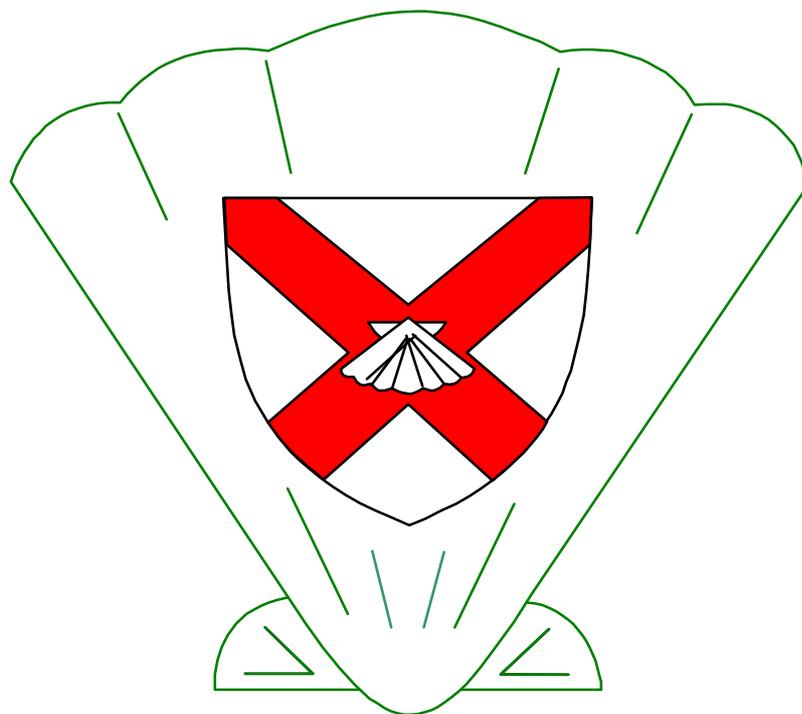


St James' CE Junior School



Complaints Procedure

Updated February 2015.

Policy Part 1: General Principles

Dealing with Complaints – Initial concerns

1. St James's School understands the difference between a concern and a complaint. We take informal concerns seriously at the earliest stage, and we try to reduce the numbers that develop into formal complaints.

2. Concerns ought to be handled, if at all possible, without the need for formal procedures. Although we need to have a formal Complaints Procedure, this should not in any way undermine efforts to resolve the concern informally. In most cases the class teacher (or the individual delivering the service in the case of extended school provision) will receive the first approach. Where possible, staff will try to resolve issues on the spot; this may include apologising where necessary.

Dealing with Complaints – Formal procedures

3. If initial attempts to resolve the issue are unsuccessful and the person raising the concern remains dissatisfied, the formal procedures are available if he or she wishes to take the matter further. The following cases, however, have their own procedures to be followed instead:

- Admissions
- Exclusions
- Special Educational Needs
- Staff Grievances
- Child Protection
- Whistleblowing
- Services operated by third parties on school premises

4. The Headteacher will monitor the operation and the management of the complaints procedure.

Framework of Principles

5. Our Complaints Procedure aims to:

- 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

6. At each stage, the person investigating the complaint will:

- 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 him or her (especially if further information is needed);
- 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.

Resolving Complaints

7. At each stage in the procedure we will try to find ways of resolving a complaint. It might be enough simply to acknowledge that the complaint is valid in whole or in part. We will encourage complainants to state what actions they feel might resolve the problem at any stage, such as an offer of one or more of the following:

- an apology;
- an explanation;
- an admission that the situation could have been handled differently or better (noting that this is not the same as an admission of negligence);
- 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.

8. In addition, we will seek to identify areas of agreement between the parties, and to clarify any misunderstandings that might have occurred, as this can create a positive atmosphere in which to discuss any outstanding issues.

Vexatious Complaints

9. We hope that our complaints procedure will limit the number of complaints that become protracted. However, 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 Governing Body (GB) may have to inform them in writing that the procedure has been exhausted and that the matter is now closed.

10. The School will not tolerate abusive or harassing behaviour towards any member of staff or governor. Our policy for handling abusive or harassing complaints is set out in a separate policy document, available on the website.

Time Limits

11. We will consider complaints, and try to resolve them, as quickly and efficiently as possible. We aim to have realistic time limits for each action within each stage. However, where further investigations are necessary, new time limits can be set: if this is the case, we will send the complainant details of the new deadline and an explanation for the delay.

Policy Part 2: The Formal Complaints Procedure

The Stages of Complaints

12. The Complaints Procedure has four possible stages, as set out fully from paragraph 18 below:

- a. Complaint heard by staff member who is not the subject of the complaint;
- b. Complaint heard by Headteacher;
- c. Complaint heard by the GB's complaints appeal panel;
- d. Complaint referred to Secretary of State for Education.

Policy Part 3 – Managing and Recording Complaints

Recording Complaints

13. Our practice is to record the progress of the complaint and the final outcome. A complaint may be made in person, by telephone, or in writing. If a complaint is made in writing, it would be helpful for it to be set out using the School's Complaint Form, which is attached. At the end of a meeting or telephone call, the member of staff involved will aim 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.

14. The Headteacher is responsible for any such records and for holding them centrally.

Governing Body Review

15. The GB can 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 GB will not name individuals.

16. 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, we may be able to 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 a school's performance.

