

Hurworth School

Complaints Procedure

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Senior Leadership Team Lead Reviewer: Dean Judson

Review Cycle: 2 Years

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Part 1: General Principles of Complaints

Dealing with Complaints – Initial concerns

The school believes that taking informal concerns seriously at the earliest stage will reduce the numbers that develop into formal complaints.

The underlying principle is that concerns ought to be handled, if at all possible, without the need for formal procedures. Our staff are encouraged to resolve issues on the spot, including apologising where necessary.

Dealing with Complaints – Formal procedures

1. 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.
2. The Head Teacher is the school's "complaints co-ordinator" except where the complaint is against the Head in which case this role will fall to the Chief Executive.

Framework of Principles

3. Our 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.

Investigating Complaints

4. The person investigating the complaint (the complaints co-ordinator), will make sure that s/he:

- establishes what has happened, and who has been involved;
- clarifies the nature of the complaint and what remains unresolved;
- meets with the complainant or contact them (if unsure or further information is necessary);
- clarifies what the complainant feels would put things right;
- interviews those involved in the matter and/or those complained of, allowing them to be accompanied if they wish;
- conducts the interview with an open mind and be prepared to persist in the questioning;
- keeps notes of the interview.

Resolving Complaints

5. At each stage in the procedure the school will keep in mind ways in which a complaint can be resolved. 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.

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

7. An attempt will always be made to 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

8. 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 chair of the GB will inform them in writing that the procedure has been exhausted and that the matter is now closed.

Time-Limits

9. Complaints will be considered, and resolved, as quickly and efficiently as possible. If a complainant wishes to go to Committee A, this Committee will normally be convened within 10 working days of the written request being received by the Chair of Governors. If the complainant wishes to then go to Committee B, this will also normally be convened within 10 working days of notification from the complainant. If the complaint is particularly complex, an extension to the investigation may be allowed of up to 10 working days. 3 members of the GB are required for Committee A or B to be quorate.

Part 2: The Formal Complaints Procedure

The Stages of Complaints

10. Our school complaints procedures has 4 well-defined stages.

- Stage one: complaint heard by staff member (though not the subject of the complaint);
- Stage two: complaint heard by complaints co-ordinator (Head Teacher);
- Stage three: complaint heard by GB's complaints appeal panel (Committee A);
- Stage 4: Final appeal to Committee B

11. An unsatisfied complainant can always take a complaint to the next stage.

Part 3 – Managing and Recording Complaints

Recording Complaints

12. The school will record the progress of the complaint and the final outcome. A complaint may be made in person or in writing. The member of staff concerned will attempt to ensure that the complainant and the school have the same understanding of what was discussed and agreed. A brief note of meetings and telephone calls will be kept and a copy of any written response added to the record. The complaints co-ordinator is responsible for the records and holds them centrally.

13. All stage 3 complaints must be made in writing to the Chair of the Governing Body.

Governing Body Review

14. The GB monitors the level and nature of complaints and reviews the outcomes on a regular basis to ensure the effectiveness of the procedure and make changes where necessary. Complaints information shared with the whole GB will not name individuals.

15. 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, the school 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 the school's performance.

Publicising the Procedure

16. There is a legal requirement for the Complaints Procedures to be publicised. Details of the Complaints Procedures will be included in the school's prospectus.

Stage One: Complaint Heard by Staff Member

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 are made aware of these procedures so that they know what to do when they receive a complaint.

The school will 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 complaints co-ordinator can refer the complainant to another staff member.

Similarly, if the member of staff directly involved feels too compromised to deal with a complaint, the complaints co-ordinator 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.

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. Governors must 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.

Stage Two: Complaint Heard by Head Teacher

The Head Teacher's influence will 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 Teacher will now consider the 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.

Where the Stage 2 complaint is against the Head Teacher, the Chief Executive will handle the complaint.

Stage Three: Complaint Heard by The Governing Body

Committee A & B

The governing body has nominated 7 governors with delegated powers to hear stage 3 complaints on Committee A. The remaining governors are members of Committee B.

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 Committee A or B 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

Committee A or B if they have had prior involvement in the complaint or in the circumstances surrounding it.

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 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.

c. Appeals from Committee A will be heard by Committee B

The decision of Committee B is final. If the complainant remains dissatisfied with the outcome, the only recourse then is to complain direct to the Secretary of State at the DCSF.

Roles and Responsibilities of Panel Members

The Role of the Clerk

The clerk would be the contact point for the complainant and be 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 Governing Body

- check that the correct procedure has been followed;
- if a hearing is appropriate, notify the clerk to arrange the panel;

The Chair of the Panels has a key role, ensuring that:

- the remit of the panels 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 hearings are put at ease;
- the hearings are conducted in an informal manner with each party treating the other with respect and courtesy;
- the panels are open minded and acting independently;
- no member of the panels 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.

Notification of the Panel's Decision

The chair of the panel will ensure that the complainant is notified of the panel's decision, in writing, with the panel's response.

Checklist for a Panel Hearing

The panel will 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 Complaints Co-ordinator may question both the complainant and the witnesses after each has spoken.
- The Complaints Co-ordinator is then invited to explain the school's actions and be followed by the school's witnesses.
- The complainant may question both the Complaints Co-ordinator 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 Complaints Co-ordinator 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.