

COMPLAINTS POLICY FOR PARENTS AND CARERS

General principles of complaints

Dealing with complaints: initial concerns

It is important 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.

The policy which follows deals with complaints from parents and carers 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 school staff member will receive the first approach. It would be helpful if staff were able to resolve issues on the spot, including apologising where necessary.

N.B.: complaints brought by staff against members of the school should be investigated using the Grievance Procedure and not this Complaints Policy.

Dealing with complaints: formal procedures

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.

Only complaints received in writing will be considered.

Anonymous complaints will not be considered. Verbal complaints will not be considered.

The key aims of the procedure are to:

- Put right any matter which may have gone wrong
- Review our systems and procedures in the light of the relevant circumstances

Framework of principles

Our complaints procedure:

- encourages resolution of problems by **informal** means wherever possible;
- is easily **accessible** and **publicised**;
- is **simple** to understand and use;
- is **impartial**;
- is **non-adversarial**;
- allows **swift** handling within specified **time-limits** for action and keeps people informed of progress;
- ensures a full and **fair** investigation;
- respects people's desire for **confidentiality**;
- addresses all the points at issue and provides an **effective** response and **appropriate** redress, where necessary;
- provides **information** to Robert May's School senior management team so that services can be

improved.

Investigating Complaints

At each stage, 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 contacts 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 interviews with an open mind and are prepared to persist in the questioning;
- keep notes of interviews.

Resolving Complaints

At each stage in the procedure Robert May's School 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;
- an undertaking to review Academy 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.

Vexatious Complaints

This procedure should limit the number of complaints that become protracted. However, there will be occasions when, despite all stages of the procedures having been followed, the complainant remains dissatisfied. If the complainant tries to reopen the same issue, the Chairman of the Governing Body is able, under this policy, to inform them in writing that the procedure has been exhausted and that the matter is now closed.

Time-Limits

Complaints need to be considered, and resolved, as quickly and efficiently as possible. To that end, **formal complaints must be made within 3 months of the event**. Complaints after this period will not be considered.

Complaints will be dealt with at each stage in accordance with the time limits specified below. 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.

The Governing Body will publicise the complaints policy and procedure in...

- the school prospectus;
- information given to new parents when their children join the school;
- the home-school agreement;
- the school website.

Robert May's School complaints procedure

Stage one: complaint heard by staff member (subject teacher or form tutor)

1. 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, staff will be periodically made aware of the procedures so that they know what to do when they receive a complaint.
2. Parents should never feel or be made to feel that a complaint made in a reasonable and appropriate way will be taken amiss or will reflect adversely on the student or his/her opportunities at the School. Robert May's School will try to investigate and try to resolve every complaint in a positive manner and will treat every complaint as an opportunity to improve our service.
3. Initial complaints should normally be made to either the Head of Year or Head of Department as appropriate who will investigate the complaint.
4. The school will try to respect 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 matter will be referred to an Assistant Head or Deputy Headteacher who may, if they feel it appropriate, refer the complainant to another staff member.
5. Similarly, if the member of staff who would normally investigate the complaint feels too compromised to deal with it, he / she 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.
6. Where the complaint concerns the Headteacher, the complainant will be referred to the Chair of Governors.
7. Where the first approach is made to a governor, the next step would be to refer the complainant back to the school, to the Deputy Head or to the Headteacher who will then determine who should investigate the complaint. Governors should not act unilaterally on an individual complaint 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.
8. The staff member investigating the complaint will ensure that a written acknowledgement is sent to the complainant within 5 working days of receiving a complaint. The acknowledgement will give a brief explanation of the school's complaints procedure and will give a target date for providing a response to the complaint which should normally be within 10 working days. If the target date cannot be met a letter should be written within 10 working days explaining the reason for the delay and providing a revised target date.

9. The staff member investigating the complaint will seek to meet or speak with all of the appropriate people in order to establish the facts relating to the complaint, if the information given in the letter of complaint necessitates this. This may include the complainant, staff and any other person.
10. Once all of the facts have been established and the investigation has been concluded, the staff member investigating the complaint will then write to the complainant.
11. The response to the complainant should include an outline of the complaint, the decision reached and the reasons for it. Where appropriate this should also include what response the school will take to resolve the complaint. This may be by way of a general description eg “Action taken within the Disciplinary Procedure...”
12. The complainant and any member of staff involved will be informed in writing of the outcome. This may be to the effect that:
 - a. There is insufficient evidence to reach a conclusion, so the complaint cannot be upheld
 - b. The concern was not substantiated by the evidence
 - c. The concern was substantiated in part or in full. Some details may then be given of the action the school may be taking to review procedures, but details of the investigation or of any disciplinary procedures will not be released.
 - d. The matter has been fully investigated and that appropriate procedures are being followed which may be strictly confidential (e.g.: where staff disciplinary procedures are being followed)
13. The letter to the complainant must be endorsed by the Headteacher. It should also inform the complainant that should he/she wish the complaint to progress to the second stage of this procedure then he/she should send a written request stating this to the Headteacher within 10 working days of receiving the response.
14. If no further communication is received from the complainant within 10 working days it is deemed that the complaint has been resolved and should end.

Stage two: complaint heard by an Assistant Head or Deputy Head

15. If the complainant is dissatisfied with the way the complaint was handled at stage one, they may go to stage two and have an Assistant Head or Deputy Head hear the complaint. These senior leaders may delegate the task of collating the information to another staff member but not the decision on the action to be taken.
16. If the complaint is about the Headteacher, the complaint will be heard by the Chair of Governors as at stage one, point 6.
17. The stage two procedure follows the same process and timings as in stage one.
18. At the end of the stage two investigation, the complainant and the member of staff will be informed in writing of the outcome as in Stage 1. The letter should also inform the complainant that should he/she wish the complaint to progress to the third stage of this procedure then he/she should send a written request stating this to the Chair of Governors within 10 working days of receiving the response.

Stage three: complaint heard by the Headteacher

19. If the complainant is dissatisfied with the way the complaint was handled at stage two, they may go to stage three and have the Headteacher hear the 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.
20. If the complaint is about the Headteacher, the complaint will be heard by the Chair of Governors as at stage one, point 6.
21. The stage three procedure follows the same process and timings as in stage one.
22. At the end of the stage three investigation, the complainant and the member of staff will be informed in writing of the outcome as in stage one. The letter should also inform the complainant that should he/she wish the complaint to progress to a further stage of this procedure then he/she should send a written request stating this to the Chair of Governors within 10 working days of receiving the response. It is likely that at this point the complainant may have exhausted all possible routes to resolution, and the school may consider the complaint to be vexatious.

Stage four: complaint heard by Governing Body Complaints Appeal Panel

23. If the complainant remains dissatisfied, he / she should write to the Chair of Governors, as directed by the Headteacher, giving details of the complaint. The Chair of Governors will convene a Governing Body Complaints Appeal Panel to hear the complaint and their decision is final.
24. The Governors' appeal hearing is the last school-based stage of the complaints process, and is not convened to merely rubber-stamp previous decisions.
25. The Clerk to the Governors will write to the complainant acknowledging receipt of the written request for the complaint to be heard. This acknowledgement must be sent within 5 working days of receipt of the complainant's letter and should inform the complainant of the arrangements for hearing the complaint within 20 working days of receiving it. The letter should explain that the complainant has the right to submit any further documents relevant to the complaint. These must be received at least 5 working days before the date of the hearing to allow adequate time for the documents to be circulated.
26. The Governing Body may nominate a number of members with delegated powers to hear complaints at stage four and set out its terms of reference. These include:
 - drawing up its procedures;
 - hearing individual appeals;
 - making recommendations on policy as a result of complaints.
27. The Complaints Appeal Panel will be composed of three to five Governors. The panel may choose their own Chairman. 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.
28. The Clerk to the Governors will write and inform the complainant, the panel members and any witnesses of the date and location of the meeting at least 5 working days in advance. The notification to the complainant should also inform him/her of the right to be accompanied to the meeting by a friend/ interpreter. The letter should explain how the meeting will be conducted. The Headteacher has the right to bring representation if so desired.
29. Intervention of parallel investigations relevant to the complaint by the Police or social services may cause variation to the above time scales. Any such variation will be notified to the complainant.
30. Individual complaints must not be heard by the **whole** Governing Body at any stage, as this could compromise the impartiality of any hearing set up for disciplinary purposes against a member of staff following a serious complaint.
31. If the complaint is about the Headteacher, and the complainant remains dissatisfied after the hearing by the Chair of Governors, a Complaints Appeal Panel will be convened composed of three to five governors (not previously involved) to hear the complaint. The panel's decision will be final.

The Remit of the Complaints Appeal Panel

32. 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 Robert May's School's systems or procedures to ensure that problems of a similar nature do not recur.

Annex A: hearing the complaint at the complaints appeal panel meeting

- The aim of the meeting will 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.
- In the interest of natural justice, the introduction of previously undisclosed evidence or witnesses would be a reason to adjourn the meeting so that the other side has time to consider and respond to the new evidence.
- The recommended conduct of the meeting is as follows:
 - a. The Chair of the panel will welcome the complainant, introduce the panel members and explain the procedure.
 - b. The Chair of the panel will invite the complainant to explain the complaint.
 - c. Panel members may question the complainant about the complaint and the reasons why it has been made.
 - d. The Headteacher will be invited by the Chair of the panel to question the complainant about the complaint and why it has been made.
 - e. The Chair of the panel will invite the Headteacher to make a statement in response to the complaint. At the discretion of the Chair of the panel the Headteacher may invite members of staff directly involved in the complaint to supplement his/her response.
 - f. Panel members may question the Headteacher and/or members of staff about the response to the complaint.
 - g. The Chair of the panel will allow the complainant to question the Headteacher and/or members of staff about the response to the complaint.
 - h. Any party has the right to call witnesses, subject to the approval of the Chair of the panel.
 - i. The panel, the Headteacher and the complainant have the right to question any such witness.

- j. The complainant will be invited by the Chair of the panel to make a final statement.
- k. The Headteacher will be invited by the Chair of the panel to make a final statement.
- l. The Chair of the panel will explain to the complainant and the Headteacher that the decision of the panel will now be considered and a written decision will be sent to both parties within **15 working days**. The Chair of the panel will then ask all parties to leave except for members of the panel.
- m. The panel will then consider the complaint and all the evidence presented and...
 - i. Reach a decision on the complaint and the reasons for it.
 - ii. Decide upon the appropriate action to be taken to resolve the complaint.
- n. Governors sitting on the panel need to be aware of the complaints procedure before the meeting.

Annex B: roles and responsibilities

The role of the clerk

The clerk is the contact point for the complainant and is required to:

- 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 panel

The Chairman 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 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.

Annex C: checklist for a panel hearing

The panel needs to take the following points into account:

- The hearing is as informal as possible.

- No parties should be present before the panel in any privileged way.
- Witnesses are only required to attend for the part of the hearing in which they give their evidence. Students may not appear as witnesses, but they may provide written accounts.
- 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 together while the panel decides on the issues.
 - The Chair explains that both parties will hear from the panel within 15 working days

Summary: 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.

Annex D: Flowchart (summary of dealing with complaints)

