

MARK RUTHERFORD SCHOOL



Complaints Procedure

Sept 2015

Introduction

Mark Rutherford School is committed to providing a broad, balanced, personalised learning experience for its students and to working closely with parents/carers and other stakeholders in a spirit of partnership. We hope to be able to resolve any conflict with parents/carers without recourse to formal procedures but recognise that parents/carers and other stakeholders have the right to make formal complaints and to have these complaints taken seriously.

Purposes

- To encourage resolution of problems by informal means wherever possible
- To have a simple complaints procedure that is easily accessible
- To establish a system where complaints are examined in an impartial manner
- To be non-adversarial
- To allow swift handling of complaints with established time-limits for action, keeping people informed of the progress
- To ensure a full and fair investigation by an independent person where necessary
- To respect people's desire for confidentiality
- To address all the points at issue and provide an effective response and appropriate redress, where necessary

Guidelines

Dealing with Complaints – Initial concerns

We need 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 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 does not in any way undermine efforts to resolve the concern informally. In most cases the class teacher or form tutor will receive the first approach. It would be helpful if staff were able to resolve issues on the spot, including apologising where necessary and appropriate.

Dealing with Complaints – Formal procedures

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.

When initial attempts to resolve the issue are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further, the formal procedures will need to be invoked.

The member of staff with responsibility for the operation and management of the School complaints procedure is the School's Complaints Co-ordinator (PA to Headteacher).

Stage One: Complaint heard by member of staff

The first stage of the formal procedure is for the matter to be examined by a relevant member of staff as identified by the Complaints Co-ordinator in discussion with the Headteacher. 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.

Where the complaint concerns the Headteacher, the Complaints Co-ordinator will refer the complainant to the Chair of Governors.

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 he/she should refer the complainant to the Complaints Co-ordinator who will 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.

An acknowledgement of the complaint will be given in writing within 5 working days of its receipt. The acknowledgement will give a brief explanation of Stage 1 of the School's complaints procedure and will give a target date for providing a response, which should normally be within 10 working days. If this target cannot be met, the complainant will be informed in writing within 10 working days and will be provided with an explanation as to the reason for the delay and a revised target date given. A record of this should be kept.

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 contact 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 the interview with an open mind and be prepared to persist in the questioning
- keep notes of the interview
- advise the Complaints Co-ordinator of the outcome and pass on all documentation

Resolving Complaints

At each stage in the procedure the 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 sometimes 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

Complainants will be 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.

The investigation procedure will identify areas of agreement between the parties. It will also clarify any misunderstandings that might have occurred as this can create a positive atmosphere in which to discuss any outstanding issues.

The Complaints Co-Ordinator should confirm the outcome of the investigation in writing within 10 days of receipt of the complaint, advising the Complainant of the next stage should they be dissatisfied with the outcome.

Should the complainant feel that the matter has not been resolved following this process, the complaint will then be referred to Stage Two.

Stage Two: Complaint heard by Headteacher

The Headteacher'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 Headteacher will examine the complaint in the manner outlined above taking account of what has already been done in Stage One. The Headteacher may delegate the task of collating the information to another staff member but not the decision on the action to be taken.

An acknowledgement of the Stage 2 Complaint will be given in writing within 5 working days of its receipt. The acknowledgement will give a brief explanation of the Stage 2 of the School's complaints procedure and advise that the Headteacher will review Stage 1 of the complaint, and respond within 10 working days inviting the complainant to a meeting to resolve the issue.

A record of all communications relating to serious complaints will be kept.

A very serious complaint such as a personal injury should be reported directly to the Headteacher. If the complaint is against the Headteacher it should be reported directly to the Chair of Governors.

An investigation will take place as soon after the complaint is received as is practicably possible. The Headteacher will then make a decision regarding the case and will meet with the complainant to try to resolve the issue.

The result of the investigation will be communicated in writing to the complainant within 5 working days of the meeting. The response will contain an outline of the complaint and the outcome of the investigation and any subsequent action. It will also inform the complainant that if they are not satisfied, they should make representation to the Chair of Governors within 25 working days.

If no further communication is received from the complainant within 25 working days, it should be assumed that the complaint has been resolved and should subsequently laid to rest.

Stage Three: Complaint heard by Governing Body Complaints Appeal Panel

Where, following the involvement of the Headteacher, the complainant is still not satisfied, or where the complaint involves the Headteacher, the complainant should write to the Chair of Governors giving details of the complaint. The Chair, or Vice-Chair, will convene a Governing Body complaints panel, none of whose members will have been directly involved in previous consideration of the complaint. One of the members of the panel must be independent of the management and running of the School.

The Governors' appeal hearing is the last School-based stage of the complaints process, and is not convened to merely rubber-stamp previous decisions.

If a written complaint is received by the Chair of Governors then:

The complaint will be acknowledged within 5 working days informing the complainant that a panel of 3 Governors will sit within 20 working days to hear the complaint. The letter should also explain that the complainant has the right to submit 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 to the panel.

The Clerk to the Governors should request that the Chair of Governors convenes a Governors' Complaints Appeal Panel which is elected from the members of the Governing Body. It may be necessary for the Governing Body to appoint reserves to this panel to ensure that 3 Governors are able to carry out their functions in the set time scales.

The panel should consist of the Chair or Vice-Chair and two other Governors. The composition of the panel should as far as possible be sensitive to issues of race, gender and religious affiliations. No member of the panel should have any prior involvement in the complaint.

The Chair/Vice Chair will ensure that the complaint is heard by the panel within 20 working days of receiving the letter. All relevant correspondence regarding the complaint should be distributed to each panel member 5 days before the hearing.

The Chair/Vice Chair will write and inform the complainant, Headteacher, any relevant witnesses, and members of the panel, at least 5 working days in advance of the date, time and place of the meeting. The notification to the complainant should also inform him/her of the right to be accompanied to the meeting by a friend/advocate/interpreter. The letter will also explain how the meeting will be conducted.

It is the responsibility of the Chair of the Governors Complaints Appeals Panel to ensure that the meeting is properly minuted.

The Remit of the Complaints Appeal Panel

The panel has the authority to:

- 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
- have the option to adjourn and rearrange the hearing at the discretion of the chair

- hear the complaint in the absence of the complainant if they fail to attend the planned hearing

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 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 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.
- The panel will acknowledge that many complainants feel nervous and inhibited in a formal setting. Parents/carers often feel emotional when discussing an issue that affects their child, and may choose to be accompanied. The panel chair will ensure that the proceedings are as welcoming as possible. The layout of the room will set the tone and care will be taken 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.

Roles and Responsibilities

The Role of the Clerk

The Governing Body Complaints Appeals Panel will be clerked. The Clerk will 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 or the nominated Governor

The Nominated Governor role:

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

The Role of the Chair of the Panel

The Chair 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/carers 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

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 within 5 working days of the meeting. The letter needs to explain if there are any further rights of appeal and, if so, to whom they need to be addressed.

Vexatious Complaints

The complaints procedure will limit the number of complaints that become protracted. However, there may 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 Governing Body is able to inform them in writing that the procedure has been exhausted and that the matter is now closed.

If the complainant is dissatisfied with how the complaint has been handled after exhausting stages 1-3 of this policy, the complainant can write to the Secretary of State for Education via the Education Funding Agency (EFA).

The EFA will consider complaints that fall into any of the following three categories:

1. Where there is undue delay or the school did not comply with its own complaints procedures when considering a complaint;
2. Where the school is in breach of its funding agreement with the Secretary of State; or
3. Where the school has failed to comply with any other legal obligation.

The EFA will normally only consider complaints when every stage of the above process has been completed.

Further details can be found at: <https://www.gov.uk/complain-about-school>.

Recording Complaints

The School will record the progress of the complaint and the final outcome. A complaint may be made in person, by telephone, or in writing. A complaint form is included as an appendix. At the

end of a meeting or telephone call, it would be helpful if the member of staff ensured that the complainant and the School have the same understanding of what was discussed and agreed. A brief note of meetings and telephone calls can be kept and a copy of any written response added to the record.

The Complaints Co-ordinator is responsible for the records and will hold them centrally.

All correspondence, and statements and records of complaint must be kept confidential but must be shown to HMI when they inspect. Copies must also be made available to the Registration Authority on request.

Governing Body Review

The Governing Body will monitor the level and nature of complaints and review the outcomes on a regular basis to ensure the effectiveness of the procedure and make changes where necessary. Complaints information shared with the whole Governing Body will not name individuals.

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 Governing Body can be a useful tool in evaluating a School's performance.

Monitoring, Evaluation and Review

The Governing Body has delegated to the Headteacher the responsibility for reviewing the implementation and effectiveness of this policy. The Governing Body will approve all major changes to this policy. The policy will be promoted and published throughout the School.

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 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 a set time scale

Stage 1 Complaint form

Please complete and return to Fran Wade (Complaints Co-ordinator) who will acknowledge receipt and explain what action will be taken.

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|---|
| Your name: |
| Student's name: |
| Your relationship to the student: |
| Address: |
| Postcode: Day time telephone number: Evening telephone number: |
| Please give details of your complaint. |
| What action, if any, have you already taken to try and resolve your complaint. (Who did you speak to and what was the response?) |
| What actions do you feel might resolve the problem at this stage? |
| Are you attaching any paperwork? If so, please give details. |

Signature:

Date:

Official Use

Date acknowledgement sent:

By whom:

Complaint referred to:

Date:

Stage 2 Complaint form

Please complete and return to Fran Wade (Complaints Co-ordinator) who will acknowledge receipt and explain what action will be taken.

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| Your name: |
| Student's name: |
| Your relationship to the student: |
| Address: |
| Postcode: |
| Day time telephone number: |
| Evening telephone number: |
| Please give details of why you are dissatisfied with the outcome at Stage 1 of the Complaints Procedure: |
| What actions do you feel might resolve the problem at this stage? |

Are you attaching any paperwork? If so, please give details.

Signature:

Date:

Official Use

Date acknowledgement sent:

By whom:

Complaint referred to:

Date: