



# Idsall Complaints Procedure

## Sponsorship & Review

### 1 Sponsor

Mr P Bourton, Headteacher

### 2 Reviewed

May 2018

### 3 Revision Date

May 2019

## **Idsall School Complaints Procedure**

### **Stage One: Complaint Reported to the School**

It is in everyone's interest that all complaints, whether made by parents or any other third parties, are resolved at the earliest possible stage. The experience of the first contact between the Complainant and the school can be crucial in determining whether the complaint will escalate. To that end, if the school is made aware of the procedures, it is clear what will happen when complaints are received.

It would assist the procedure if all school staff respected the views of a Complainant who indicates that he/she would have difficulty discussing a complaint with a particular member of staff. In these cases, the Complaints Co-ordinator (Business Manager) can refer the Complainant to another staff member. Where the complaint concerns the Headteacher, the Complaints Co-ordinator can refer the Complainant to the Chair of Governors.

Similarly, if the member of staff directly involved feels too compromised to deal with a complaint, the Complaints Co-ordinator may consider referring the Complainant to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the complaint objectively and impartially is crucial.

Where the first approach is made to a governor, the next step would be to refer the Complainant to the Complaints Co-ordinator and advise them about the procedure. It would be useful if governors did not act unilaterally on a individual complaints outside the formal procedure or be involved at the early stages in case they are needed to sit on a panel at a later stage of the procedure.

### **Stage Two: Complaint Heard by Headteacher**

The Headteacher'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 their initial complaint.

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

### **Stage Three: Complaint Heard by Governing Body First Committee**

The Complainant must write to the Chair of Governors via the school giving details of the complaint. Before the hearing the Complainant will be invited to meet the Head and the Clerk to the Governing Body in order to clarify the complaint. The Chair, or a nominated governor, will convene a GB complaints panel Meeting. The Governors' appeal hearing is the last school-based stage of the complaints process, and is not convened to merely rubber-stamp previous decisions. Individual complaints would 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 Panel of members with delegated powers to hear complaints at that stage, and set out its terms of reference. These can include:

- drawing up its procedures;

- hearing individual appeals;
- making recommendations on policy as a result of complaints.

The procedure adopted by the Panel for hearing appeals would normally be part of the school's complaints procedure. The Panel can be drawn from the nominated members and shall consist of three or five people. The Panel may choose their own chair.

### **The Remit of the Complaints First Committee**

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 is 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 may 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 will be taken 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.

## **Roles and Responsibilities**

### **The Role of the Clerk**

Government guidance strongly recommends that any Panel or group of governors considering complaints be clerked. The Clerk to the Governing Body would be the contact point for the Complainant and be required to:

- arrange a meeting before the hearing with the Complainant, Head and Clerk to clarify the complaint.
- 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;
- notify all parties of the Panel's decision.

### **The Role of the Chair of the Governing Body or the Nominated Governor**

The Nominated Governor role:

- check that the correct procedure has been followed;
- if a hearing is appropriate, notify the Clerk to arrange the panel;

### **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 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.

## Checklist for a Panel Hearing

The Panel needs to take the following points into account:

- The hearing is as informal as possible.
- Witnesses are only required to attend for the part of the hearing in which they give their evidence.
- 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.
- Both parties leave the room while the Panel decides on the issues.
- The Chair explains that both parties will hear from the Panel in writing within 5 school days.

