

Appendix B

Complaints Procedure – The stages in detail

The Four Stages

Stage One: Complaint heard by a Member of Staff

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.

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 Principal can refer the complainant to another staff member, or will hear the complaint themselves. Where the complaint concerns the Principal, 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.

The school will acknowledge informal complaints within 2 school days, and investigate and provide a response within 10 school days.

Stage Two: Complaint heard by the Principal

The Principal'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 at stage one by a member of staff the Principal will hear, and investigate, the complaint although the Principal can delegate the task of collating the information to another staff member but not the decision or any action to be taken.

The Principal (or other person appointed by the Principal for this purpose) will then conduct their own investigation. The written conclusion of this investigation will be sent to the complainant within 10 school days.

If the complainant wishes to proceed to the next stage of the procedure, they should inform the clerk to the governing board within 5 school days.

Stage Three: Complaint heard by Chair of Governors

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

The written conclusion of this investigation will be sent to the complainant within 15 school days.

If the complainant wishes to proceed to the next stage of the procedure, they should inform the clerk to the governing board in writing within 5 school days. Requests received outside of this time frame will be considered in exceptional circumstances.

The clerk will acknowledge receipt of the request within 2 school days.

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.

Panel members – points to remember – 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 will 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 will ensure that it is a cross-section of the categories of governors and sensitive to the issues of race, gender and religious affiliation.
- The aim of the hearing, which will 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 the complainant might not be satisfied with the outcome if the hearing does not find in their favour. It may well 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 will need 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.

Roles and Responsibilities –

The role of the clerk – The clerk will be 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. The clerk will aim to find a date within 5 school days of the request, where possible;
- 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 and notify all parties of the panel's decision.

The role of the Chair of the Board of Governors or the nominated governor – is to make sure:

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

The role of the chair of the complaints panel – is to ensure 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
- The chair of the panel will ensure that the complainant is notified of the panel's decision, in writing, with the panel's response; this will usually take place within five working days.

If the complainant wishes to appeal the panel's decision, they should inform the clerk to the governing board in writing within 10 working days of receipt of the letter. Requests received outside of this time frame will be considered in exceptional circumstances.

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 Principal may question both the complainant and the witnesses after each has spoken,
 - The Principal is then invited to explain the school's actions and be followed by the school's witnesses,
 - The complainant may question both the Principal 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 Principal 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 is still dissatisfied with the outcome of the complaints procedure the final stage of appeal is that 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.