

Complaints Procedure

At Thurlbear CE VA there are 3 stages to our formal complaints procedure; there is an initial informal stage where a complaint will be heard by a member of staff (not the subject of the complaint). These stages are explained in more detail later in our complaints procedure. A complaints co-ordinator will manage the complaints process and the complaints co-ordinator for this school is the School Business Manager – Mrs J Moore.

Roles and Responsibilities:

The complainant – or person making the complaint will receive a more effective response to their complaint if they:-

- Co-operate with the school in seeking a solution to the complaint;
- Contacts the school as early as possible with the full details;
- Responds promptly to requests for information or meetings or in agreeing the details of the complaint;
- Asks for assistance as needed; and
- Treats all those involved in the complaint with respect.

The Complaints Co-ordinator will –

- Ensure that the complainant is fully updated at each stage of the procedure;
- Make sure that all involved in the procedure will be aware of any legislation around complaints including the Equality Act 2010, Data Protection Act 1998 and Freedom of Information Act 2000;
- Liaise with any member of staff, the Headteacher, the Chair of Governors and Clerk to the Governors to make sure of the smooth running of the complaints procedure;
- Keep records;
- Be aware of issues regarding sharing 3rd party information and additional support such as an interpreter.

The Investigator – is the person involved at stages 1 and 2 of the formal procedure. They will -

- Provide a comprehensive, open, transparent and fair consideration of the complaint through:-
 - A sensitive and thorough conversation with the complainant to establish what has happened and who has been involved;
 - Consideration of records and any other relevant information;
 - The interview of staff and children/young people and any others relevant to the complaint;
 - Analysing any relevant information
 - Liaison with the complaints co-ordinator to ascertain what the complainant feels would put things right;
 - Identifying solutions and making recommendations in regard to actions to resolve the issues;
 - Being aware and mindful of the timescales within the procedure to responding; and

- Writing the outcomes to the complainant in plain and clear language. The person doing the investigation will at all times conduct interviews with an open mind and be prepared to persist in the questioning and keeping notes of interviews (or arranging for an independent note-taker to record minutes of any meetings).

The Board of Governors Panel Clerk (this could be the clerk to the governors or the complaints co-ordinator) will be the contact point for the complainant for the panel meeting and would:-

- Set the date, time and venue of the hearing, making sure that dates and times are convenient to all parties and that the venue is accessible;
- Collate any written material and make sure that all parties are in receipt of this in advance of the hearing;
- Meet and welcome the parties as they arrive at the hearing;
- Record the proceedings;
- Circulate minutes of the panel hearing;
- Notify all parties of the decision of the panel;
- Liaise with the complaints co-ordinator.

The Panel Chair - has a key role in making sure that:-

- The meeting is minuted;
- The remit of the panel is explained to the complainant and that they and the school will have the opportunity of putting their case before the panel and to seek clarity;
- The issues are addressed;
- Key findings of fact are made;
- Those unfamiliar with speaking at such hearings are put at ease;
- The hearing is conducted in an informal manner with everyone treated with respect and courtesy;
- The layout of the room is informal and not adversarial;
- The panel is open-minded and acts independently;
- No member of the panel has an external interest in the outcome of the proceedings or any involvement in any part of the procedure prior to the hearing;
- Any written material has been seen by everyone attending the hearing;
- Liaise with the clerk and complaints co-ordinator.

Panel members – will be aware that:-

- It is important that the review panel hearing is independent and impartial, and that it is seen to be so (no governor will be allowed to form part of the panel if they have had prior involvement or knowledge in regard to the complaint and the circumstances around it);
- The aim of the hearing will always be to resolve the complaint and achieve reconciliation between the school and the complainant (however it will be recognised that the outcome of the hearing might not always be to the satisfaction of the complainant and it may only be possible to be in receipt of established facts and make recommendations that provide the complainant with the assurance that their complaint has been taken seriously);

- Many complainants may feel nervous and inhibited in a formal setting;
- Extra care will need to be taken when the complainant is a child/young person and present during the hearing.

The Stages

It is in everyone's interest that complaints are resolved at the earliest possible stage by informal means. The experience of the first contact between the complainant and the school can be crucial in determining whether the complaint/concern will escalate. To that end, staff are aware of the procedures, they know what to do when they receive a complaint.

