

# TITUS SALT SCHOOL



## Policy 01-005

## Complaints Procedure

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## 1.0 General Principles

### 1.1 Initial Concerns

It is important to be clear about the difference between a concern and a complaint. Taking information about 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 need not in any way undermine efforts to resolve the concern informally. It would be helpful if staff were able to resolve issues on the spot, including apologising where necessary. However, clearly if the concern is serious, or has potentially serious implications, then this should be referred to senior staff.

### 1.1 Formal Procedure

The formal procedure will need to be invoked when initial attempts to resolve the issue are unsuccessful and the person raising the concern remains dissatisfied or requests a more formal procedure.

Titus Salt School has nominated members of staff to have responsibility for the operation and management of the school Complaints Procedure. These will be:

Stage One: Faculty Leader / Year Leader / Senior Middle Leader

Stage Two: Deputy Headteacher or directly linked Assistant Headteacher. The Assistant Headteacher may work independently or in conjunction with a Deputy Headteacher.

Stage Three: Headteacher, Deputy Headteacher or external investigator, as directed by the Governing Body.

### 1.2 Aims of the Complaints Procedure

- To encourage resolution of problems by **informal** means wherever possible
- To be **simple** to understand and use
- To be **impartial**
- To be non-**adversarial**
- To allow **swift** handling within **time limits** that the complaint may dictate
- 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 a response and **appropriate** redress, where necessary
- Where necessary, to provide **information** to the school's Senior Leadership Team so that services can be improved.



## 2.0 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)
- interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish
- conduct any interview with an open mind and be prepared to persist in the questioning
- make detailed and accurate notes of the interview.

## 3.0 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 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 the light of the complaint.

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

It is recognised that an effective procedure will 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. There will be occasions when the school, or Governing Body, feel there is no case to answer but will undertake to explain their findings to the complainant.

## 4.0 Vexatious Complaints

If properly followed, this Complaints Procedure will limit the number of complaints that become protracted. However, there will be occasions when, despite all stages of the procedure 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.



## 5.0 Time Limits

Complaints need to be considered and resolved as quickly and efficiently as possible. To this end, this Complaints Procedure has realistic time limits for each action within each stage. However, where further investigations are necessary, new time limits can be set and the complainant informed with an explanation for the delay. In all cases, the needs of the students are paramount and any issues requiring immediate action take precedence.

## 6.0 The Formal Complaints Procedure

### 6.1 The Stages

There are well defined stages to this Complaints Procedure. At each stage it is helpful to clarify exactly who will be involved, what will happen and if possible, how long it will take. There may, on occasion, be the need for some flexibility; for example, the possibility of further meetings between the complainant and the member of staff directly involved and further investigations may be required by the Headteacher.

There are three school-based stages:

Stage One: Complaint investigated and resolved by staff member who is not the subject of the complaint.

Stage Two: Complaint investigated and then heard by the Headteacher.

Stage Three: Complaint investigated and then heard by the Governing Body's Complaints Panel.

Regardless of which stage the complaint has reached, an unsatisfied complainant can always take a complaint to the next stage.

## 7.0 Managing and Recording Complaints

### 7.1 Recording Complaints

All formal complaints will be recorded. A complaint may be made in person, by telephone or in writing (including via email). At the end of a meeting or telephone call, it is helpful if the member of staff tries to ensure that the complainant and the school have the same understanding. A brief note of meetings, telephone calls or emails should be kept and a copy of any written response added to the record.

The member of staff dealing with the complaint is responsible for the records and will ensure their safe keeping.

### 7.2 Governing Body Review

The Governing Body will monitor the level and nature of formal 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 complaint, 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 is a useful tool in evaluating a school's performance.

## **8.0 Publicising the Procedure**

Details of the Complaints Procedure will be included on the school website in order to meet our statutory responsibility.

## **9.0 Stage One: Complaint Investigated and Resolved by Staff Member**

It is in everyone's interest that complaints are resolved at the earliest possible stage. To that end, staff members need to be aware of the procedures so they know what to do when they receive a complaint.

The school will respect the views of a complainant who indicates that they would have difficulty discussing a complaint with a particular member of staff. In these cases, the Headteacher can refer the complaint to another staff member. Where the complaint concerns the Headteacher, the complaint will be referred to the Chair of Governors.

Similarly, if the member of staff directly involved feels too compromised to deal with a complaint, the Headteacher may consider referring the complaint 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 is to refer the complaint to the Headteacher and advise them about the procedure. It would be useful if Governors did 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.

## **9.1 Stage Two: Complaint Heard by the Headteacher**

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 delegate the task of collating the information to the appropriate Deputy or Assistant Headteacher to remain in the best position to make the decision on the action to be taken. This is particularly important if a member of staff may have to be subject to the disciplinary procedures.



## 9.2 Stage Three: Complaint Heard by the Governing Body's Complaints Panel

This is intended for complaints concerning the conduct of the Headteacher or a Governor where a Headteacher or Governor has been involved in the issue previously.

The Governing Body will nominate a number of members with delegated powers to hear complaints. Its terms of reference include:

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

The panel is drawn from the nominated members and may consist of three or five people. The panel may choose their own Chair.

### 9.2.1 Remit of the Complaints 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 Complaints Panel needs to remember:

- a) It is important that the 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 need to 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.
- b) The aim of the hearing, which will always be held in private, will always be to resolve the complaint and attempt to 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 their complaint has been taken seriously.
- c) The panel will expect the investigator(s) to be available for clarification.
- d) If the panel calls witnesses (in very rare circumstances), it 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. 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.
- e) 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.



- f) The Governors sitting on the panel need to be aware of the Complaints Procedure.

### 9.2.2 Roles and Responsibilities

#### The Role of the Clerk

All meetings of panels or groups of Governors considering complaints will be clerked. The clerk is required to:

- set the date, time and venue of the hearing, ensuring that the dates are convenient and that the venue and proceedings are accessible
- record the proceedings
- seek clarification on specific issues if requested by the chair
- notify all parties of the panel's decision
- minute a further meeting with the complainant if the chair deems it appropriate.

#### 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
- decide whether it warrants calling witnesses (this would be in very rare circumstances)

#### 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 clear
- the issues are addressed
- key findings of fact are made
- 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
- if a new issue arises, it would be useful to give all parties the opportunity to consider and comment on it
- *if witnesses are called, each party has the opportunity of putting their case without undue interruption and that parents and others, who may not be used to speaking at such a hearing, are put at ease.*

### 9.2.3 Notification of the Panel's Decision

The Chair of the Panel will ensure that the complainant is notified of the decision, in writing, with the panel's response. The letter will explain the decision is final and there is no further right of appeal. The Chair may offer to explain/clarify the decision.



**Appendix 1 Sample Complaint Form**

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

Your Name	_____
Student's Name	_____
Your relationship to the student	_____
Address	_____
	_____
Postcode	_____
Daytime telephone number	_____
Evening telephone number	_____
Details of your complaint	
What action, if any, have you already taken to try and resolve your complaint? (i.e. 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	
<b>Official Use</b>	
Date received	_____
Date acknowledgement sent	_____
By who	_____
Complaint referred to	_____
Date	_____

*This form is an example and could be used if there is no written complaint identifying specific concerns*





Appendix 2 Flowchart of Complaints Procedure

