

BABINGTON COMMUNITY COLLEGE

Complaints Policy



Adopted from the Leicester City Council model complaints policy - September 2012

Reviewed: September 2014

Next Review: September 2015

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1. INTRODUCTION

1.1 LEGAL REQUIREMENT FOR THE PROCEDURE

From 1 September 2003 Governing Bodies of all maintained schools are required to have a procedure to deal with general complaints relating to the school and to any community facilities or services that the school provides. (Refer to Appendix 5 for a summary of Section 29 of the Education Act 2002.)

The law also requires this procedure to be publicised.

1.2 DfE GUIDANCE

The DfE recently produced a School Complaints Procedure Toolkit, which promotes existing good practice, key messages and a framework of principles.

The DfE recommended that schools should use this Toolkit to review their existing procedures and that local teacher associations and the LEAs be involved in this process.

However, to reduce the administrative burden on schools it has been agreed with the teacher associations that the City LEA would draft a suitable procedure that schools could then adopt if they so wished. This document contains the outcome of this process.

1.3 SCOPE OF THIS PROCEDURE

There are certain complaints that fall outside the remit of the Governing Body's complaint procedure, for example, staff grievances or disciplinary procedures.

It is recommended that the governing body ensures that any third party providers offering community facilities or services through the school premises, or using school facilities, have their own complaint procedure in place.

2. PURPOSE AND STRUCTURE OF THIS PROCEDURE DOCUMENT

2.1 PURPOSE

This document is intended to help you manage the general types of complaint that you may receive about your school and any community facilities or services that your school provides.

2.2 STRUCTURE

This document is designed to be as user-friendly as possible. It includes flowcharts describing the procedures to follow, notes offering practical guidance at each stage, and some example documents.

2.3 STRUCTURE OVERVIEW OF THE COMPLAINT PROCEDURE

The procedure is divided into two parts: the first deals with the resolution of informal concerns, and the second with the handling of formal complaints.

Informal Resolution of Concerns

Concerns ought to be handled, if at all possible, without the need for formal procedures. The requirement to have a complaint procedure should not undermine efforts to resolve concerns informally. Individuals involved need to be clear, however, about the difference between a concern and a complaint.

A matter should be considered to be a concern if it meets the following criteria:

- a) A minor matter capable of being resolved locally, and
- b) A matter that is not directly about any of the following individuals or groups:
 - Class Teacher/Service Deliverer
 - Line Manager/Head of Year/Department
 - Headteacher/Principal
 - Governor
 - Chair of Governors
 - Governing Body

Formal Complaint Procedure

The formal complaint procedure 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. The recommended stages of the formal procedure are:

- Stage 1: Line Manager/Head of Year/Department
- Stage 2: Headteacher/Principal
- Stage 3: Chair of Governors
- Stage 4: Governing Body Complaints Panel

If the complaint has not been resolved by completion of Stage 4, the complainant must be directed to the Secretary of State for Education if they wish to pursue the matter further.

2.4 COMPLAINTS CO-ORDINATOR

It is recommended that schools nominate a member of staff to have responsibility for the co-ordination and administration of this procedure. A considerable amount of paperwork can accrue as complaints go through the procedure and having one constant person acting as co-ordinator can be of benefit. This person should be termed the school's 'Complaints Co-ordinator' and should not be someone who might be required to investigate a complaint, although they may be required to undertake tasks associated with gathering factual information at any stage.

2.5 NOMINATED COMPLAINTS GOVERNORS

Schools will need to nominate Governors from their Governing Bodies to form a pool of governors to sit on the Complaints Panel. The Panel should comprise either 3 or 5 governors.

3. PROCEDURE FOR DEALING WITH GENERAL SCHOOL COMPLAINTS

Every effort should be made to resolve concerns as quickly as possible without recourse to formal complaint procedures.

3.1 INFORMAL RESOLUTION OF CONCERNS

3.1.1 Early resolution

It is important to note that the requirement to have a complaint procedure need not in any way undermine efforts to resolve concerns informally.

It is in everyone's interest that concerns are resolved at the earliest possible stage. Taking informal concerns seriously at this stage will reduce the numbers that develop into formal complaints.

In this respect it would be helpful if staff were able to resolve issues on the spot, including apologising where necessary.

3.1.2 Receiving concerns

In most cases the class teacher or individual delivering the service in the case of extended school provision, will receive the first approach and is the appropriate person to receive and resolve initial concerns.

If anyone else, including a Governor, is approached with a concern they should establish whether the matter has been raised with anyone else and if not, put the person in immediate contact with the appropriate Class Teacher/Service deliverer.

If this is not possible take details of the concern and inform the person that these will be forwarded to the appropriate Class Teacher/Service Deliverer as soon as possible.

Governors should not become involved at this stage in case they are required to form a panel at a later stage.

Where a person expresses a reluctance to discuss concerns with a particular class teacher/individual, these views should be respected. In such cases the concern should be referred to the next person in the formal complaint procedure hierarchy with whom the person feels comfortable discussing the concern.

If the concern relates to the Headteacher/Principal it should be referred to the Chair of Governors at Stage 3 of the formal complaint procedure.

Similarly, if the class teacher/individual receiving the concern feels unable to deal with it, the matter should be referred to the next level in the formal complaint procedure hierarchy.

3.1.3 Resolving concerns

Once the appropriate class teacher/individual is in possession of the concern they should attempt to resolve it. At this informal stage of the complaint procedure the emphasis is on the quick resolution of minor concerns.

If it becomes clear that the concern cannot be resolved quickly and that more detailed investigation is necessary then the matter should be referred to the next level in the formal complaint procedure hierarchy and the person informed that this action has been taken. They should be informed of the name of the person to whom the matter has been referred.

3.2 FORMAL COMPLAINTS PROCEDURE

3.2.1 Stage 1: Line Manager/Head of Year/ Head of Department

As this is the first stage of the formal procedure, the aim should be to consider the complaint objectively and impartially and attempt to find a satisfactory resolution.