Publicising the Procedure

17. We have a legal requirement to publicise the Complaints Procedures. As well as placing the full policy on our website, we will include a reference to it in:

- the school prospectus;
- information given to new parents when their children join the school;
- home school bulletins or newsletters;
- a specific complaints leaflet which includes a form on which a complaint can be made;
- posters displayed in areas of the school that will be used by the public, such as reception or the main entrance.

Complaints Procedure Stage One: Complaint Heard by Staff Member

18. It is in everyone's interest that complaints are resolved at the earliest possible stage. We know that what happens during the first contact between the complainant and the school can be crucial. To that end staff need to know what to do when they receive a complaint.

19. The school respects the views of a complainant who indicates that he or she would have difficulty discussing a complaint with a particular member of staff. In these cases, we will refer the complainant to another staff member. Where the complaint concerns the Headteacher, we will refer the complainant to the Chair of Governors.

20. Similarly, if the member of staff directly involved feels too compromised to deal with a complaint, we will refer the complainant to another staff member. This member of staff may be more senior but does not have to be: his or her ability to consider the complaint objectively and impartially is the most important factor.

21. If the first approach is made to a governor, he or she will refer the complainant to the appropriate person and advise them about the procedure. An individual governor will not act unilaterally on an individual complaint procedure, in case he or she is needed to sit on a panel at a later stage of the procedure.

22. If the complaint is about a governor, the Chair of the GB can still address it. If the complaint is about the Chair of Governors, it may be put to another member of the governing body.

Stage Two: Complaint Heard by Headteacher

23. If the complainant wishes to refer the complaint to the Headteacher, this may be because he or she is dissatisfied with the way the complaint was handled at stage one as well as because he or she wishes to pursue the initial complaint. The Head may decide to delegate the task of collating information to another staff member, but the decision on the action to be taken will be his alone.

Stage Three: Complaint Heard by Governing Bodies Complaints Appeal Panel

24. If the complainant is dissatisfied with the outcome of Stage 2, the next stage is to write to the Chair of Governors, or in his or her absence, the Vice Chair, giving details of the complaint. The Chair, or a nominated governor, will convene a GB complaints panel. The Chair will respond within two weeks initially, and provide an outline timetable for the subsequent process.

25. The governors' appeal hearing is the last school-based stage of the complaints process, and is not convened to merely rubber-stamp previous decisions. Individual complaints would not be heard by the whole GB at any stage, as this could compromise the impartiality of any panel set up for a disciplinary hearing against a member of staff following a serious complaint.

26. The governing body will already have nominate a number of members with delegated powers to hear complaints at that stage, and set out its terms of reference. These will have included:

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

The panel will be drawn from the nominated members and will usually consist of three or five people. The panel may choose its own chair.

The Remit of the Complaints Appeal Panel

27. The panel will have powers 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.

28. Governors sitting on a complaints panel will take into account the following important points:

- They must all be already aware of the complaints procedure.
- The appeal hearing is independent and impartial and must be seen to be so. No governor may sit on the panel if he or she has had a prior involvement in the complaint or in the circumstances surrounding it. The GB will try to ensure that the panel represents all categories of governor and is 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 not be possible to do more than establish the facts and make recommendations that give the complainant the assurance that his or her complaint has been taken seriously.
- The panel understands that many people will 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 will be taken to ensure the setting is informal and not adversarial.
- Extra care will be taken when the complainant is a child. The panel must ensure that the child does not feel intimidated; its members need 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 panel will 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

29. The clerk to the GB will be the initial contact point for the complainant. She will:

- 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.

30. The Chair of the GB or the Nominated Governor will check that the correct procedure has been followed, and if a hearing is appropriate, notify the clerk to arrange the panel.

The Role of the Chair of the Panel

31. The Chair of the Panel will:

- explain the remit of the panel to those involved, and ensure that each party has the opportunity of putting their case without undue interruption;
- ensure that the issues are addressed;
- ensure that key findings of fact are made;
- put at ease parents and others who may not be used to speaking at such a hearing;
- conduct the hearing in an informal manner, with all parties treating the others with respect and courtesy;
- demonstrate that the panel is open minded and acting independently;
- check that 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;
- ensure that each side is given the opportunity to state their case and ask questions;
- ensure that written material is seen by all parties. If a new issue arises, the Chair will ensure that all parties are given the opportunity to consider and comment on it.

Procedure for a Panel Hearing

32. The panel will be conducted along the following lines:

- The hearing is to be as informal as possible.
- Witnesses are required to attend only 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 defined time scale.

Notification of the Panel's Decision

33. The Chair of the panel will ensure that the complainant is notified of the panel's decision, in writing, usually within one week of the hearing. The letter will explain if there are any further rights of appeal and, if so, to whom they need to be addressed.

Stage 3: Review by the Secretary of State for Education

34. If the School's own procedures have been exhausted, and the complainant still feels dissatisfied that the complaint has been resolved satisfactorily, he or she may complain to the Secretary of State for Education, at the following address:

Secretary of State, Department for Education

Castle View House

East Lane

RUNCORN

Cheshire, WA7 2GJ

0370 000 2288

Typetalk: 18001 0370 000 2288

Fax: 01928 738248

Complaint Form

Please complete and return to the Headteacher who will acknowledge receipt and explain what action will be taken.

Your name:
Pupil's name:
Your relationship to pupil:
Address:
Postcode:
Daytime telephone number: Evening telephone number: Email address (if preferred):
Please give details of your complaint.

What actions do you feel might resolve the problem at this stage?

Signature:

Date:

Official use

Date acknowledgement sent:

By whom:

Complaint referred to:

Date: