



Yardleys
School
WORKING TOGETHER FOR A BETTER FUTURE

SCHOOL COMPLAINTS POLICY

Adopted by Governors:

Signed:

Date:

This policy is reviewed every two years by the Finance, Premises & Staffing Committee

Review date:

POLICY INFORMATION

Date of last review	November 2019	Review period	Two years
Date ratified by governors		Governors' committee responsible	FPS
Policy owner	Jill Wilson	SLT member responsible	Jill Wilson
Date of next review	November 2021		

Reviews/revisions

Review date	Changes made	By whom
November 2019	No changes	Jill Wilson
February 2020	<p>Line added to explain this policy will be applicable to anyone who wishes to pursue a complaint.</p> <p>Line added on acceptable behaviour from parties involved.</p> <p>Change to Vexatious Complaints paragraph including directing the complaint to the DfE if they wish to raise the matter further following completion of the complaints process.</p> <p>Addition of 'informal' and 'formal' to respective stage 1 and stage 2 headings.</p> <p>Section added under 'stage 1' on moving from an initial concern to this formal stage and detail added on time scales.</p> <p>Section added under 'stage 2' on moving from stage 1 to stage 2, detail on time scales and evidence that may be considered added.</p> <p>Section added on requesting a review by the Complaints Panel and the time scales expected.</p> <p>Detail added under 'stage 3' to include that one member of the panel needs to be independent of the management and running of the school.</p> <p>Line added under Stage 3 on the possibility for the complainant to be accompanied to the hearing by one other person and that legal representation is not necessary.</p> <p>Line added on the panel's decision being sent out in writing.</p> <p>Removal of a paragraph under Part 3 on recording complaints, replaced by section on written record being kept</p>	Gemma Webb

	<p>of all complaints including actions. Line added on inspection of findings by HT and governors.</p> <p>Removal of paragraph on Publicising the Procedure</p> <p>Removal of annex – The Act – detailing Section 29 of Education Act 2002</p>	
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Dates of linked staff training (if applicable)

Date	Course title	Led by

EQUALITY AND GDPR

All Yardleys’ policies should be read in conjunction with our Equal Opportunities and GDPR policies.

Statement of principle – Equality

We will take all possible steps to ensure that this policy does not discriminate, either directly or indirectly against any individual or group of individuals. When compiling, monitoring and reviewing the policy we will consider the likely impact on the promotion of all aspects of equality as described in the Equality Act 2010.

Statement of principle – GDPR

Yardleys School recognises the serious issues that can occur as a consequence in failing to protect an individual adult’s or child’s personal and sensitive data. These include emotional distress, physical safety, child protection, loss of assets, fraud and other criminal acts.

Yardleys School is therefore committed to the protection of all personal and sensitive data for which it holds responsibility as the Data Controller and the handling of such data in line with the data protection principles and the Data Protection Act (DPA)/GDPR.

School Complaints Procedure Index

Contents

Part 1: General Principles of Complaints

Dealing with Complaints – Initial Concerns
Dealing with Complaints – Formal Procedures
Framework of Principles
Investigating Complaints
Resolving Complaints
Vexatious Complaints
Time Limits

Part 2: The Formal Complaints Procedure

Stage One: Heard by Staff Member (Informal)
Stage Two: Heard by a Headteacher (Formal)
Stage Three: Heard by a Governing Body

Part 3: Managing and Recording Complaints

Recording Complaints
Governing Body Review

Roles and Responsibilities
Checklist for a Panel Hearing
Flowchart
Example of Complaint Form

Annex A
Annex B
Annex C
Annex D

Part I: General Principles of complaints

Dealing with Complaints – Initial concerns

Schools need to be clear about the difference between a concern and a complaint. Taking informal concerns seriously at the earliest stage will reduce the numbers that develop into formal complaints.

These key messages deal with complaints but the underlying principle is that 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. In most cases the class teacher or the individual delivering the service, will receive the first approach. It would be helpful if staff were able to resolve issues on the spot, including apologising where necessary.

Dealing with Complaints – Formal procedures

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. These procedures are applicable to parents or anyone who wishes to pursue a complaint against the school.

Schools might wish to nominate a member of staff to have responsibility for the operation and management of the school complaints procedure. They could be termed the school's 'complaints co-ordinator'.

Framework of Principles

An effective Complaints Procedure will:

- Encourage resolution of problems by **informal** means wherever possible
- Be easily **accessible** and **publicised**
- Be **simple** to understand and use
- Be **impartial**
- Be **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
- Throughout this procedure all parties will act respectfully towards others and conduct themselves to a high standard of appropriate behaviour.

Investigating Complaints

It is suggested that at each stage, the person investigating the complaint (the complaints co-ordinator), makes 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
- Keep notes of the interview

Resolving Complaints

At each stage in the procedure schools will want 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 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
- An undertaking to review school policies in light of the complaint

It would be useful if complainants were encouraged to state what actions they feel might resolve the problem at any stage. An admission that the school could have handled the situation better is not the same as an admission of negligence.

