



# Complaints Policy

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# Contents

	Page
1. Introduction	3
2. Statutory Obligations	3
3. Aims of the Policy	3
4. Complaint Records	3
5. Complaints Procedure	4
6. Resolving Complaints	4
7. Unresolved Complaints	5
8. Time Limits	5
9. School Complaints Procedure	5
10. Complaint against a member of the Governing Body	8
11. Complaint against the Chair of the Governing Body	8
Appendix 1: Complaints Form	9

## **1. Introduction**

Baysgarth School is committed to ensuring that all students are provided with a first class educational experience through the development of a productive and positive partnership with all parents and carers. However, if a parent/carer feels that a situation has arisen that they are unhappy about then they have a right to make a complaint. Any and every complaint made will be taken seriously and dealt with swiftly and professionally.

All parents/carers will be made aware of this policy and the procedures to follow if they wish to make a complaint. It is available on the website and a hard copy is available from the school.

In the event of a complaint we will try to resolve problems informally wherever possible. An effective and appropriate response will be provided to all complaints as quickly as possible, dependent upon the complexity of the issues raised.

NB. This policy relates to complaints about the educational administration of the school and typically applies to complaints made by parents/carers of students. It does not relate to matters which are governed by employment legislation or those where the principles of civil contract law would normally apply.

## **2. Statutory Obligations**

Complainants must be aware that there is a complaints procedure and copies of this policy will be available on request and from the school's website.

Staff should receive regular training on dealing with complaints and the implementing the school's policy consistently.

## **3. Aims of Policy**

The aim of the Baysgarth School Complaints Policy and procedure is to:

- encourage resolution of problems by informal means wherever possible;
- to ensure the complaints process is easily accessible and publicised;
- be impartial;
- is non-adversarial;
- allow swift handling within agreed time-limits for action and keeping people informed of progress;
- ensure a full and fair investigation;
- 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 Leadership Team so that services can be improved.

## **4. Complaint Records**

All complaints will be recorded, including informal complaints. The Head Teacher is responsible for ensuring that staff record all complaints and their outcome.

Records relating to individual complaints are confidential.

The Governing Body will monitor the level and the subject matter of complaints and review the outcomes on a regular basis through the mechanism of performance and data reporting.

## **5. Complaints Procedure**

This policy applies to all employees of the School (permanent, fixed term and casual).

### **Dealing with Complaints – Initial Concerns**

It is important 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 policy which follows deals with complaints but 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. In most cases the class teacher or tutor will receive the first approach. It would be helpful if staff were able to resolve issues on the spot, including apologising where necessary.

### **Dealing with Complaints – Formal Procedures**

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

### **Investigating Complaints**

At each stage, the person investigating the complaint makes sure that they:

- establish what has happened so far, and who has been involved;
- clarifies the nature of the complaint and what remains unresolved;
- meets with the complainant or contacts them (if unsure or further information is necessary);
- clarifies what the complainant feels would put things right;
- interviews those involved in the matter and/or those complained of, allowing them to be accompanied if they wish;
- conducts the interview with an open mind and is prepared to persist in the questioning;
- keep appropriate notes of any interview(s) held.

## **6. 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 complaint is valid in whole or in part and/or acknowledgement that the situation could have been handled differently or better (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.

It would be useful if complainants were 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.

## **7. Unresolved Complaints**

This procedure should 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 is able under this policy to inform them in writing that the procedure has been exhausted and that the matter is now closed.

## **8. Time-Limits**

Complaints need to be considered, and resolved, as quickly and efficiently as possible using time limits published in this policy. However, where further investigations are necessary, new time limits can be set and the complainant sent details of the new deadline and an explanation for the delay.

## **9. School Complaints Procedure**

### **Stage One: Complaint Heard by Staff Member**

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. To that end, staff will be periodically made aware of the procedures so that they know what to do when they receive a complaint. Parents should never feel or be made to feel that a complaint made in a reasonable and appropriate way will be taken amiss or will reflect adversely on the student or his/her opportunities at Baysgarth. The staff will try to investigate and try to resolve every complaint in a positive manner and will treat every complaint as an opportunity to improve our service. Baysgarth School will try to 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 matter will be referred to a member of the Senior Leadership Team who may, if they feel it appropriate, refer the complainant to another staff member. Alternatively, they may not feel this is necessary. Where the complaint concerns the Head Teacher, the complainant can be referred to the Chair of the Governing Body.

This procedure does not apply to complaints made by staff which should be investigated using the Grievance Procedure and not this Complaints Policy.

Only complaints received in writing (preferably using the Complaints Form) will be considered.

Anonymous complaints will not be considered.

Complaints must be made within three months of the event. Complaints after this period will not be considered.

Where the first approach is made to a Governor, the next step would be to refer the complainant to the appropriate Line Manager. Governors should 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.

The Line Manager or other delegated manager will ensure that a written or oral acknowledgement is provided to the complainant within five working days of receiving a complaint. The acknowledgement will give a brief explanation of the School's complaints procedure and will give a target date for providing a response to the complaint which should normally be within 10 working days. If the target cannot be met a letter should be written within 10 working days explaining the reason for the delay and providing a revised target date.

The Line Manager will seek to meet or speak with all of the appropriate people in order to establish the facts relating to the complaint, if the information given on the Complaints Form necessitates this. This may include the complainant, staff and any other person.

Once all of the facts have been established the Line Manager will then produce a written recommendation to their Senior Leadership Team link who will agree the response.

A written response should contain an outline of the complaint and a summary of the response to the complaint including the decision reached and the reasons for it. Where appropriate this should also include what response the school will take to resolve the complaint. This may be by way of a general description, e.g. 'Action taken within the Disciplinary Procedure'.

When the investigation has been concluded the complainant and the member of staff concerned will be informed in writing of the outcome. This may be to the effect that:

- There is insufficient evidence to reach a conclusion, so the complaint cannot be upheld
- The concern was not substantiated by the evidence
- The concern was substantiated in part or in full. Some details may then be given of the action the school may be taking to review procedures etc. but details of the investigation or of any disciplinary procedures will not be released
- The matter has been fully investigated and that appropriate procedures are being followed which may be strictly confidential (e.g. where staff disciplinary procedures are being followed).

This letter or report must be endorsed by the Head Teacher. It should also inform the complainant that should he/she wish the complaint to progress to the second stage of this procedure then he/she should send a written request stating this to the Head Teacher within 10 working days of receiving the response.

If no further communication is received from the complainant within 10 working days it is deemed that the complaint has been resolved and should end.

## **Stage Two: Complaint Heard by Head Teacher**

If the complainant is dissatisfied with the way the complaint was handled at stage one they may go to Stage 2 and have the Head Teacher hear the complaint. The Head Teacher may delegate the task of collating the information to another staff member but not the decision on the action to be taken. If the complaint is about the Head Teacher then at Stage 2 the complaint will be heard by the Governor Appeals Committee.

The same process applies as with stage 1.

### **Stage Three: Complaint Heard by a delegated Governor**

If the complainant is dissatisfied with the way the complaint was handled at stage 2 they may go to Stage 3 and have a delegated Governor hear the complaint.

The same process applies as with stage 2.

### **Stage Four: Complaint Heard by Complaint Appeal Committee**

The Governing Body may nominate three Governors with delegated powers to hear complaints at that stage, and set out its terms of reference. These include:

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

The Chair of Governors will typically chair the Complaints Panel, but in their absence the panel can be drawn from the nominated members and may consist of three Governors. In this case the panel may choose their own Chairman. One member of the panel will be independent of the management and running of the school.

If the complaint is about the Head Teacher a hearing by the Chair of Governors becomes Stage 2. If the complainant is unhappy he/she needs to write to the Chair of Governors whereupon a panel of three Governors (not previously involved) will hear the complaint. Their decision will be final.

### **The Remit of the Complaints Appeal Panel**

The Appeals 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:

- 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.
- 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.
- 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 Chairman will ensure that the proceedings are as welcoming as possible.
- The School will write and inform the complainant and any witnesses, the panel etc. of the date and location of the meeting five working days in advance. The notification to the complainant should also inform him/her of the right to be accompanied to the meeting by a friend/ interpreter. The letter should explain how the meeting will be

conducted and the complainant's right to submit further written evidence to the panel. The Head Teacher has the right to bring representation if so desired.

Intervention of parallel investigations relevant to the complaint by the Police or social services may cause variation to these time scales. Any such variation will be notified to the complainant.

#### **Stage Five: Complaint heard by the Local Authority**

If the complainant is dissatisfied with the way the complaint was handled at stage four they may go to Stage 5 and contact the Local Authority.

#### **Stage Six: Complaint heard by the Secretary of State**

If the complainant is dissatisfied with the way the complaint was handled at stage five they may go to Stage 6 and contact the Secretary of State directly.

### **10. Complaint against a member of the Governing Body**

If the complaint is about a member of the Governing Body, the complaint should be dealt with at stage 3 with the delegated governor being the Chair or Vice Chair of Governors.

### **11. Complaint against the Chair of Governors**

If the complaint is about the Chair of the Governing Body, the complaint should be dealt with at stage 3 with the delegated governor being the Vice Chair of Governors.

**Appendix 1: Complaint Form**

**Complaint Form**

**Please complete and return to Baysgarth School's Main Reception, marked 'CONFIDENTIAL' for the attention of the Head Teacher / Chair of Governors**

<b>Your name:</b>
<b>Pupil's name:</b>
<b>Your relationship to the pupil:</b>
<b>Address:</b>
<b>Postcode:</b>
<b>Daytime telephone number:</b>
<b>Evening telephone number:</b>
<b>Please give details of your complaint:</b>
<b>What action, if any, have you already taken to try and resolve your complaint?</b> <b>(Who did you speak to and what was the response?)</b>

**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 who:**

**Complaint referred to:**

**Date:**

