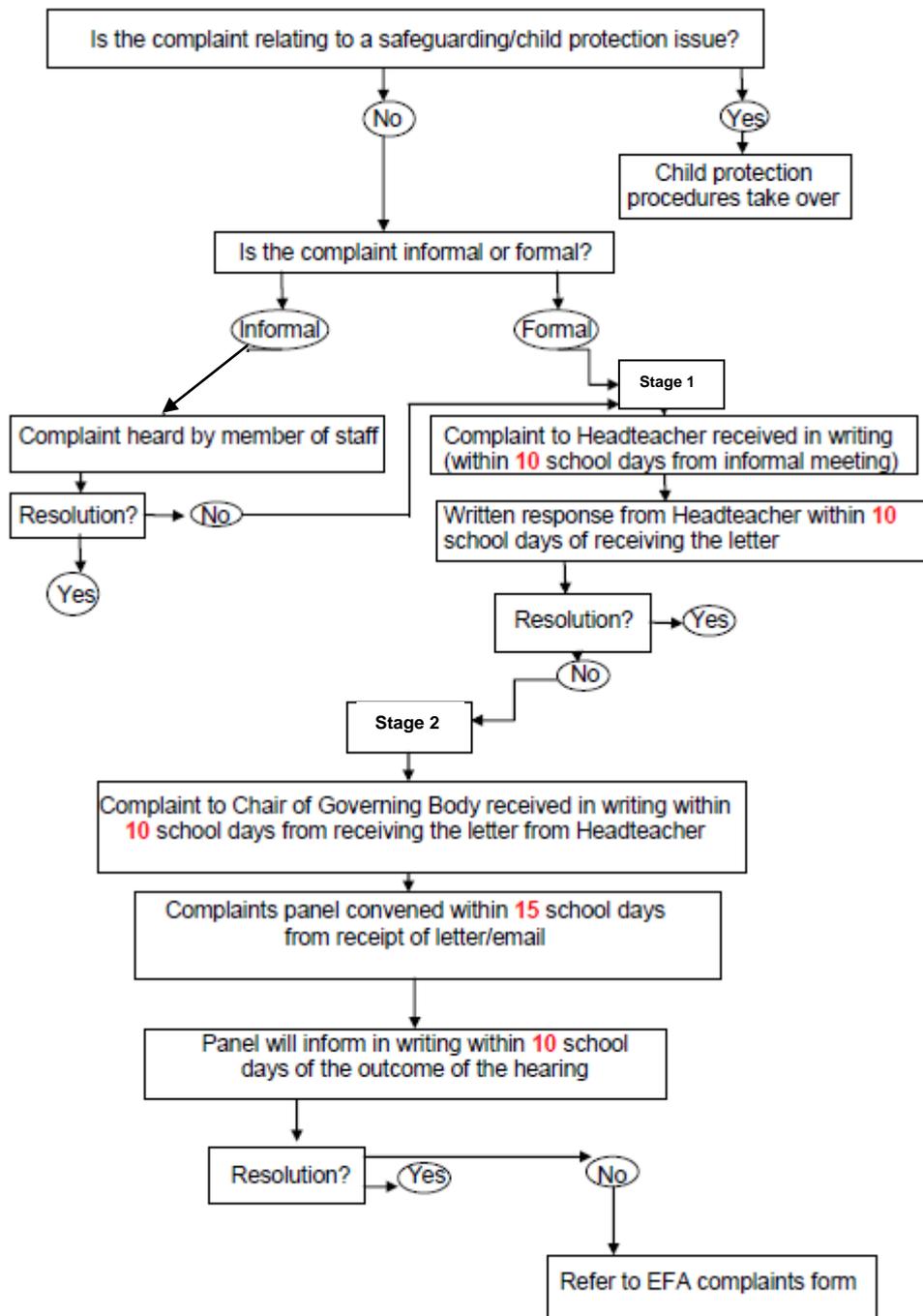
1. where there is undue delay or the school did not comply with its own complaints procedure when considering a complaint
2. where the school is in breach of its funding agreement with the Secretary of State
3. where a school has failed to comply with any other legal obligation

The role of the EFA is not to overturn a school's decision about a complaint. However, if they find the school did not deal with a complaint properly they will request the complaint is looked at again and procedures meet the requirements set out in the Regulations.



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## The Process – an overview



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### APPENDIX 1

#### Composition of the Governors' Complaints Panel

The Governors' Complaints Panel (GCP) will consist of three members. A Chair of the GCP should also be appointed as one of the three. The panel cannot be made up solely of Governing Body members because they are not independent of the management and running of the school. One panel member must be independent of the school. The Chair of Governors can be one of the three unless involved in the complaint at an earlier stage.

The Governing Body may decide to appoint the members annually, together with reserves, designated in the order in which they would be called upon to stand in order to ensure that governors will be available to meet within the timescales. The Governing Body will consider the advantages of having a parent governor as a member of the panel.

No member of the GCP should have had prior involvement with the complaint. As the Chair of the Governing Body may be involved at an earlier stage in the procedure (particularly where the complaint is about the Headteacher) it may be wise not to include the Chair as a member of the GCP to avoid any possible reference to the Chair being "tainted".

It is not considered appropriate for the Headteacher to be a member of the GCP. The role of the Headteacher would be to attend the panel hearing to give evidence and s/he may choose to invite staff directly involved in matters raised by the complainant (subject to the approval of the Chair of the GCP).



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### APPENDIX 2

#### **Governors' Complaints Panel (GCP) Procedures for Hearing the Complaint Introduction**

The aim of the meeting is to resolve the complaint and achieve a reconciliation between the school and the complainant. The Chair of the GCP will ensure that a clerk is appointed and the meeting is properly minuted. Although the meeting will follow the structured order below, given potential sensitivities and anxieties, the Chair will endeavour to ensure that the proceedings are as informal as possible and that all parties are put at their ease. The introduction of new information or witnesses, previously not notified to all parties, would be reason to adjourn the meeting so that everyone has time to consider and respond to the new information.

#### **Order of Meeting**

1. The Chair welcomes the complainant and his/her companion and introduces the GCP.
2. The Chair explains the purpose of the meeting, the procedure, and that all written evidence has been made available to all parties.
3. The complainant explains the complaint, calling in witnesses if appropriate.
4. The GCP may question the complainant and witnesses.
5. The complainant and companion retire from the meeting.
6. The Chair welcomes the Headteacher and the Chair of Governors (where the complaint has been addressed by the Chair of Governors at stage 1).
7. The Chair explains the purpose of the meeting, the procedure, and that all written evidence has been made available to all parties.
8. The Headteacher/Chair of Governors present a response to the complaint, including action taken to address the complaint at the informal stage and stage 1 of the procedure and calling witnesses, if appropriate.
9. The GCP may question the Headteacher/Chair of Governors.
10. The Headteacher and Chair of Governors retire from the meeting.
11. The complainant is invited back into the room to make a final statement, then retires together with his/her companion.
12. The Headteacher, together with the Chair of Governors, where applicable, is invited back into the room to make a final statement, then retires.
13. The GCP considers the complaint and reaches a unanimous or majority decision. The GCP also decides what action (if any) to take to resolve the complaint and, if appropriate, recommends changes to ensure similar complaints are not made in future.
14. When a decision has been made all outcomes are confirmed in writing to both parties.



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### APPENDIX 3

#### 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 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.
- 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.



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### APPENDIX 4

#### The Role of the Chair of the Panel

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

- a clerk is appointed to minute the meetings and communicate the outcomes
- 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 needs to ensure that the complainant is notified of the panel's decision, in writing, with the panel's response; this is usually within a set deadline which is publicised in the procedure. The letter needs to explain if there are any further rights of appeal and, if so, to whom they need to be addressed.