3.2.2 Stage 2: Headteacher/Principal

The Headteacher/Principal's influence will already have shaped the way complaints are handled in the school. At this point, the complainant may be dissatisfied with the way the complaint was handled at stage one as well as pursuing the initial complaint. The head may delegate the task of collating information to another staff member but not the decision on the action to be taken.

3.2.3 Stage 3: Chair of Governors

The complainant should write to the Chair of Governors giving details of the complaint, or the matter may be referred to the Chair by the school's Complaints Co-ordinator following consideration at the previous level.

3.2.4 Stage 4: Governing Body Complaints Panel

The complainant should write to the Clerk to the Governing Body giving details of the complaint. The Clerk will convene a Governing Body Complaints Panel. The Governors' hearing is the last school-based stage of the complaints process, and *is not convened merely to "rubber-stamp" previous decisions.*

Individual complaints should not be heard by the whole 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.

4. PRACTICAL GUIDANCE NOTES

4.1 CONSIDERING INITIAL CONCERNS

- 4.1.1 It is desirable that the matter is resolved at this point and discussions should be aimed at achieving this if at all possible.
- 4.1.2 It may be necessary to look into the concern, but a large and/or formal investigation is not envisaged. Take time to investigate if necessary.
- 4.1.3 Confirm areas of agreement between you and the third party
- 4.1.4 To create a positive atmosphere, clarify any misunderstanding that may have occurred.
- 4.1.5 Encourage the person(s) to state what they feel might resolve the matter at this stage.
- 4.1.6 Consider ways in which the concern could be resolved

Responses at this stage will usually be verbal, but on occasions it may be desirable or advisable to do so in writing. Seek guidance from your line manager if in doubt.

4.2 RECEIVING THE CONCERN/COMPLAINT

- 4.2.1 It is of prime importance at every stage of the procedure that the concern/complaint is received in a sympathetic but neutral manner. Avoid making any comment that could be taken as agreeing or disagreeing with the complainant.
- 4.2.2 Establish the facts as fully as possible by listening carefully, asking questions to clarify understanding, and keeping accurate notes.
- 4.2.3 Confirm with the complainant that your understanding is correct.
- 4.2.4 Taking matters seriously at every stage will reduce the number of complaints that proceed to the next stage of the procedure.

4.3 INVESTIGATING THE COMPLAINT

An effective complaint procedure will:

- Identify areas of mutual agreement
- Clarify any misunderstandings that may have occurred, as this can create a positive atmosphere in which to discuss any other issues

- Establish who has been involved so far, and what has happened
- Clarify the nature of the complaint and what remains unresolved

Although every complaint will be different, the investigation process should involve the following:

- 4.3.1 Contact the complainant, meeting with them if necessary, to clarify information already obtained or to obtain further information. This includes clarifying what the complainant feels would resolve the matter.
- 4.3.2 If appropriate, desirable, or necessary, interview those involved in the matter and those complained of, (if applicable).

Allow those interviewed to be accompanied if they wish. Where a complaint is about a member of staff, the nature and detail of the complaint should be discussed with that person at the earliest opportunity and, where possible, they should be interviewed in advance of other people. *(Remember that this may be the initial stage of a disciplinary procedure)*

All interviews should be conducted with an open mind and the interviewer should be prepared to persist with questioning.

Notes should be kept of all interviews and of any telephone calls. Ideally these should be contemporaneous, but if this is not possible, they should be made as soon as possible after the interview/call while details are still fresh in your memory.

4.4 RESPONDING TO THE COMPLAINANT

Possible resolutions to a justified complaint may be one or more of the following:

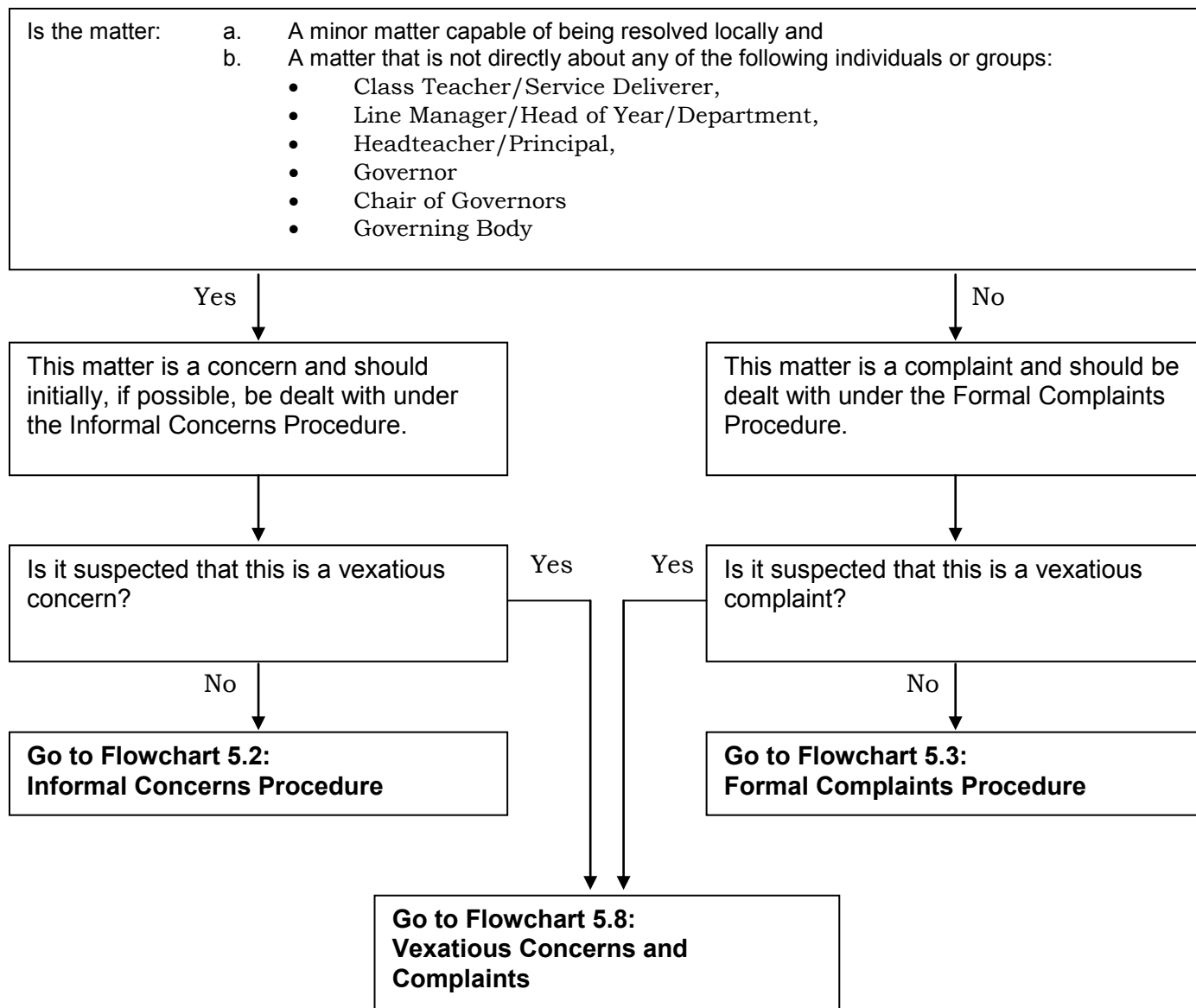
It may be sufficient to acknowledge that the complaint is valid in whole or in part

