

Current Policy Date: 22 March 2016

Review: Every 3 years

Date of Next Review: March 2019



Source: *West Berkshire Model School Complaints Procedure (revised January 2012)*

COMPLAINTS PROCEDURE

This document sets out detailed guidance on the process for dealing with comments, grievances and complaints. This procedure relates to the School's Complaints policy.

A complaint is an expression of dissatisfaction about the school. Two different types of complaint are recognised by the school:

(a) A **justified complaint** - where the School is at fault because we have failed to do something we should have, or we have done something we should not have.

(b) A **grievance** - where the complainant is dissatisfied but we are not at fault because we are following an agreed policy or procedure. Whilst these may be understandable causes for complaint, the concerns reflect policies and budgets already agreed by the school and its Governing Body. As such the School has not failed to do something it said it would, or has agreed to do.

Investigating Complaints

At each stage the person investigating the complaint will ensure 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 about, allowing them to be accompanied if they wish;
- conduct the interview with an open mind and be prepared to persist with questioning;
- keep notes of any interview or meeting
- communicate with the complainant at each stage over discussions and agreements reached.

Resolving Complaints

At each stage in the procedure, successful resolution of the complaint will take priority. If appropriate one or more of the following may be offered:

- 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.

Time Limits

Complaints will be considered and resolved as quickly and efficiently as possible. Realistic time limits will be set for each action within each stage. However, where further investigations are necessary, new time

limits may need to be set and the complainant sent details of the new deadline and an explanation for the delay.

On occasion, the school may need to extend the time to respond to a Stage 1 or Stage 2 complaint. This may be because of resource or capacity issues, or because additional information needs to be obtained to investigate the complaint. In such cases, the school will provide a holding letter, explaining the reason for the delay, and providing a date by which a response will be supplied.

Response times given refer to Monday to Friday inclusive, term time only.

Record Keeping

- All complaints will be responded to in writing.
- At Stage 1 – even though this is an informal stage, the complainant will receive a reply in writing and a copy should be retained for reference.
- At Stages 2a, 2b and 3 – there should be clear communication in writing throughout the handling of the complaint. A copy of all written communication should be retained for reference.

Only complaints relating to the schooling of a specific child would be kept within the child's files.

Other issues will be filed separately in a secure location and will be retained for a period of 7 years.

STAGE ONE (informal):

Concern/Complaint heard by relevant staff member (when not the subject of the complaint).

Where a complainant is unhappy with an issue in school they should contact a member of staff in the first instance. In most cases this will be either a child's teacher or the school office staff. The member of staff receiving the complaint will either:

- Provide a response to the complainant (after discussions with relevant colleagues if necessary) or
- Refer the complaint to the appropriate person within the school. Where the complaint concerns the Headteacher, the complainant should proceed to Stage 2b.

If the complainant indicates that he/she would have difficulty discussing a complaint with a particular member of staff, or the complaint relates to the staff member, the complainant may be referred to another staff member (or the Headteacher). The ability to consider the complaint objectively and impartially is crucial.

The school will respond in writing ***within five school days***, with a brief summary of the complaint and a response. **If the complainant wishes to move to Stage 2, a request must be submitted to the school in writing *within 15 school days*. Otherwise the matter is considered closed, and will not be considered further. The letter must explain why the complainant is dissatisfied with the outcome of Stage 1.**

Complaints must not be referred to individual governors. Where the first approach *is* made to a governor, the complainant should be referred to the appropriate person above and advised of the procedure. Governors must not act 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 (formal):

If the complaint is about the headteacher, the complainant should move to Stage 2b.

2a) Concern/Complaint heard by Headteacher

If dissatisfied with the outcome at Stage One, the complainant should contact the Headteacher about the issue. (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 provide a response to the complainant (after discussions with relevant colleagues, if necessary).

The school will respond in writing ***within 15 school days***, with a summary of the complaint and a response. If the complainant wishes to move to Stage 3, a request must be submitted to the school in writing ***within 15 school days***. Otherwise the matter is considered closed, and will not be considered further. The letter must explain why the complainant is dissatisfied with the outcome of Stage 2a.

2b) Concern/Complaint heard by Chair of the Governing Body

If the complaint is about the headteacher, the complainant should contact the Chair of the Governing Body about the issue. The Chair can be contacted by letter addressed to the school. The Chair of the Governing Body will discuss the concerns with the headteacher and provide a response to the complainant.

Under Law, where the Chair of the Governing Body is absent, the Vice Chair (or a representative nominated by the full Governing Body) will assume the responsibilities outlined in this procedure.

The Chair will respond in writing ***within 15 school days***, with a summary of the complaint and a response. If the complainant wishes to move to Stage 3, a request must be submitted to the Chair in writing ***within 15 school days***. Otherwise the matter is considered closed, and will not be considered further. The letter must explain why the complainant is dissatisfied with the outcome of Stage 2b.

STAGE THREE (review):

Complaint heard by the Governing Body's Complaints Panel

If dissatisfied with the outcome at Stage Two, the complainant may write to the Chair of the Governing Body about the complaint, and the Chair will convene the Governing Body's Complaints Panel to review the handling of the complaint at Stage 2 and to examine the decision reached. The complainant should explain why they are requesting a review, and why they consider the response they have received to be unsatisfactory.

The Governing Body will determine which governors sit on the Governing Body Complaints Panel. The membership of the Panel will not include the Chair as s/he will have considered the complaint under Stage 2. Staff governors and the headteacher are also excluded, as are any governors who have a prior involvement in the case. Should there be insufficient governors to form a panel we would seek support from another Governing Body of a West Berkshire School.

Individual complaints will not be heard by the whole governing body 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. It is not appropriate for the details of complaints to be shared widely amongst the Governing Body.

The Remit of the Complaints Panel

The governor chairing the Panel will acknowledge receipt of the complaint ***within five school days***. The Panel will convene to examine the complaint ***within 15 school days*** of receipt of the complaint. The Complaints Panel is not convened to merely rubber-stamp previous decisions. It will investigate the complaint promptly and impartially.

If the matter is complex and requires more time to investigate, a letter may be sent to the complainant outlining the reasons for any delay and the subsequent timescale for the complaint. Every effort must be made to respond to complaints in a timely manner.

The Complaints Panel will decide on the method of investigation depending on the nature of the complaint. The Complaints 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, policies or procedures to ensure that problems of a similar nature do not recur.

Panel members must not have a conflict of interest and must not have been involved in the matters under review.

Outcome of the Complaints Panel meeting

The complainant will receive a written explanation of the outcome and action taken ***within five school days*** of the Panel's meeting. If the complainant is still dissatisfied, the final course of action is to write to the Secretary of State for Education.