An effective procedure will identify areas of agreement between the parties. 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.

Vexatious Complaints

Where a complainant raises an issue that has already been dealt with via the complaints process in this policy, and the procedure has been completed, the issue will not be reinvestigated unless in exceptional circumstances, such as where new and relevant evidence has been provided.

If a complainant persists in raising the same, or substantially similar, issue the Chair of Governors will confirm in writing that their complaint has been dealt with fully in line with

this policy and the matter is now closed. They will also provide details of how to raise the issue with the Department for Education if they wish to take the matter further.

Time-Limits

Complaints need to be considered, and resolved, as quickly and efficiently as possible. An effective complaints procedure will have realistic time limits for each action within each stage. 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.

Part 2: The Formal Complaints Procedure

Stage One: Complaint Heard by Staff Member (Informal)

It is in everyone's interest that complaints 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 staff are made aware of the procedures, they know what to do when they receive a complaint.

It would assist the procedure if the school 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 can refer the complaint 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 complaint 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 appropriate person and advise them about the procedure. It would be useful if governors did not act unilaterally on an individual complaint outside the formal procedure or to be involved at the early stages in case they are needed to sit on a panel at a later stage of the procedure.

If an initial concern has been raised and the complainant feels the issue has not been addressed or if the school recommends the initial concern warrants more detailed investigation, a stage 1 informal complaints investigation will be conducted.

The complainant should contact the school to request their concern is investigated setting out full details and with relevant documents and with contact details. The complaint will normally be acknowledged by email, letter or telephone within two working days during term time, or as soon as is practical, indicating the action that is being taken and the likely time scale.

Complainants are advised that a complaint which has not been resolved, or has failed to reach a satisfactory solution, at Stage 1 within ten working days (or within the alternative time scale notified to the complainant separately) of receipt of the complaint should be dealt with in accordance with Stage 2.

Stage Two: Complaint Heard by Headteacher (Formal)

The headteacher's influence will have 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 head may delegate the task of collating the information to another staff member but not the decision on the action to be taken.

If the complainant is not satisfied with the outcome at stage 1, they may write to the Headteacher or Chair of Governors within five working days of receiving the stage 1 decision. The letter will normally be acknowledged by telephone, e-mail or letter within two working days during term time, or as soon as is practical, indicating the action that is being taken and the likely time scale.

The investigator will consider all relevant evidence to the complaint; this may include but is not limited to:

- The formal complaint from the complainant
- Written records from the stage 1 investigation
- Previous correspondence regarding the complaint
- A statement from the complainant
- A statement from any individual who is the subject of the complaint
- Any supporting evidence in either case
- Interview with anyone relevant to the complaint

The aim will be to inform any complainant of the outcome of an investigation and the resolution to the complaint within ten working days from the receipt of the stage 2 complaint.

Stage Three: Complaint Heard by Governing Body's Complaints Appeal Panel

If the complainant is not satisfied with the decision made at stage 2 or is unhappy with the investigation process, they may appeal to a Complaints Appeal Panel.

Complainants wishing to seek a stage 3 review by the Complaints Panel should request this within five working days of notification of the stage 2 decision.

To request a hearing before the Complaints Panel the complainant should write to the Clerk to the Governors, the Chair of Governors (or the Vice-Chair if Stage 2 has involved the Chair) within five working days of the decision regarding the complaint. The Clerk will acknowledge the request in writing normally within two working days during term time, or as soon as is practical.

The Chair, or a nominated governor, will convene a GB complaints panel.

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 GB 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 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 complaint procedure. The panel can be drawn from the nominated members and may consist of three or five people who are not directly involved in the matters detailed in the complaint, one of whom is independent of the management and running of the school. The panel may choose their own chair.

Every effort will be made to enable the Panel hearing to take place within fifteen working days of the receipt of the request. As soon as reasonably practical and in any event, at least five working days before the hearing, the Clerk will send the complainant written notification of the date, time and place of the hearing.

The complainant will be invited to attend the hearing and may be accompanied by one other person such as a relative or friend. The hearing is not a legal proceeding and so legal representation is not necessary. The complainant should notify the School at least three working days before the hearing of the name of the person who will be accompanying them, and in what capacity.

After due consideration of the matters discussed at the hearing, the Panel shall reach a decision unless there is an agreed position. The Panel's decision, findings and any recommendations will be informed in writing within five working days of the hearing date.

A copy of the panel's findings and, if any, recommendations will be sent in writing to the complainant, Headteacher and where relevant, the person complained about.

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 affinities.
- 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 recognized 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 proceeding 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.

Part 3 – Managing and Recording Complaints

Recording Complaints

The complaints co-ordinator could be responsible for the records and hold them centrally.

