

# JOHN FLAMSTEED COMMUNITY SCHOOL

## COMPLAINTS POLICY

### General

The governing body is required by the Education Act 2002 to have a policy for dealing with parents' complaints.

The school's complaints policy allows parents' complaints about school issues to be dealt with efficiently and sensitively, and at the appropriate level.

Complaints can cover a wide variety of matters that concern parents. The school expects ALL parental complaints to be taken seriously and to be dealt with comprehensively and as far as possible in confidence.

### Aims

As far as possible all concerns should be dealt with as informally as possible

However this policy aims to ensure that all complaints from parents, (and also pupils and others) are dealt with as quickly and sensitively as possible, and by the person best able to do so.

A parent, pupil or other complainant should be able to expect to have a response, even if not the final response, to their complaint within 1 working day of having made the complaint.

If parents, pupils or other complainants wish to register a formal complaint they should be asked to complete the school's Formal Complaint Form and return it to the Headteacher.

### Types of Concerns and Complaints

The majority of complaints received by the school fall into the following categories:

- **financial and administrative**
- **academic** (course programme, unsatisfactory teaching, too much/too little homework, progress in a particular subject etc);
- **pastoral** (discipline/indiscipline, inappropriate sanctions, bullying, overall progress of the child, unhappiness of child etc); and
- **child protection** (allegations against staff, handling of sensitive issues).

## Responsibilities

**Governing Body:** for approving the policy, procedures, and guidelines, hearing and deciding on appeals, receiving reports, and advising the Head. The Governing Body will monitor the level and nature of complaints and review the outcomes annually or earlier if so determined by the Chair.

**Chair of the Governing Body:** to receive complaints at Stage 3 (see below), to nominate a governor or panel to hear the appeal, and to check that the correct procedure is followed.

### **Nominated Governor or Chair of the Panel at Stage 3**

To ensure that:

- the parties understand the procedure;
- the issues are addressed;
- key findings of fact are established;
- complainants are put at ease;
- the hearing is conducted as informally as possible;
- the panel is open-minded and acts independently;
- no member of the panel has a vested interest in the outcome, or has been involved in the issues previously;
- all parties have the chance to be heard; and
- any written material is seen by all parties.

### **Clerk to the Governing Body**

The Clerk will act as the reference point for the complainant at Stage 3. The Clerk must:

- set convenient dates and times and venues for hearings;
- collate any written material and forward it to the parties;
- meet and welcome the parties;
- record the proceedings; and
- notify the parties of the decision.

**Head:** for the overall internal management of the procedures, for hearing complaints at the second stage (see below), ensuring that the procedures are monitored and reviewed and reports made to the Governing Body. Also for the efficient operation and management of the policy and procedures, for training staff on how to deal appropriately with complaints, for keeping parents, pupils and others informed of the procedures and for compiling reports for the Governing Body as required.

**Bursar:** for administrative, environmental and financial queries and complaints.

**Heads of Department and other middle managers:** for dealing with and where possible resolving complaints about academic matters/programmes of study/teaching methods at stage 1 of the procedures.

**Success Co-ordinators / Form Tutors:** for dealing with and where possible resolving complaints concerning overall pupil progress, discipline issues, pastoral care.

**The Inclusion Manager:** for child protection issues.

**All staff:** for hearing any concerns brought to them by parents and pupils and reassuring them that they will be dealt with as soon as possible by the appropriate member of staff, and for informing the relevant staff of the concerns.

For passing any complaints received from other people who are not parents to the Headteacher.

### **Information for Parents**

The school will include in its brochure advice to parents on the person they should contact in connection with particular complaints.

### **Formal Procedure**

Every attempt will be made to resolve complaints informally, but if this fails then this procedure will be followed:

- Stage 1 complaint heard by staff member (who is not subject of the complaint);
- Stage 2 complaint heard by Head; and
- Stage 3 complaint heard by Governing Body's complaints appeals panel.

### **Investigating Complaints**

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);
- 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; and
- keep notes of the interview.

## **Resolving Complaints**

At each stage in the procedure the person attempting to resolve the complaint 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; and
- 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. The governors acknowledge that an admission that the school could have handled the situation better is not the same as an admission of negligence.

### **Stage 1**

All staff should listen carefully and patiently to parents' and pupils' complaints, recognising that it is a matter of great concern to the parent or pupil.

If the matter is within the competence of the member of staff to resolve quickly this should be done. Otherwise the complainant should be reassured that the complaint will be passed to the relevant member of staff, and that person should be informed by the member of staff as soon as possible.

If a simple verbal complaint is made it might be possible in most cases to resolve it immediately. In more serious cases, or where a member of staff is uncertain, parents should always be asked to put their complaint in writing. This is to ensure that there is no conflict in determining what the complaint consists of and the action taken by the members of the school staff.

At Stage 1 the school should aim to resolve the complaint within 48 hours of receiving it. Where this is not possible, the receiver of the complaint will inform the parties of the action being taken, and when it is expected to resolve it.

No complaint should normally be left unresolved at this stage after THREE days of receipt of the complaint. In abnormal circumstances the matter will be referred to the Head who will determine the appropriate action, and will keep the parties informed.

If the member of staff considers the issue to be serious (but is not a child protection issue) he/she should inform the Headteacher and inform the complainant of the action taken. The Headteacher will determine the next step(s).

If the complaint concerns a child protection issue or involves an allegation of abuse by a member of the school staff, the 'named person' responsible for child protection should be informed by the Headteacher.

In any cases of doubt members of staff should seek the advice of senior colleagues

If a resolution cannot be found they should inform the complainant of their right of appeal to the Head (Stage 2) or Governing Body (Stage 3), and inform the Head/Governing Body of the action taken.

## **Stage 2**

The Head must normally resolve the matter within THREE working days of receiving notification of the complaint. In abnormal circumstances a longer time scale can be agreed, either by agreement with all parties, or by a decision of the Chair of the Governing Body if no agreement is reached.

The Head will attempt to identify areas of agreement between the parties, and to clarify any misunderstandings that might have occurred in order to create a positive atmosphere in which to discuss any outstanding issues.

If the Head is unable to resolve the issue it is open to the complainant to make representations to the governing body. (Stage 3)

## **Stage 3**

### **Appeals to the Governing Body**

Complainants who are not satisfied by the Head's decision regarding the complaint can make representations to the governing body.

The complainant must be advised by the Headteacher to write to the chair of the Governing Body giving details of the complaint. The Chair will nominate a governor (or panel) to hear the appeal.

The hearing must be within 10 working days of the Chair receiving notice of the complaint.

The complainant must be told of their right to be accompanied by a friend, and where relevant translations/interpreters must be arranged by the Clerk in consultation with the parties.

The nominated governor/panel will make its own procedures, and will agree these with the Chair, who will report them to the next governing body meeting.

The governor/panel will ensure that the complainant is heard in private, is welcomed, and as far as possible is put at ease.

Careful consideration must be taken when the complainant is a pupil.

The governor/panel will hear the appeal(s), consider all the views expressed and decide the outcome.

The governor/panel can:

- dismiss the complaint in whole or part
- or uphold the complaint in whole or part
- and decide on appropriate action to resolve the complaint
- or/and recommend changes to the school's systems or procedures.

The governing body's decision is binding.

The decision at this stage must be communicated to the parties within THREE days of the hearing.

### **Appeals to the Local Authority**

In some circumstances, parents may have the right to take the complaint to the Local Authority under the Local Authority's procedures but only after having firstly tried to resolve the issue at school level. The school will enable the parents to obtain a copy of the Local Authority's arrangements.

If the complaint is not resolved at the Local Authority level parents can, if they remain dissatisfied, make representations to the Secretary of State that the school (or Local Authority) is acting unreasonably or unlawfully.

Alternatively parents could take their case to the Local Government Ombudsman alleging maladministration. The Ombudsman could recommend financial compensation, but this is not binding on the Local Authority. Once again the parents would need to have used the Local Authority procedure and any available school procedures first.

### **Dealing with Complaints through Ofsted**

The Education (Investigation of Parents' Complaints) (England) Regulations 2007 brought in a new procedure for dealing with parents' complaints through Ofsted. The regulations set out what complaints can be investigated by Ofsted as qualifying or non-qualifying complaints.

Ofsted cannot investigate a parental complaint until the parent has exhausted all internal methods and appeals. However, the Chief Inspector of OFSTED has the discretion to waive this restriction.

### **Vexatious Complaints**

If the complainant remains dissatisfied after all stages have been properly followed, the Chair is empowered to inform them in writing that the procedure has been exhausted and that the matter is now closed.

## **Reporting and Recording**

For complaints that reach stage 2 or stage 3 the Headteacher should complete the attached complaints form.

The Head will consider the handling of complaints from time to time, and will discuss issues with staff as necessary.

## **Monitoring and Review**

The Head will report to staff from time to time, and to the Governing Body annually or earlier if the Chair so determines, on the number and type of complaints received and their outcomes.

**Signed** \_\_\_\_\_ **Date** \_\_\_\_\_

**Chair of the Governing Body.**

**Review Date: Feb 2015**