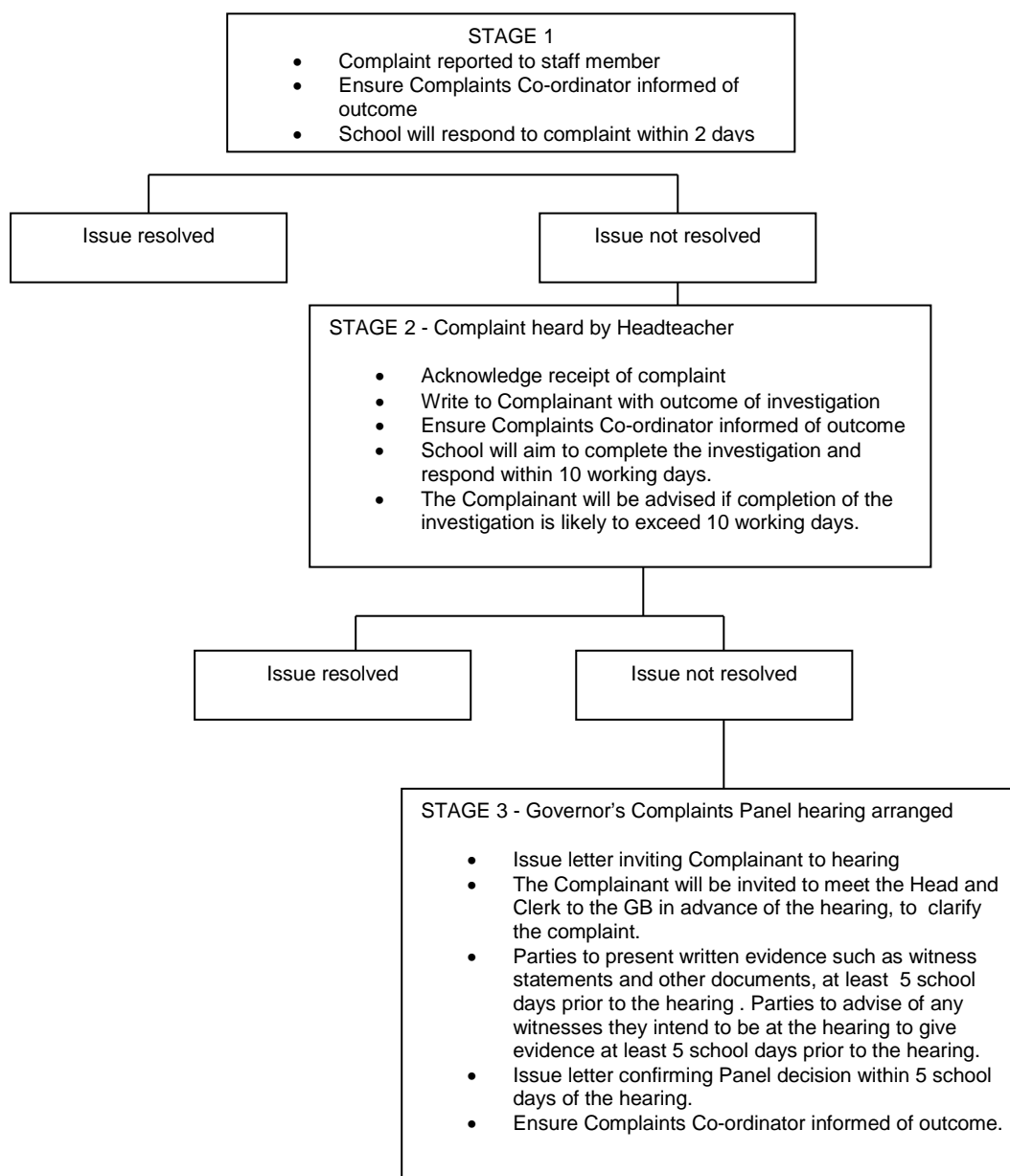
## Which procedure is appropriate?

Sometimes, when concerns are more specific, there are alternative and more appropriate policies for dealing with them. The following list details specific topics of complaints, and the correct policy to refer to. You can access these policies on the school website or ask for a copy from the main school reception.

- Pupil admissions; please see the school's admissions policy.
- Pupil exclusions; please see the school's exclusion policy.
- Staff grievance, capability or disciplinary; these are covered by the school's grievance, capability or disciplinary procedure.
- Where the complaint concerns a third party used by the school; please complain directly to the third party themselves.
- Anonymous complaints – please refer to the whistleblowing policy.
- Subject Access Requests and Freedom of Information Requests – please see the school's data protection and freedom of information policy contained within the E-safety policy.

# Idsall School Complaints Procedure

## Flowchart Summary of Dealing with Complaints



## **Idsall School Complaints Procedure**

**Please complete and return to Clerk to Governors who will acknowledge receipt and explain what action will be taken.**

**Your name:**

**Student's name:**

**Your relationship to the student:**

**Address:**

**Postcode:**

**Day time telephone number:**

**Evening telephone number:**

**Please give details of your complaint.**

**What action, if any, have you or the school 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 who:**

**Complaint referred to:**

**Date:**