

Stanley High School's Complaints Procedure

The stages of the complaint

Stage 1 (informal): complaint heard by staff member

It is the school's intention 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 made aware of the procedures, so they know what to do when they receive a complaint.

If a complainant indicates that he/she would have difficulty discussing a complaint with a particular member of staff, their views will be respected. In these cases, the complainant will be referred to another staff member. This member of staff may be more senior but does not have to be. It is essential that this member of staff considers the complaint objectively and impartially.

If the first approach is made to a governor, the complaint will be referred to the appropriate person and advised about the procedure. Governors will not act unilaterally on an individual complaint outside the formal procedure or become involved at the early stages in case they are needed to sit on a panel at a later stage of the procedure.

If the member of staff can't resolve the concern, they will make a clear note of the date, name, contact address and phone number and a brief note of the nature of the concern. They will also record what sort of outcome the complainant is looking for. The staff member will then refer the complainant to the complaints co-ordinator.

The staff member dealing with the concern will ensure that the complainant is kept informed of any action taken. The emphasis at this stage should be on resolving the issue quickly and informally for the benefit of the complainant, staff, students and parents.

The complainant will receive a response as soon as possible and within a maximum of 10 school days. At this stage the response may be given verbally (either in person or by telephone) or in writing.

Stage 2 (formal): complaint heard by Headteacher

At this point, the complainant may be dissatisfied with the way the complaint was handled at Stage 1 as well as pursuing their initial complaint.

Parents and students will be advised of their right to make complaints. Complaints should be made to the Headteacher. If the complaint is about the Headteacher the Chair of Governors will deal with the matter using this procedure. If the complaint is made verbally a written record of the complaint will be made and checked with the complainant. The Headteacher may delegate the task of collating information to another staff member but not the decision on the action to be taken.

The Headteacher will acknowledge the complaint within 3 school days. The acknowledgement will include a summary of the complaints procedure and a target date for providing a response. This will be within 10 school days. If this date cannot be met, the complainant will be contacted and given a reason for the delay and a revised target date.

The Headteacher will contact the complainant and provide an opportunity for the complainant to discuss their concerns and find solutions. This could be by phone or in a meeting. It will be made clear that the complainant may bring a friend, family member or advocate to any meeting if they wish. Interpreting services will also be made available where necessary. The Headteacher may find it useful to have another member of staff present to observe and record the meeting and promote staff safety. Care will be taken in these circumstances not to create an intimidating atmosphere for the complainant.

The Headteacher will make whatever enquiries s/he considers necessary to ascertain the facts, conclude whether actions were reasonable and decide on the response. This may include

- Interviewing staff/students
- Reviewing minutes of meetings
- Reviewing school records

Students will be interviewed in the presence of another member of staff, or in the case of serious complaints (eg where the possibility of criminal investigation exists) in the presence of their parents. Again, care will be taken in these circumstances not to create an intimidating atmosphere. Students will be told what the interview is about and that they can have someone with them.

It is important the Headteacher investigates thoroughly and objectively (following Investigating Complaints Procedure, Page 3). If s/he feels unable to do this (eg if s/he has been directly involved in the decision making process that led to the complaint) s/he will delegate responsibility for investigating the complaint to another member of the leadership team or the Chair of Governors. The Headteacher (or designated person) will keep record of interviews, telephone conversations and other documentation.

Once all the relevant facts have been established, the Headteacher will provide a written response to the complainant. This will include a full explanation of decisions taken and the reasons for them. Where appropriate, it will include details of actions the school will take to resolve the complaint.

The complainant will be invited to a meeting to discuss the response and seek reconciliation. The complainant will be provided with details of how to contact the Governing Body if they are not satisfied with the response.

Stage 3 (formal): complaint heard by the Chair of Governors

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

The complainant must write to the Chair of Governors giving details of the complaint. A letter received by the school notifying that a complainant is dissatisfied with the outcome of the complaint at Stage Two must be passed to the Chair of Governors within 3 school days. Any complaint received by an individual governor must be passed to the Chair of Governors within 3 school days.

In the case of a written complaint received directly by the Governing Body, the Chair of Governors must first ensure that:

- The complaint has first been dealt with at Stage 2
- The complaint is covered by the school's complaints procedure not other procedures eg. personnel or safeguarding

If the Governors cannot hear the matter, it will be referred back to the Headteacher and the Clerk to the Governors will write to the complainant advising them of the correct procedures.

The Chair of Governors will ensure that the complaint is acknowledged within 3 school days. The acknowledgement will also include a summary of the complaints procedure and a target date for providing a response. This will be within 20 school days. If this date cannot be met, the complainant will be contacted and given a reason for the delay and a revised target date.

The Chair of Governors will contact the complainant and provide an opportunity for the complainant to discuss their concerns and find solutions. This could be by telephone or in a meeting. It will be made clear that the complainant may bring a friend, family member or advocate to any meeting if they wish. Interpreting services will also be made available where necessary. The Chair of Governors may find it useful to have another member of staff present to observe and record the meeting. Care will be taken in these circumstances not to create an intimidating atmosphere for the complainant.

The Chair of Governors will make whatever enquiries s/he considers necessary to ascertain the facts, conclude whether actions were reasonable and decide on the response. This may include

- Interviewing staff/students
- Reviewing school records
- Reviewing school records

Students will be interviewed in the presence of a member of staff, or in the case of serious complaints (eg. where the possibility of criminal investigation exists) in the presence of their parents. Again, care will be taken in these circumstances not to create an intimidating atmosphere. Students will be told what the interview is about and that they can have someone with them.

It is important that the Chair of Governors investigates complaints thoroughly and objectively (following investigating Complaints Procedure, Page 3). The Chair of Governors (or designated person) will keep a record of interviews, telephone conversations and other documentation.

Once all the relevant facts have been established, the Chair of Governors will provide a written response to the complainant. This will include a full explanation of decisions taken and the reasons for them. Where appropriate, it will include details of actions the school will take to resolve the complaint.

The complainant will be invited to a meeting to discuss the response and seek reconciliation. The complainant will be provided with details of how to contact the Governing Body if they are not satisfied with the response.

Stage 4 (formal): complaint heard by the Governing Body's Complaints Appeal Panel

The complainant should contact the Clerk to the Governing Body (where possible in writing) giving details of the complaint and asking that it is put before the appeal panel.

Upon receipt of notification that the complainant is not satisfied with the outcomes of a Stage 3 investigation the Clerk to the Governors will acknowledge the complaint within 3 school days and will convene the Governing Body's Complaints Appeal Panel. The letter will explain that the complainant has the right to submit any further documents or information relevant to the complaint.

The Headteacher will also be invited to submit a written report for the committee. This may be a copy of the stage one response. The Headteacher may also invite members of staff directly involved in matters raised by the complainant to respond personally or in writing. A deadline for submission of these documents must be given. This will be at least 5 days before the hearing.

The Clerk to the Governors will convene the complaints committee elected from the Governing Body. The committee will comprise of 3 Governors who have had no previous involvement with the complaint. In deciding the make-up of the panel, Governors will 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 complaint will not be heard by the entire Governing Body 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 committee has delegated powers to hear complaints at Stage 4 and to set its terms of reference which include

- drawing up its procedures
- hearing individual appeals
- making recommendations on policy as a result of complaints

The Complaints Appeal Panel will set a date and time for the hearing and a timetable for the panel meeting. The complainant will be notified of this in writing. The review hearing will be heard within 20 school days of receiving the letter.

The Clerk will write to inform the committee, Headteacher, complainant and any relevant witnesses of the date and time of the hearing, giving a minimum of 5 days' notice. All documents submitted will be circulated to the committee, the Headteacher and the complainant. The complainant will be notified of their right to have a friend, family member, advocate or interpreter present if they wish. The Chair of Governors will ensure that the review panel meeting is minuted.

The Hearing

The Governors' appeal hearing is the last school based stage of the complaints process and is not convened merely to rubber stamp previous decisions. The appeal hearing must be independent and impartial and must be seen to be so. The Governors sitting on the panel must be aware of the complaints procedure.

The aim of the hearing, which will be held in private, is 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.

The 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, the parent will be given the opportunity to say which parts of the hearing, if any, the child needs to attend.

Any witnesses (other than the complainant and the Headteacher) will only attend for the part of the hearing in which they give their evidence.

Once the panel are satisfied that they have heard all the information they need to make a decision, the Chair of the Panel will explain to the complainant and the Headteacher that the committee will consider its decision and respond in writing within 15 school days. The complainant and the Headteacher will then leave.

The committee will then consider the complaint and all the evidence presented. The panel can:

- uphold the complaint;
- dismiss 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 system or procedures to prevent similar difficulties in the future

A written response detailing the decisions, recommendations and the basis on which these have been made will be sent to the complainant within 15 school days. The letter will advise the complainant of the right to refer their concerns to the Secretary of State for Education via The Schools Complaints Unit if they are dissatisfied with the way their complaint has been dealt with. A copy will be provided to the Headteacher.