The findings and recommendations of a panel hearing will be available for inspection on the school premises by the Governors and Headteacher.

A written record will be kept of all complaints and of whether they are resolved following a formal procedure or progressing to a panel hearing, including recording the action taken by the school as a result of the complaints (regardless of whether they are upheld).

Governing Body Review

The GB can monitor the level and nature of complaints and review the outcomes on a regular basis to ensure the effectiveness of the procedure and make changes where necessary. Preferably, complaints information shared with the whole GB will not name individuals.

As well as addressing an individual's complaints, the process of listening to and resolving complaints will contribute to school improvement. When individual complaints are heard, schools may identify underlying issues that need to be addressed. The monitoring and review of complaints by the school and the GB can be a useful tool in evaluating a school's performance.

Annex A Roles and Responsibilities

The Role of the Clerk

The Department strongly recommends that any panel or group of governors considering complaints be clerked. The clerk would be the contact point for the complainant and be required to:

- Set the date, time and the 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 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 finding 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 other involvement in an earlier stage of the procedure
- Each side is given the opportunity to state their case and ask questions

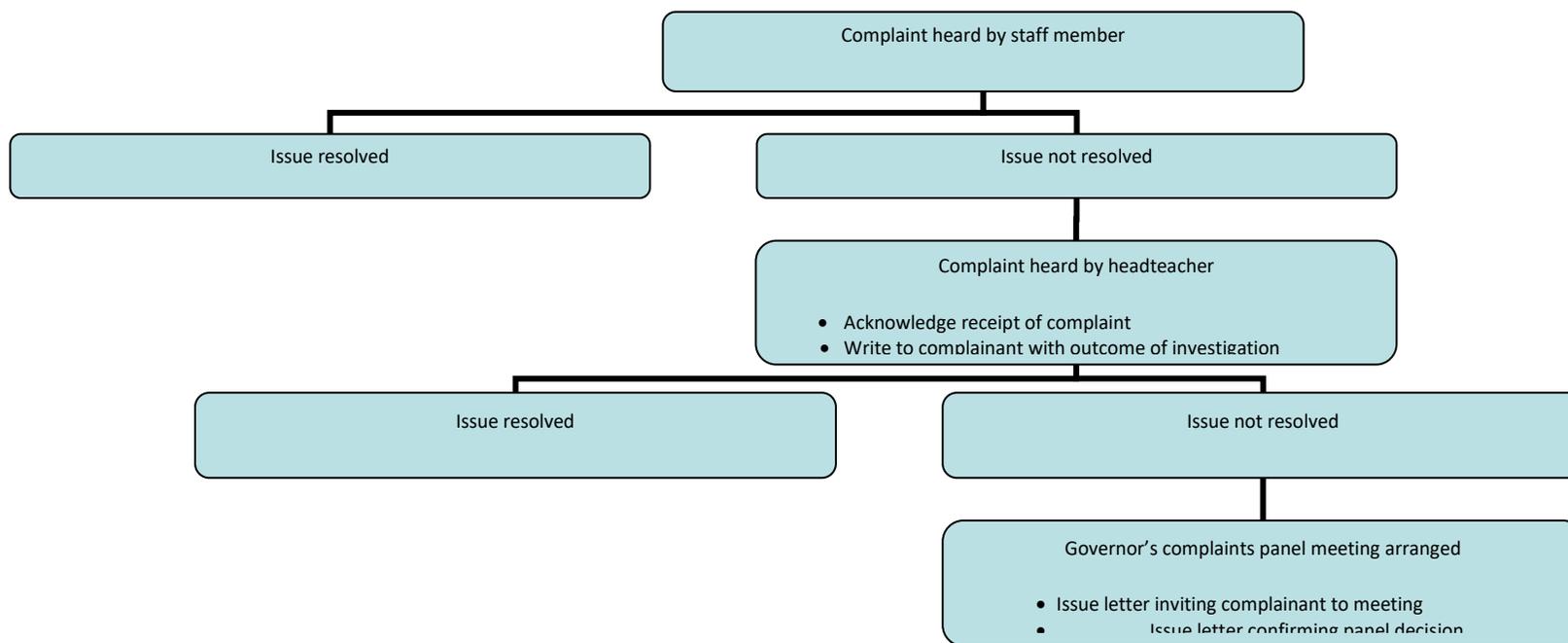
- Written material is seen by all parties. If a new issue arises it would be useful to give all parties the opportunity to consider and comment on it

Annex B: 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 the school's actions and response to the complaint
- Both parties leave together while the panel decides on the issues
- The chair explains that both parties will hear from the panel within a set time scale

Flowchart



Annex D: Complaint Form

Please complete and return to (complaints co-ordinator) who will acknowledge receipt and explain what action will be taken.

Your name:

Pupil's name:

Your relationship to the pupil:

Address:

Postcode:

Day time 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:

Official use

Date acknowledgement sent:

By who:

Complaint referred to:

Date: