

Slaithwaite CE J & I School



Policy for Handling Complaints

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Handling Complaints

The Governing Body of Slaithwaite CE J & I School adopted this Handling Complaints policy on 12th March 2013.

Slaithwaite J&I school takes any concerns raised by students, parents and members of the local community seriously. This policy (which follows the DFES guidance notes for School Complaints Procedures (2003) identifies the structures that will ensure that any issues are resolved in a fair, balanced and transparent manner in line with our aim of providing a safe environment for learning.

School Concern and Complaints Procedure

Stage 1: Concern received and passed to EB (Head)

- Any member of staff i.e. reception staff who receive a concern/complaint should direct the complaint to EB
- An Initial Record of Concern form [Appendix 2] will be completed by EB. The complaint is acknowledged by telephone by EB and any action to be taken will be explained to the complainant.

Should the issue not be resolved within Stage One or if the issue is of a particularly serious nature, such as a child protection issue, the Chair of Governors will be informed and EB will complete an initial assessment/first evidence trawl

Stage 2: Concern investigated further by EB

- The complainant will receive an acknowledgement of the complaint from EB and will be provided with a timescale for the completion of the investigation and reporting back to them with the outcomes.
- An initial trawl of evidence will be conducted by EB using the Handling Complaints form [Appendix 3].
- EB will then report the findings to the Principal
- The Chair of Govs will then make a decision based upon the evidence presented to either:
 - a) Close the investigation; (EB informs complainant of any action to be taken); or
 - b) to extend the investigation

Stage 3: Investigation is extended and is heard by a Chair of Govs

- The Chair of Govs will investigate further and will extend the investigation using the 'Formal investigation' form [Appendix 4]
- The complainant will receive a formal letter outlining the outcome of the investigation and the steps taken to ensure that the issue raised has been addressed
- The issue is then either (a) resolved to the satisfaction of the party raising the concern or (b) not resolved.

Should the issue still not be resolved within Stage Three the complaint will be heard by the Governing Bodies Complaints Appeal Panel.

Stage 4: Concern heard by Governing Body

- A date for a meeting of the Governor's complaints panel meeting will be arranged
- The complainant will receive a letter inviting the complainant to the meeting
- Following the meeting a letter will be issued confirming the panel's decision
- A record of the panel's decision will be retained by the school and will be acted upon accordingly

Only after exhausting the arrangements set out in this procedure for handling complaints will a complainant be able to progress the matter further to the Secretary of State.

Stage One: Concern received and passed to EB (Head)

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.

However, the school respects 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 member of staff receiving the complaint should refer the complainant to the Head. Where the complaint concerns the Head, the complainant should be referred to the Chair of Governors.

Where the initial approach is made to a governor, the next step would be to refer the complainant to EB to initiate either Stage 1 or Stage 2 of the complaints 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.

Stage Two: Concern investigated further by EB

Should the issue not be resolved within Stage One or if the issue is of a particularly serious nature, such as a child protection issue, the complaint will be investigated further by EB and the Chair of Gobs will be informed.

Stage Three: Investigation is extended and is heard by the Chair of Governors

After the initial assessment/first evidence trawl is completed by EB and summarised for the Chair of Gobs, The Chair of Gobs will decide whether the investigation should be extended and will delegate the task of further formal investigation to the Head who will then feedback to the Chair of Gobs. The Chair of Gobs will then decide on any action to be taken at this stage and the complainant will be informed of the outcome.

Stage Four: Concern heard by Governing Body

Following a decision at Stage 3, the complainant needs to write to the Chair of Governors giving details of the complaint and stating that they are not satisfied with the decision made at Stage 3. The Chair, or a nominated governor, will convene a *Governing Body Complaints Panel*. The panel can be drawn from the nominated members and may consist of three or five people. The panel will nominate their own chair.

The appeal hearing of the *Governing Body Complaints Panel* is representative of the whole *Governing Body*. The hearing therefore forms the last school-based stage of the complaints process. Individual complaints would 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.

The remit of the Governing Body 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.

Governors sitting on a complaints panel will note and consider the following:

- 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 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 needs to be held in private, i.e. only governors and clerk to governors present, will always be to resolve the complaint and achieve reconciliation between the school and the complainant. However, it is recognised the complainant might not be satisfied with the outcome of the hearing.
- c. An effective panel will acknowledge that many complainants 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 is needed to ensure the setting is informal and not adversarial.
- d. When dealing with a complaint involving a minor, 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.
- e. The governors sitting on the panel need to be aware of the complaints procedure.

Roles and Responsibilities:

(A) The Role of the Clerk

All formal meetings of the Governing Body Complaints Panel will be clerked. The clerk supports the administration of the complaint and would 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 them hearing;
- meet and welcome the parties as they arrive at the hearing;
- record the proceedings;
- notify all parties of the panel's decision.

(B) 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;

(C) The role of the Chair of the Panel

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

- an explanation of the panel is delivered to the parties. Ensuring that 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 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 will ensure that the complainant is notified of the panel's decision, in writing, with details of the panel's response. The dates for the response will be agreed at the panel meeting. The letter will explain any further rights of appeal and to whom they need to be addressed.

Checklist for a Panel Hearing

- 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 Head may question both the complainant and the witnesses after each has spoken.
- The Head is then invited to explain the school's actions and be followed by the school's witnesses.
- The complainant may question both the Head 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 Chair of Govs 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 timescale.

Policy - February 2013

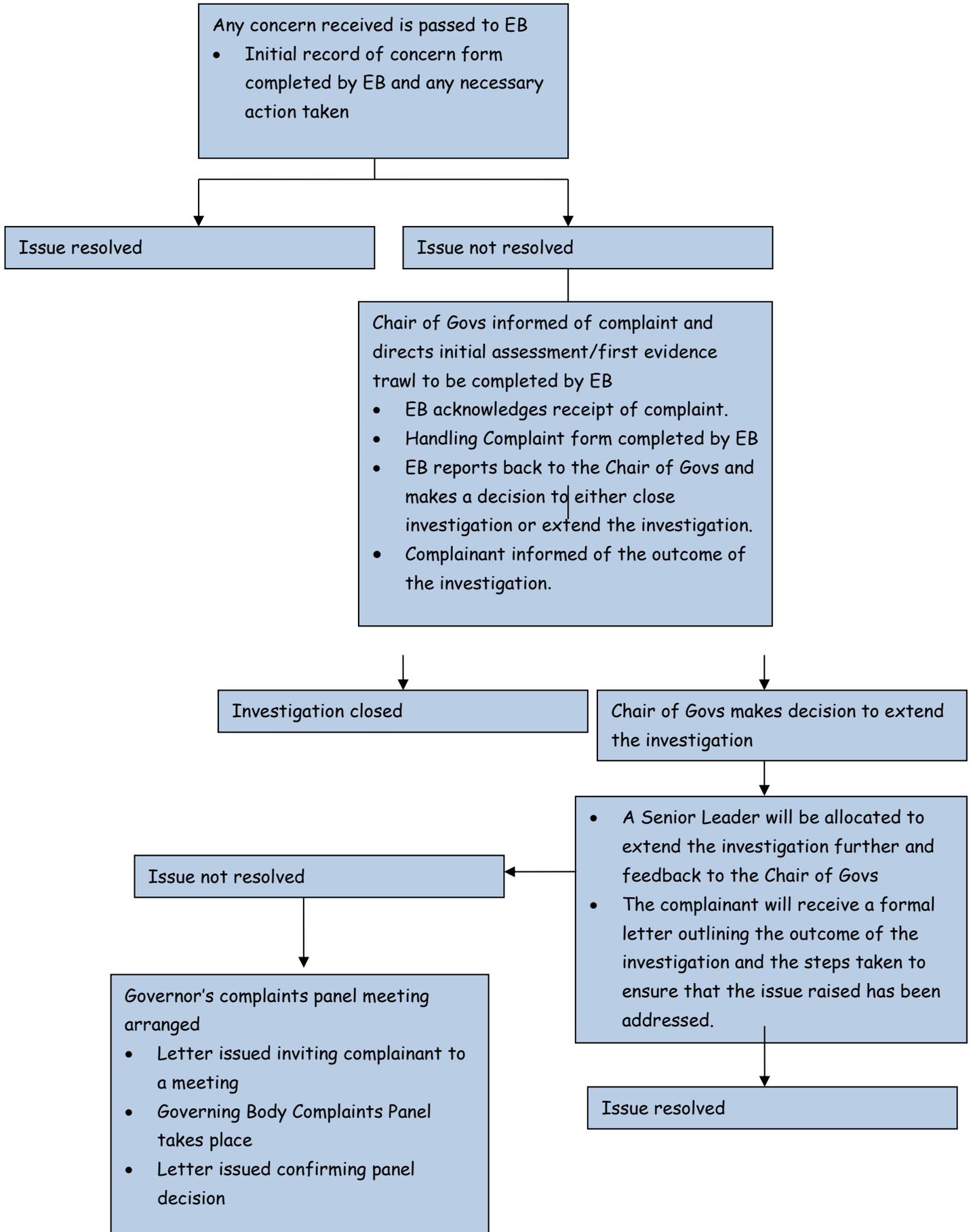
Reviewed - October 2014

Full Review - October 2015

Handling Complaints

(Appendix 1)

Flowchart: Summary of Dealing with Complaints



Initial Record of Concern

(Appendix 2)

Name of concerned party:

Pupil's name (if relevant):

Relationship of concerned party to the school:

Address:

Postcode:

Day time telephone number:

Evening telephone number:

Please give details of the concern (use additional sheets as necessary)

Facts found and action taken

Complainant spoken to date:

Signature:

Date:

Concern referred to Chair of Govs or

closed:.....

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(Appendix 3)

Please attach hand written original notes, which are dated and signed where possible

EB to complete Initial assessment/first evidence trawl

Name of the person making the complaint/expressing concern:

Relationship to School:

Date of the complaint/concern:

How complaint was received:

The nature of the allegation/concern

Date:

Time:

Place/location of incident:

Date of alleged incident:

Time:

Pupil involved:

Class:

Pupil witnesses named by complainant:

.....

.....

Staff involved:

Student(s) to be interviewed:

.....

Statements attached, dated and signed tick

Staff to be interviewed:

Staff statements to be obtained:

.....

Further investigations required: Yes / No

Child Protection referral: Yes / No

Investigators' comments:

Pass to the Chair of Goves and Outline/summarise the facts obtained

Signed:

Date:

Chair of Goves Decision

Further investigation/action to be taken: YES / NO

By:

Chair of Goves signed:

Date:

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(Appendix 4)

Further investigation, follow up and outline action taken with.....

Complainant

- Letter sent?
- Meeting held?

Pupil(s)

- Unfounded or malicious allegation? Referral to social care?

Staff

- Disciplinary meeting/outcome?
- Referral to Governors

Signed:

Date:

All records to Head