- An apology
- An explanation
- An admission that the matter/situation could have been handled differently or better
(Note that this is not the same as an admission of negligence and care should be taken to ensure that no such admission is made)
- 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.

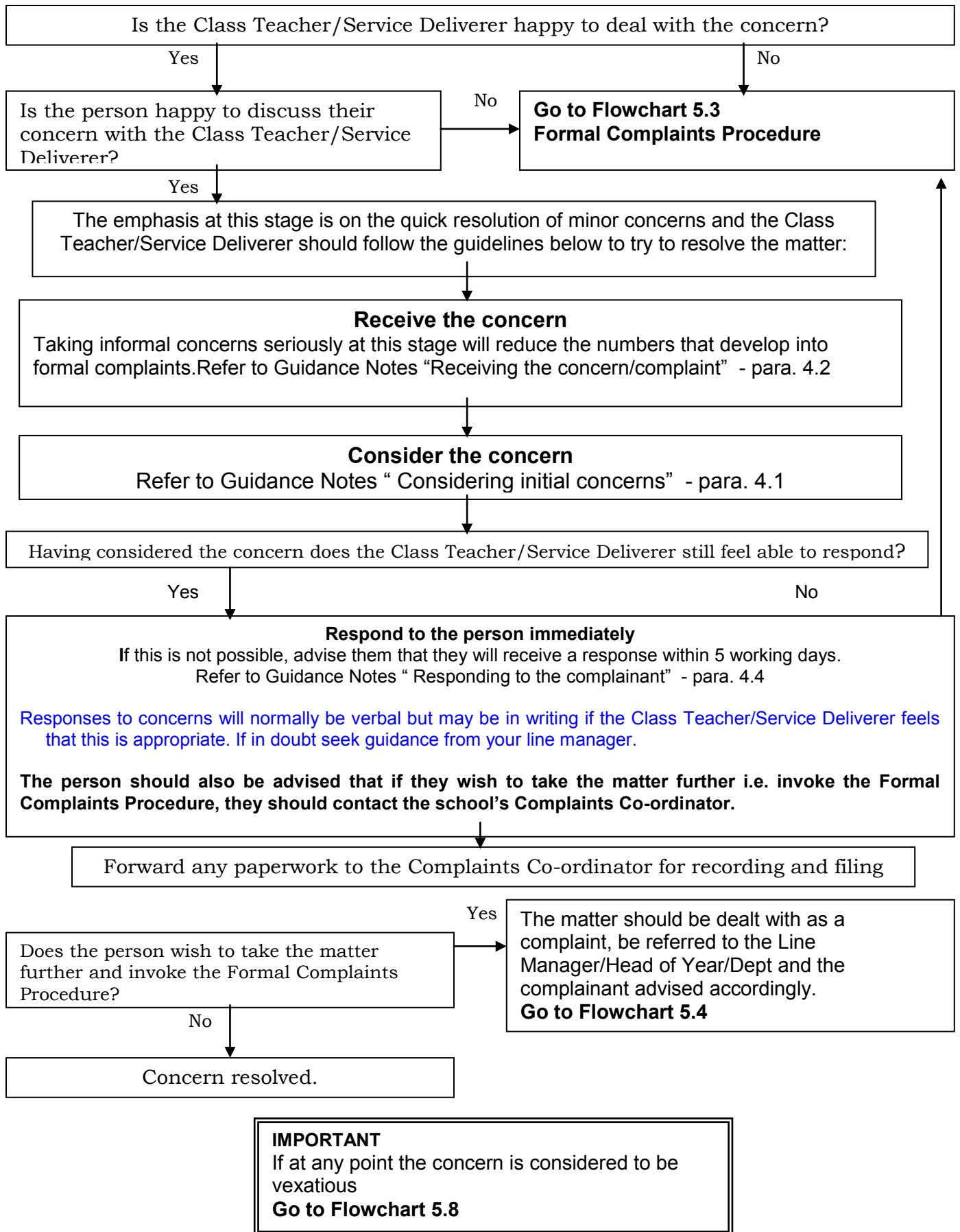
It may be that no basis is found for the complaint. In these circumstances, a response should be made to this effect and it would be helpful to state the process followed to arrive at this conclusion. In this way the complainant will be able to see that the complaint has received reasonable and appropriate consideration and this in itself may resolve the complaint and stop it developing further.

Responses to complaints should always be in writing in order to provide a full record that may be used if the complaint is taken to the next level.

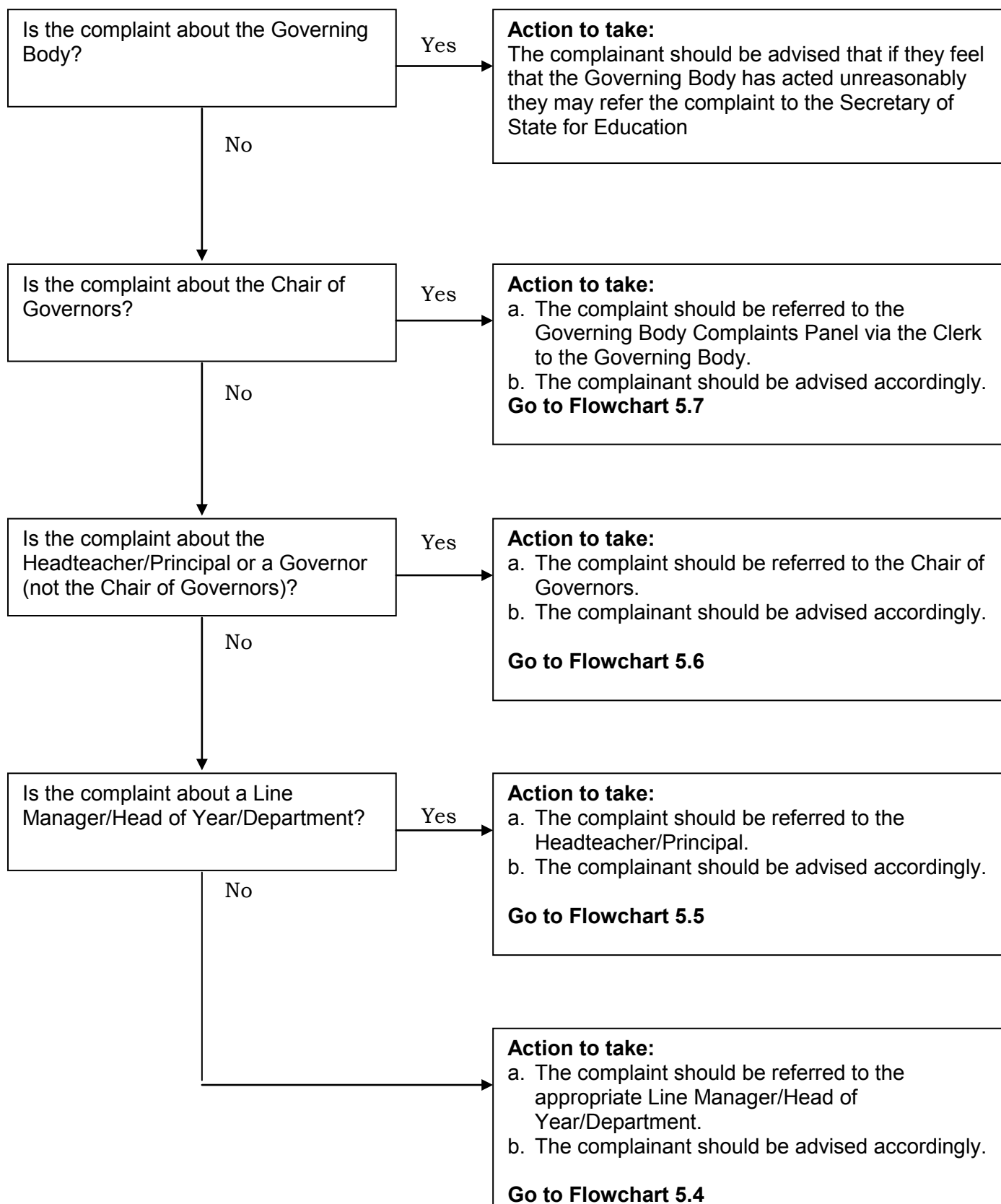
Flowchart 5.1: Is the matter a Concern or a Complaint?



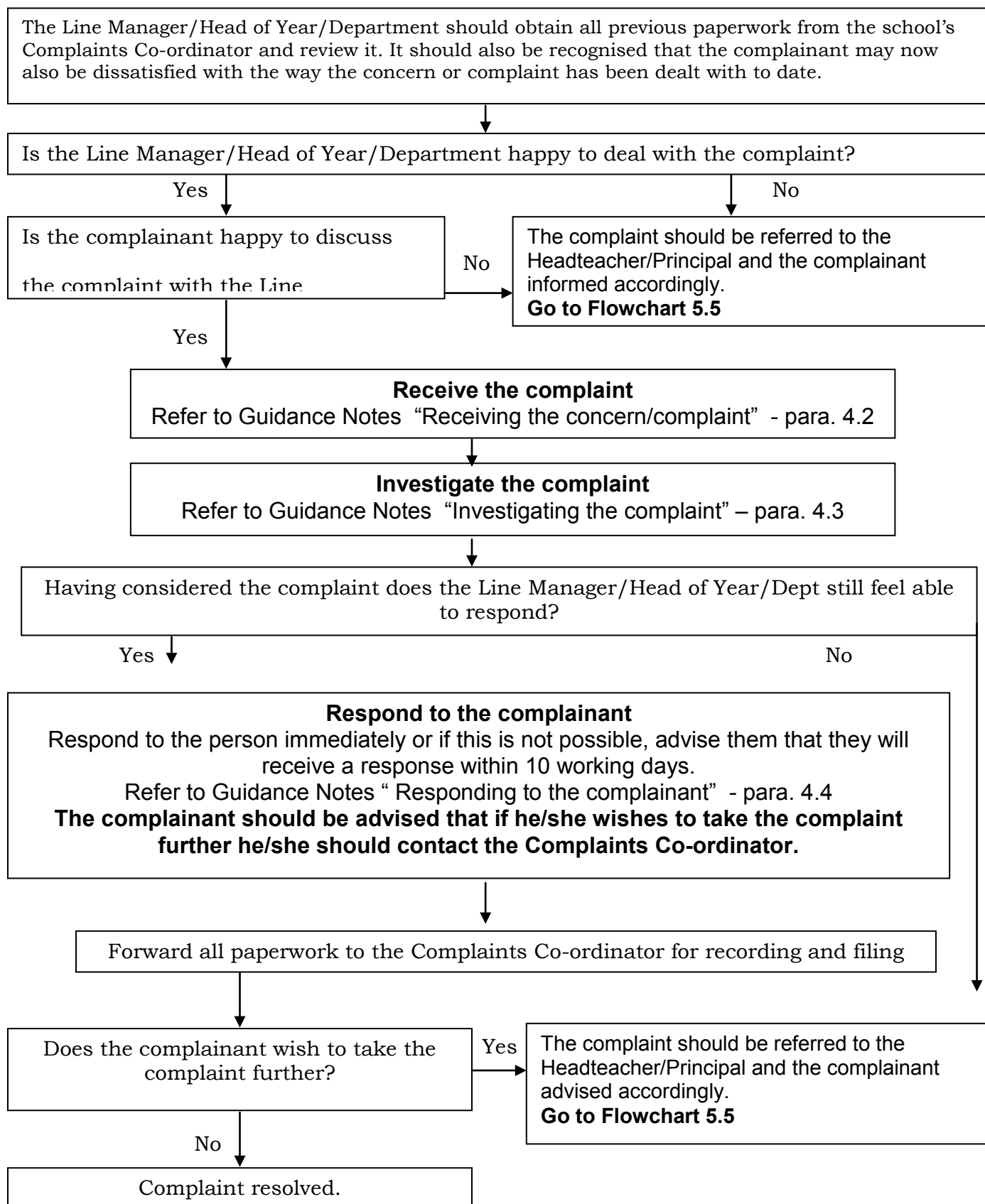
Flowchart 5.2: Informal Concerns Procedure



Flowchart 5.3: Formal Complaints Procedure - Where Complaints enter the Procedure

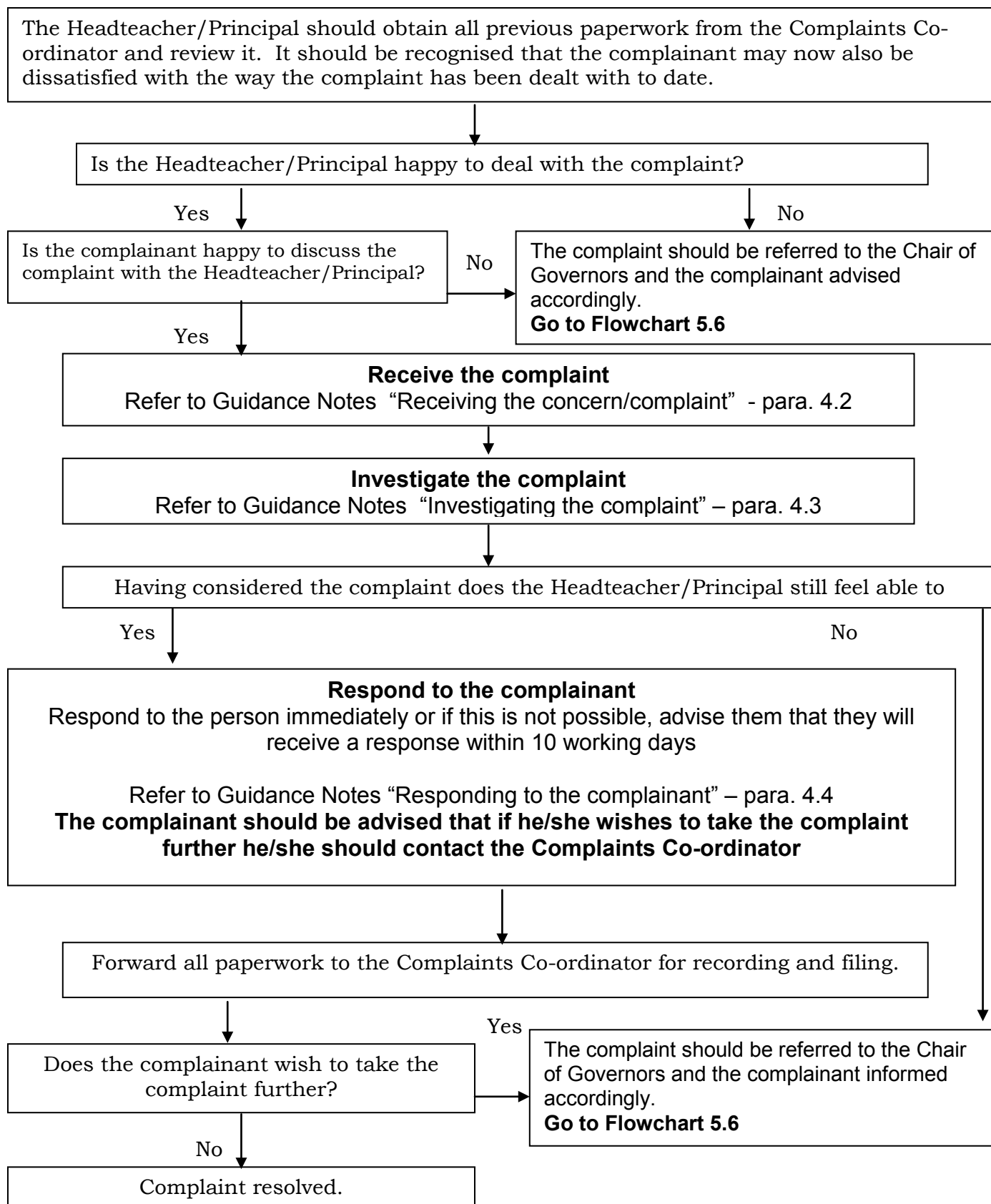


Flowchart 5.4: Formal Complaints Procedure. Stage 1 – Line Manager/Head of Year/Department



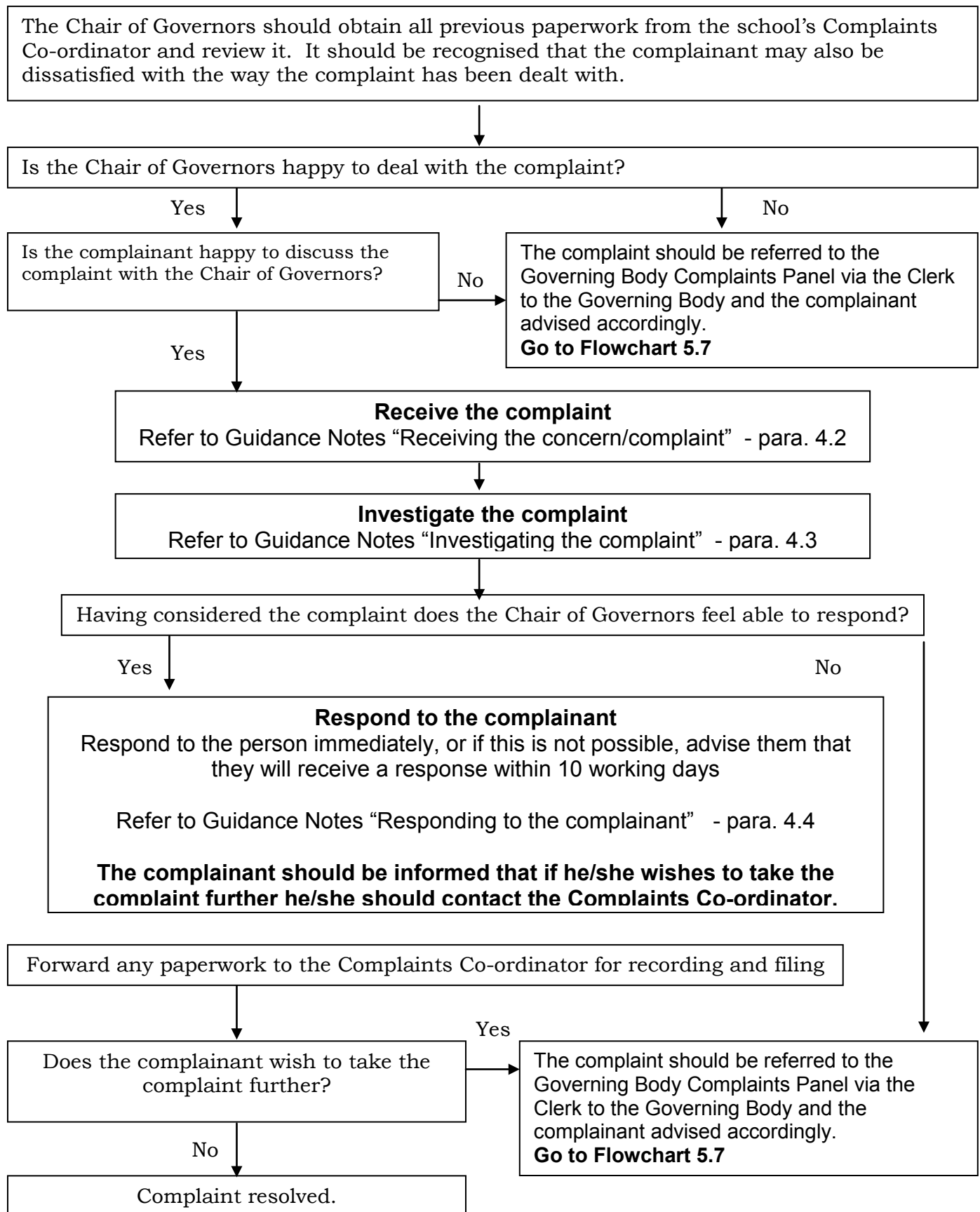
IMPORTANT
If at any point the complaint is considered to be vexatious
Go to Flowchart 5.8

Flowchart 5.5: Formal Complaints Procedure. Stage 2 – Headteacher/Principal



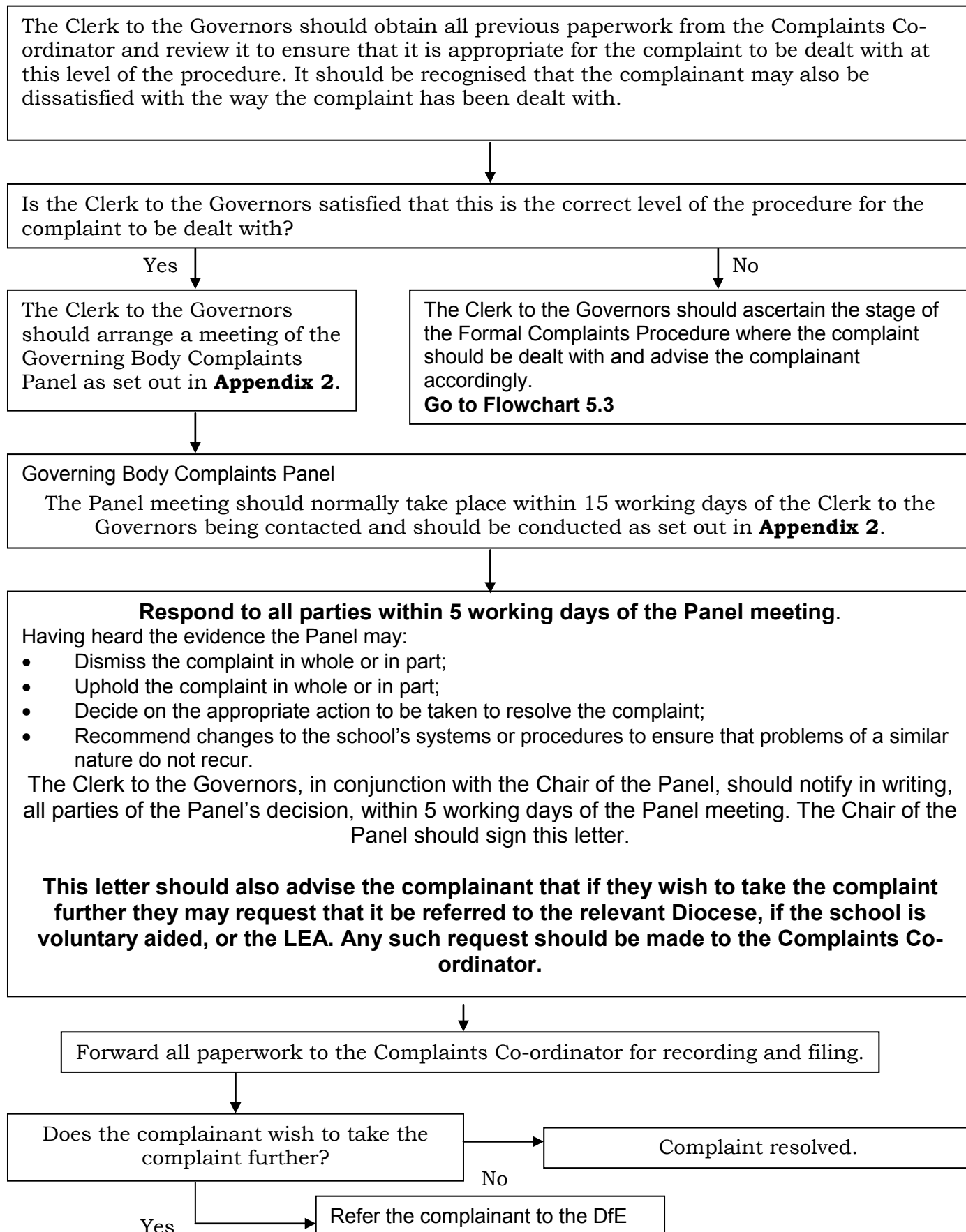
IMPORTANT
If at any point the complaint is considered to be vexatious
Go to Flowchart 5.8

Flowchart 5.6: Formal Complaints Procedure. Stage 3 – Chair of Governors

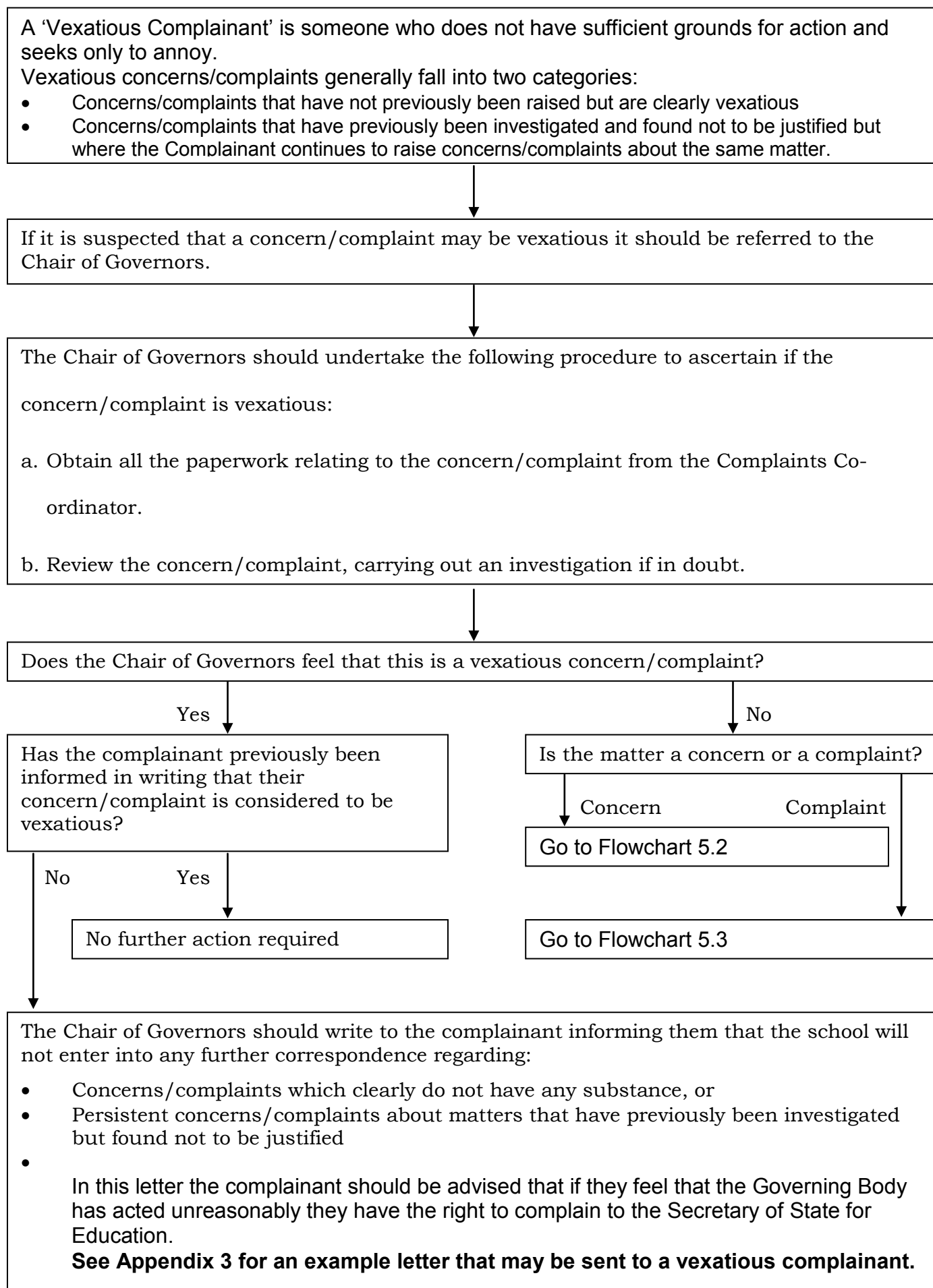


IMPORTANT
If at any point the complaint is considered to be vexatious
Go to Flowchart 5.8

Flowchart 5.7: Formal Complaints Procedure. Stage 4 – Governing Body Complaints Panel



Flowchart 5.8: Vexatious Concerns and Complaints



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

Your name:

Pupil's name:
(If applicable)

Your relationship to the pupil:
(If applicable)

Address:

Postcode:

Daytime telephone number:

Evening telephone number:

Please give details of your complaint.

**What action, if any, have you already taken to try to resolve your complaint?
To whom did you speak 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:

For Official use only

Date acknowledgement sent:

By whom:

Complaint referred to:

Date:

All Governing Bodies should appoint a Complaints Panel to deal with complaints raised through the school's Complaints Procedure.

The Panel meets only as required and hearings should take place within 15 working days of the Clerk to the Governors being contacted.

There are several points that any governor sitting on a Complaints Panel needs to remember:

- a. It is important that the 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 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 that will satisfy the complainant that the 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 that 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.

The Panel is the last school-based stage of the complaints procedure, and is not convened merely to "rubber-stamp" previous decisions.

Individual complaints should not be heard by the whole 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.

The Governing Body may nominate a number of members with delegated powers to hear complaints. The Panel can then be drawn from these nominated members.

The Panel should comprise either three or five governors to enable majority voting and should choose its own Chair.

The procedure for hearing appeals is detailed below.

The Headteacher/Principal may not sit as a member of this committee as he/she is likely to have been involved earlier in the school's Complaints Procedure, although it is expected that he/she will take the prime role in presenting the school's position.

Terms of reference:

Appendix 2 continued

Purpose of the Panel:	To hear and decide on complaints raised through the school's Complaints Procedure, which have reached this stage.
Membership:	3 or 5 eligible governors reflecting the membership of the Governing Body (See Point a. above).
Quorum:	3 governors
Frequency of meetings:	As required
Remit:	The Panel may: <ul style="list-style-type: none">• 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.
Reporting back:	Decision only reported to next meeting of full Governing Body.

May make recommendations on policy as a result of complaints

Roles and Responsibilities before, during, and after a Complaints Panel Hearing

The Role of the Clerk:

Any panel or group of governors considering complaints should be clerked. The Clerk should 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 for all parties and that the venue and proceedings are accessible;
- Collate any written material and send it to the parties at least 3 working days in advance of the hearing;
- Meet and welcome the parties as they arrive at the hearing;
- Record the proceedings;
- In collaboration with the Chair of the Panel notify all parties, in writing within 5 working days, of the panel's decision. The letter needs to explain if there are any further rights of appeal and, if so, to whom they need to be addressed. The Chair of the Panel should sign this letter.

The Role of the Chair of the Panel:

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

- the remit of the Panel is explained to the parties;
- 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 had any involvement in an earlier stage of the procedure;
- each side is given the opportunity to state their case and ask questions without undue interruption;
- all parties see written material; if a new issue arises it is essential to give all parties equal opportunity to consider and comment on it.
- all parties are notified of the Panel's decision in writing within 5 working days. Produced in collaboration with the Clerk of the Panel, the letter needs to explain if there are any further rights of appeal and, if so, to whom they need to be addressed. The Chair of the Panel should sign this letter.

Procedure at the Complaints Panel Hearing

General Points:

- The Panel should have appointed a Chair and comprise either 3 or 5 members.
- The Clerk to the Governors should minute the Panel meeting.
- The Panel meeting should be as informal as possible. (See point c. above).
- Extra care needs to be taken when the complainant is a child. (See Point d. above).
- Witnesses are only required to attend for the part of the hearing in which they give their evidence.
- The Panel may ask questions at any point.

Procedure:

1. Chair introduces everyone.
2. Chair outlines the purpose of the Panel meeting and the procedure to be followed.
3. The complainant is invited to explain the complaint, and is followed by their witnesses.
4. The Headteacher/Principal may question both the complainant and the witnesses after each has spoken.
5. The Headteacher/Principal is then invited to explain the school's response and is followed by the school's witnesses.
6. The complainant may question both the Headteacher/Principal and the witnesses after each has spoken.
7. The complainant is then invited to sum up the complaint.
8. The Headteacher/Principal is then invited to sum up the school's actions and response to the complaint.
9. Both parties leave together while the panel decides on the issues.
10. The Chair advises both parties that they will be notified of the Panel's decision in writing within 5 working days.

Please ask for:

Our Ref:
Your Ref:

Date:

Name of Addressee
Address

Dear

Subject: *Concern/Complaint regarding.....

I write with regard to your above *concern/complaint.

(If concerns/complaints clearly do not have any substance)

Having considered this matter, it is not felt that there is any substance to your *concern/complaint and it will not be investigated further.

(If persistent concerns/complaints are raised about a matter that has previously been investigated but found not to be justified.)

The school has previously investigated this matter and no justification was found for your concern/complaint. We have now carefully reviewed this investigation and it is still felt that your concern/complaint is not justified.

(Standard paragraphs following either of the above)

We would like to stress that [*enter school name here*] is committed to working with parents and other members of the public to improve the services it provides. To this end justified concerns and complaints are welcomed and seen as a valuable source of information for improvement.

However, investigating unfounded concerns and complaints takes a considerable amount of time and impacts on the services we provide to the community as a whole.

Therefore, no further correspondence will be entered into with regard to this matter or other concerns and complaints that clearly do not have any substance.

Should you feel that the Governing Body has acted unreasonably in this matter, please be advised that you may complain to the Secretary of State for Education at Sanctuary Buildings, Great Smith Street, London, SW1P 3BT.

Yours sincerely

Name
Chair of Governors
School

Appendix 4

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.

Babington Community College	Policy/Procedure
Title: Leicester City Council Complaints Policy	File Ref: O:staff\staff_info\staffadministration\PolicyDocs2014-15
Prepared by: LCC	No of Pages: 27
Approved by:	Review date: Sept 2015
Date approved:	Date last modified: Sept 2014

Policy Approved (date)

Signed

Dr Machon
Chair of Governors