The ability to consider the complaint objectively and impartially is crucial. The school will respect the view of a complainant who indicates that he/she would have difficulty discussing a complaint with a particular member of staff. In these cases, the Headteacher can refer the complainant to another staff member, or will hear the complaint themselves. Where the complaint concerns the Headteacher, the complainant will be referred to the Chair of Governors.

Where the first approach is made to a governor, the next step would be to refer the complainant to the appropriate person and to advise the complainant about the procedure for making a complaint. Governors will not act unilaterally on an individual complaint outside the formal procedure or be involved in the early stages in case they are needed to sit on a panel at a later stage of the procedure.

Stage One: Complaint heard by the Headteacher or delegated to a staff member (not the member of staff involved in the complaint) –

The Headteacher's influence will already have shaped the way complaints are handled in the school. If the complainant was dissatisfied with the way the complaint was handled informally by a member of staff the headteacher will hear, and investigate, the complaint although the headteacher can delegate the task of collating the information to another staff member but not the decision or any action to be taken.

Stage Two: Complaint heard by Chair of Governors

If the complainant is not satisfied with the response of the Headteacher, or the complaint is about the Headteacher, the complainant should write to the Chair of Governors to request that their complaint is considered further.

If the complaint is about the Headteacher this stage of the complaints process will be stage one and the Chair will investigate. If the complainant remains dissatisfied they will have the right to escalate to Stage three.

Stage Four: Complaint heard by the Complaints Panel

Complaints would not be heard by the whole Board of Governors at any stage, as this could compromise the impartiality of any governor that might need to be on a panel associated with a complaint.

The complainant will need to write to the clerk to the board of governors giving details of the complaint and asking that it is put before the appeal panel. The chair, or if the chair has been involved at any previous stage in the process, a nominated governor, will convene a complaints panel.

The appeal hearing is the last stage of the school-based complaints process and is not convened merely to rubber-stamp previous decisions. Members of the panel will be drawn from the nominated members and will consist of three people. The panel will choose their own chair.

A panel of three governors, with delegated powers to do so, will hear the complaint. The terms of reference for the panel are to:

- Draw up its procedures;
- Hear individual complaints;
- Make one or more of the recommendations on policy as a result of complaints.

Remit of the Complaints Panel – the complaints panel can:

- Dismiss the complaint in whole or part;
- Uphold the complaint in whole or part;
- Decide on the appropriate action to be taken to resolve the complaint;
- Recommend changes to the school's systems, procedures, or policies to ensure that problems of a similar nature do not recur.

Checklist for the panel hearing –

- The hearing is informal as possible,
- Witnesses are only required to attend for the part of the hearing in which they give their evidence,
- If the hearing is to meet with the parties individually –
 - The panel will meet with the complainant and any witnesses, they will then leave;
 - The panel will then meet with head teacher and any witnesses to hear the school's response to the complaint.
 - After each meeting the chair will explain the time scales as to when all parties will hear from the panel.
 - The panel decides on the issues.
- If the hearing is to meet with all parties concerned at the same time -
 - After introductions, the complainant is invited to explain their complaint, and be followed by their witnesses.
 - The headteacher may question both the complainant and the witnesses after each has spoken,
 - The headteacher is then invited to explain the school's actions and be followed by the school's witnesses,

- The complainant may question both the headteacher and the witnesses after each has spoken,
- The panel may ask questions at any point,
- The complainant is then invited to sum up their complaint,
- The headteacher is then invited to sum up the school's actions and response to the complaint,
- The chair of the panel will explain the time scales as to when all parties will receive notification of their decision,
- All parties leave together while the panel decides on the issues.

Finally

If the complainant, once the school complaints procedure is completed, remains dissatisfied with the outcome of the complaints procedure they have the right to contact the Secretary of State. Complainants will need to be advised to write to the School Complaints Unit (SCU) at the DfE, 2nd floor, Piccadilly Gate, Manchester, M1 2WD.

The DfE will make sure that the complainant has exhausted all the local procedures and will then examine if the complaints policy and any other relevant policies were followed. The department does not re-investigate the substance of the complaint. If breaches of policy or legislation are found the SCU will report them back to the school for action to be taken.

School Complaints Procedure Complaint Form

Your Name:

Pupil's name:

Your relationship to the pupil:

Address:

Postcode:

Daytime 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:

School use

Date acknowledgement sent:

By whom:

Complaint referred to:

Date: