



## COMPLAINTS POLICY: SMITHILLS SCHOOL

### General

The school's complaints policy allows parents' 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. The school expects ALL parental 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 also pupils and others) 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, pupil or other complainant should be able to expect to have a response, even if not the final response, to their complaint within 24 hours of having made the complaint.

If parents, pupils or other complainants wish to register a formal complaint they should be asked to complete the school's Formal Complaint Form and return it to the Complaints Co-ordinator.

**Written By: A Cottrill - Headteacher**

**Signed:**  **Headteacher** **Date: December 2015**

**Approved on behalf of Governing Body:**

**Linda Guest** **Date: December 2015**

**For Review: December 2017**



## Types of Concerns and Complaints

The majority of complaints received by the school fall into the following categories:

- **financial and administrative;**
- **academic** (course programme, unsatisfactory teaching, too much/too little homework, progress in a particular subject etc);
- **pastoral** (discipline/indiscipline, inappropriate sanctions, bullying, overall progress of the child, unhappiness of child etc); and
- **child protection** (allegations against staff, handling of sensitive issues).

## Responsibilities

**Governing Body:** for approving the policy, procedures, and guidelines, hearing and deciding on appeals, receiving reports, and advising the Head. The GB will monitor the level and nature of complaints and review the outcomes annually or earlier if so determined by the Chair.

**Chair of the GB:** to receive complaints at Stage 3, to nominate a panel to hear the appeal, and to check that the correct procedure is followed.

### Chair of the Panel at Stage 3

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.

### Clerk to the Governing Body

The Clerk will act as the reference point for the complainant at Stage 3. 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.



**Head:** for the overall internal management of the procedures, for hearing complaints at the second stage (see below), ensuring that the procedures are monitored and reviewed and reports made to the GB.

**Complaints Co-ordinator:** for the efficient operation and management of the policy and procedures, for training staff on how to deal appropriately with complaints, for keeping parents, pupils and others informed of the procedures and for compiling reports for the Head as required.

**Business Manager:** for administrative, environmental and financial queries and complaints.

**Heads of Department and other middle managers:** for dealing with and where possible resolving complaints about academic matters/programmes of study/teaching methods at stage 1 of the procedures.

**Heads of House:** for dealing with and where possible resolving complaints concerning overall pupil progress, discipline issues, pastoral care.

**Named Senior Member of Staff:** for child protection issues.

**All staff:** for hearing any concerns brought to them by parents and pupils and reassuring them that the will be dealt with as soon as possible by the appropriate member of staff, and for informing the relevant staff of the concerns. And for passing any complaints received from other people who are not parents or pupils to the Complaints Coordinator.

## **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 Head. The full procedure at each stage will be set out in the school prospectus.

## **Formal Procedure**

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

- Stage 1 complaint heard by staff member (who is not subject of the complaint);
- Stage 2 complaint heard by Head; and
- Stage 3 complaint heard by GB's complaints appeals panel.



## Guidelines

All staff and governors should be conversant with the procedures.

### Stage 1

All staff should listen carefully and patiently to parents' and pupils' complaints, recognising that however ill-founded the complaint might be it is a matter of great concern to the parent or pupil.

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, and the relevant person should be informed by the member of staff as soon as possible.

The member of staff receiving the complaint should use the school's 'Complaints Form' to inform the relevant senior member of staff. But this does not prevent the member of staff also speaking to the senior colleague about the matter at the earliest opportunity.

If the senior member of staff considers the issue to be serious (but is not a child protection issue) he/she should inform the Co-ordinator (or Head) via the school's 'Complaints Form', and inform the complainant of the action taken. The Co-ordinator (or Head) will determine the next step(s).

If the Co-ordinator or a relevant senior member of staff considers that he/she can deal with the complaint he/she should attempt to do so. If a resolution cannot be found the Co-ordinator should inform the complainant of their right of appeal to the Head (Stage 2) or GB (Stage 3), and inform the Head/GB of the action taken.

If the complaint concerns a child protection issue or involves an allegation of abuse by a member of the school staff the 'named person' responsible for child protection complaint should be informed by the Co-ordinator and contact should be made to the relevant Local Authority Social Care Team or Local Designated Officer.

If a serious complaint is made by a pupil, the member of staff should immediately inform the Co-ordinator, who will immediately inform the pupil's tutor (or the Head of House/Year). It will be the responsibility of the Head of House/Year to determine whether he/she can deal with the issue, or in consultation with the Co-ordinator, what the next course of action should be, including referring the matter to the Head.

If a trivial/simple verbal complaint is made it might be possible in most cases to resolve it immediately. In more serious cases, or where a member of staff is uncertain, parents should always be asked to put their complaint in writing. This is to ensure that there is no conflict in determining what the complaint consists of and the action taken by the members of the school staff.



In any cases of doubt members of staff should seek the advice of the (Co-ordinator/Deputy Head) who has the responsibility for mentoring colleagues.

If the appropriate member of staff cannot resolve the complaint, the Co-ordinator must refer the matter to the Head (Stage 2).

At Stage 1 the school should aim to resolve the complaint within 24 hours of receiving it. Where this is not possible, the Co-ordinator will inform the parties of the action being taken, and when it is expected to resolve it.

No complaint should normally be left unresolved at this stage after THREE school days of receipt of the complaint. In abnormal circumstances the matter will be referred to the Head who will determine the appropriate action, and will keep the parties informed.

## **Stage 2**

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

The Head must normally resolve the matter within THREE school days wherever practicable of receiving notification of the complaint. In abnormal circumstances a longer time scale can be agreed, either by agreement with all parties, or by a decision of the Chair of the GB if no agreement is reached.

If the Head is unable to resolve the issue it is open to the complainant to make representations to the governing body. (Stage 3)

## **Stage 3**

### **Appeals to the Governing Body**

Complainants who are not satisfied by the Head's decision re the complaint can make representations to the governing body.

The complainant must be advised by the Co-ordinator to write to the chair of the GB giving details of the complaint. The Chair will nominate a panel to hear the appeal. One member of this panel must be independent of the management and running of the academy and should not be a governor.

The hearing must be within 10 days of the Chair receiving notice of the complaint.

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



The panel will make its own procedures, and will agree these with the Chair, who will report them to the next governing body meeting.

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

Careful consideration must be taken when the complainant is a pupil.

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 days of the hearing.

If the complaint is not resolved at the Local Authority level parents can, if they remain dissatisfied, make representations to the Secretary of State that the school (or LA) is acting unreasonably or unlawfully.

### **Dealing with Complaints through Ofsted**

The Education (Investigation of Parents' Complaints) (England) Regulations 2007 brought in a new procedure for dealing with parents' complaints through Ofsted. The regulations set out what complaints can be investigated by Ofsted as qualifying or non-qualifying complaints.

Ofsted cannot investigate a parental complaint until the parent has exhausted all internal methods and appeals. However, the Chief Inspector has the discretion to waive this restriction.

### **Vexatious Complaints**

If the complainant remains dissatisfied after all stages have been properly followed, the Chair 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 **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; and
- keep notes of the interview.

## Resolving Complaints

At each stage in the procedure the person 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 Head and Chair 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 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 Head 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 Head will report to staff from time to time, and to the GB annually or earlier if the Chair so determines, on the number and type of complaints received and their outcomes.