

This Policy must be read alongside Nanpean School's Complaints Procedure.

The aim of this policy is to:

- Encourage the resolution of problems by **informal** means wherever possible;
- Be easily **accessible**;
- 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.

## **Investigating Complaints**

It is suggested that at each stage, the person investigating the complaint, 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;
- 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.
- meet with the complainant or contact them (if unsure or further information is necessary);
- clarify what the complainant feels would put things right and resolve the complaint;
- 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 or arrange for an independent note taker to record minutes of the meeting.

## **Resolving Complaints**

At each stage, 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.

An admission that the school could have handled the situation better is not the same as an admission of negligence.

Informing the complainant that they cannot make a complaint, or that a complaint can only be made/ escalated with the school's permission is incorrect and should not be part of any conversation with a complainant.

## **Procedures for Staff if a Complaint is made known to you.**

- ❖ Listen to the concern of the complainant objectively and impartially in line with the 'Investigating Complaints' and 'Resolving Complaints' recommendations listed above as appropriate.
- ❖ Formal complaints must always follow the procedure outlined above. Concerns, which are more informal do not have to follow the procedure but please make a note of the concern and how it was resolved.
- ❖ If you do not feel able to deal with the complaint, refer the complainant to another, potentially more senior member of staff. Please respect the views of a complainant who indicates that he/she would have difficulty discussing a complaint with a particular member of staff.
- ❖ If the complainant is not satisfied with any of the resolutions mentioned above, refer them to the complaints procedure, a copy of which can be made available on request.
- ❖ Where a formal complaint concerns the Head teacher refer them to the complaints procedure, a copy of which can be made available on request.
- ❖ At the end of a conversation, if possible, please clarify the complaint and the outcome of the discussion so that both the school and the complainant leave the conversation on the same understanding of what was discussed and agreed.
- ❖ Please make a record of the complaint made known to you, how you responded and whether any explanation/ apology was offered. This may be important should the complainant be dissatisfied with the way the concern was handled or should the complaint progress through the stages. This record should be handed to the Head teacher (or if the complaint is about the Head teacher, to the Secretary who will notify the Chair of Governors and hold the record)

## **Procedures for Governors if a Complaint is made known to you.**

- ❖ If the informal concern is made known to a Governor, the Governor should advise the complainant to follow the procedure above and should be referred to an appropriate member of staff.
- ❖ The Clerk should be made aware of this early involvement because this will mean that the Governor in question should not be involved at any later stage of the procedure.
- ❖ Governors should not act unilaterally on an individual complaint outside the complaints procedure.
- ❖ Governors will only become involved in the formal procedure at stage 4 if they are invited to be part of the Complaints Appeals Panel.

## **Procedures for the Chair of Governors at Stage 3**

- ❖ Unless the Chair of Governors has been involved in the complaint at an earlier stage, or is the focus of a complaint, they will investigate the complaint at Stage 3.
- ❖ If the Chair of Governors has been involved in the complaint at a previous stage, the Vice Chair will be responsible for investigating the complaint at Stage 3.
- ❖ The Chair will follow the procedure for investigating and resolving complaints detailed above.

- ❖ If a complainant requests that the same complaint is investigated again at any level, the Chair of Governors must write to the complainant to inform them that the procedure has been exhausted and the matter is now closed from the school's perspective.
- ❖ If the complainant writes again on the same issue, there is no obligation for the Chair to respond a second time, as the correspondence is considered to be vexatious. **Any different new complaint made by the same complainant, must be considered in line with procedure.**

### **Roles and Responsibilities of the Vice Chair of Governors (or Other Nominated Governor)**

When a complainant requests that a Complaints Appeal Panel investigate their complaint (Stage 4) the Vice Chair of Governors (or if the Vice Chair has been involved at an earlier stage, another nominated Governor) must:

- ❖ Check that the correct procedure has been followed;
- ❖ If a hearing is requested, notify the clerk to arrange the panel.

### **The Complaints Appeal Panel (Stage 4)**

There are several points which any governor sitting on a complaints panel needs to remember:

- ❖ 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.
- ❖ 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 which will satisfy the complainant that his or her complaint has been taken seriously.
- ❖ 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.
- ❖ 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.
- ❖ The governors sitting on the panel need to be aware of the complaints procedure.

### **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 head teacher may question both the complainant and the witnesses after each has spoken.
- ❖ The head teacher is then invited to explain the school's actions and be followed by the school's witnesses.
- ❖ The complainant may question both the head teacher 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 head teacher 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

### **The role of the Chair of the Panel**

The Chair of the Complaints Appeal 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 any earlier stage of the complaints 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 (including the reasons for the decision) within 5 school days. The letter needs to explain any further rights of appeal and, if so, to whom they need to be addressed.

### **Roles and Responsibilities of the Clerk**

Any panel or group of governors meeting to consider complaints will be clerked. The clerk would be the contact point for the complainant and be required to:

- ❖ Collate any written material and send it to the parties at least 5 days 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

- ❖ share copies of the panel meeting minutes with all parties involved in the panel hearing within 5 school days of the panel meeting, providing a reasonable opportunity for the minutes to be agreed and if necessary, challenged.

## **Governor Review of Complaints**

- ❖ The Full Governing Body will never be asked to investigate an individual complaint made, due to the potential need for an impartial panel of Governors for any disciplinary meetings.
- ❖ The Governing Body can monitor the level and nature of complaints, and review the outcomes on a regular basis to ensure the effectiveness of the procedure, making changes where necessary.
- ❖ Complaints information shared with the whole GB should not name individuals in case an appeal panel needs to be constituted.
- ❖ 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 Governing Body can be a useful tool in evaluating a school's performance.

## **Publicising the Complaints Procedure**

It is a legal requirement for school complaints procedures to be publicised. The Governing Body of Nanpean School will publish the complaints procedure by including the procedure *in the school prospectus/ in a communication from Governors to parents/ as part of new child induction information/ as part of the home school agreement/ a specific complaints leaflet/ through posters displayed in public areas of the school/ on the school website*

## **Policy Review**

This policy will be reviewed annually and as dictated by any changes to relevant legislation by the Finance and Personnel Committee and will be approved by the Full Governing Body.

Date Written: January 2016

Date Approved by Governors: 4<sup>th</sup> February 2016

Date of Review: January 2017

**Example of a Complaint Form**

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

<b>Your name:</b>	
<b>Pupil's name (if relevant):</b>	
<b>Your relationship to the pupil (if relevant):</b>	
<b>Address:</b>	
<b>Postcode:</b>	
<b>Day time telephone number:</b>	
<b>Evening telephone number:</b>	
<b>Please give details of your complaint.</b>	
<b>What action, if any, have you already taken to try and resolve your complaint. (Who did you speak to and what was the response)?</b>	

