

COMPLAINTS POLICY

PURPOSE

Communication, written or spoken, is valued as part of the partnership between community, home and school. Co-operation between members of the community, parents, staff and governors leads to a shared sense of purpose and a good atmosphere in the school. Concerns [1] raised are usually quickly resolved by the appropriate member of staff. These are separate from the structured policy detailed below. Complaints [11] are dealt with by a clear procedure which gives a structured opportunity for all parties to express and resolve issues at an early stage.

[i] Concern: A low-level communication of dissatisfaction from a parent, student or a member of the public which normally can be quickly explained and resolved informally.

[ii] Complaint: Normally a more major issue or an unresolved concern.

GUIDELINES

The Stages of Complaints

The school complaints procedure has well-defined stages. On occasion, there may need to be a possibility of further meetings between the complainant and the member of staff directly involved and further investigations may be required by the Headteacher after a meeting with the complainant. The normal procedure is to follow a sequence of stages.

Stage One:

Most parental concerns are dealt with informally in discussion with the pupil's subject teacher or Form Tutor. Should resolution at this level prove unsuccessful the complaint may then be referred to the relevant Year Leader or Curriculum Team Leader who may, in turn, involve the appropriate member of the Leadership Team. Concerns raised by members of the wider community will be dealt with informally by an appointed member of the school staff who may, in turn, involve the appropriate member of the Leadership Team. He or she may involve the Headteacher or pass the whole matter to the Headteacher. Many concerns will be resolved by this stage.

Stage Two:

If a complainant is not satisfied with the school's response they can write to the Headteacher to lodge a formal complaint. The Headteacher will then investigate the complaint and respond in writing within 10 school days. (If a complaint is formally made without prior investigation the Headteacher will pass to the relevant member of staff to investigate the concern as outlined above – this would be outlined in writing by the Headteacher.) All concerns/complaints from members of the wider community will be concluded by this stage.

If the complainant is unhappy with the Headteacher's response they can move to Stage Three.

Stage Three:

Complaint heard by the Governing Board's complaints appeal panel who will normally convene a hearing within 15 school days.

Where the complaint concerns the conduct of the Headteacher, this will be dealt with by the Chair of Governors who will normally respond in writing within 10 school days.

Managing and Recording Complaints

Recording Complaints

The school will record the progress of the complaint and the final outcome. A complaint may be made in person, by telephone, or in writing. The complaint form can be found in Annex C. A brief note of meetings and telephone calls will be kept and a copy of any written response added to the record.

The Complaints Co-ordinator will be responsible for the records and hold them centrally.

Governing Board Review

The Governing Board shall monitor the level and nature of 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 Board will not name individuals.

As well as addressing an individual's complaints, the process of listening to, and resolving complaints will contribute to school improvement. When individual complaints are heard, schools may identify underlying issues that need to be addressed. The monitoring and review of complaints by the school and the Governing Board can be a useful tool in evaluating a school's performance.

Publicising the Procedure

There is a legal requirement for the Complaints Procedures to be publicised. This will be available to all persons either in hard copy or via the school website. Parents will be made aware of the Complaints Policy, in addition, via the school newsletter.

The 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 is crucial in determining whether the complaint will escalate. Staff are made aware of the procedures, in order to know what to do when they receive a complaint.

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 complaints co-ordinator can refer the complainant to another staff member. Where the complaint concerns the Headteacher, the complaints co-ordinator can refer the complainant to the Chair of Governors.

Similarly, if the member of staff directly involved feels too compromised to deal with a complaint, the complaints co-ordinator may consider referring the complainant 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 would be to refer the complainant to the appropriate person and advise them about the procedure. 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.

Stage Two: Complaint Heard by Headteacher

The Headteacher's influence will already have shaped the way complaints are handled in the school. At this point, the complainant may be dissatisfied with the way the complaint was handled at Stage One as well as pursuing their initial concerns. The head may delegate the task of collating the information to another staff member but not the decision on the action to be taken. The number of complaints referred to the Headteacher will be notified to the governors three times a year via the Governors' Steering Group Committee.

Stage Three: Complaint Heard by Governing Board's Complaints Appeal Panel

The complainant needs to write to the Chair of Governors giving details of the complaint. The Chair, or a nominated governor, will convene a Governing Board Complaints Hearing. The hearing will be arranged within 3 weeks of the date of receipt of the letter to the Chair of Governors. If this proves impossible an interim letter will be sent by the Clerk to the Governors.

The Governing Board Complaints Hearing is the last school-based stage of the complaints process, and is not convened to merely rubber-stamp previous decisions.

Individual complaints would not be heard by the whole Governing Board 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 governing Board may nominate a number of members with delegated powers to hear complaints at that stage, and set out the panel's terms of reference. These can include:

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

The procedure adopted by the panel for hearing appeals would normally be part of the school's complaints procedure.

The panel will normally consist of either five, or a minimum of three people; ie two or four governors together with an independent person. The governors will not have had any prior involvement with the complaint and the independent person will be someone who is not, nor has been, employed or directly connected with Stroud High School. The panel may choose their own chair.

The Remit of the Complaints Appeal 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 person sitting on a complaints panel needs to remember:

a. It is important that the appeal hearing is independent and impartial and that it is seen to be so. No person 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, 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 try to establish the facts and make recommendations which will satisfy the complainant that his or her complaint has been taken seriously.

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. 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. 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. The complainant may be accompanied at a panel hearing if desired.

e. The governors sitting on the panel need to be aware of the complaints procedure.

Roles and Responsibilities

The Role of the Clerk

The Department of Education strongly recommends that any panel or group of governors considering complaints be clerked. The clerk would be the contact point for the complainant and 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 the hearing;
- meet and welcome the parties as they arrive at the hearing;
- record the proceedings;
- notify all parties of the panel's decision in writing normally within 10 school days

The Role of the Chair of the Governing Board 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;

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 explained to the parties and 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 all parties will be given the opportunity to consider and comment on it. All written material, either from the complainant, or from the school, is made available to those taking part sufficiently in advance to allow due consideration – ie five school days prior to the hearing.

Notification of the Panel's Decision

The Chair of the panel needs to ensure that the complainant is notified of the panel's decision, in writing, with the panel's response; normally within 10 school days.. The letter needs to explain if there are any further rights of appeal and, if so, to whom they need to be addressed.

Checklist for a Panel Hearing

The panel needs to take the following points into account:

- 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 Headteacher may question both the complainant and the witnesses after each has spoken.
- The Headteacher is then invited to explain the school's actions and be followed by the school's witnesses.
- The complainant may question both the Headteacher 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 Headteacher 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 10 school days.

Managing Serial and Unreasonable or vexatious complaints

Stroud High School is committed to dealing with all complaints fairly and impartially, and to providing a high quality service to those who complain. We will not normally limit the contact complainants have with our school. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

The school defines unreasonable behaviour as that which hinders our consideration of complaints because of the frequency or nature of the complainant's contact with the school, such as, if the complainant:

- refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance
- refuses to co-operate with the complaints investigation process
- refuses to accept that certain issues are not within the scope of the complaints procedure
- insists on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice
- introduces trivial or irrelevant information which they expect to be taken into account and commented on
- raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales
- makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced
- changes the basis of the complaint as the investigation proceeds
- repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed)
- refuses to accept the findings of the investigation into that complaint where the school's complaint procedure has been fully and properly implemented and completed including referral to the Department for Education
- seeks an unrealistic outcome
- makes excessive demands on school time by frequent, lengthy and complicated contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with
- uses threats to intimidate
- uses abusive, offensive or discriminatory language or violence
- knowingly provides falsified information
- publishes unacceptable information on social media or other public forums

Complainants should try to limit their communication with the school that relates to their complaint, while the complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text), as it could delay the outcome being reached.

Whenever possible, the headteacher or Chair of Governors will discuss any concerns with the complainant informally before applying an '*unreasonable*' marking.

If the behaviour continues, the headteacher will write to the complainant explaining that their behaviour is unreasonable and ask them to change it. For complainants who excessively contact the school causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will be reviewed after six months.

In response to any serious incident of aggression or violence, we will immediately inform the police and communicate our actions in writing. This may include barring an individual from the school site

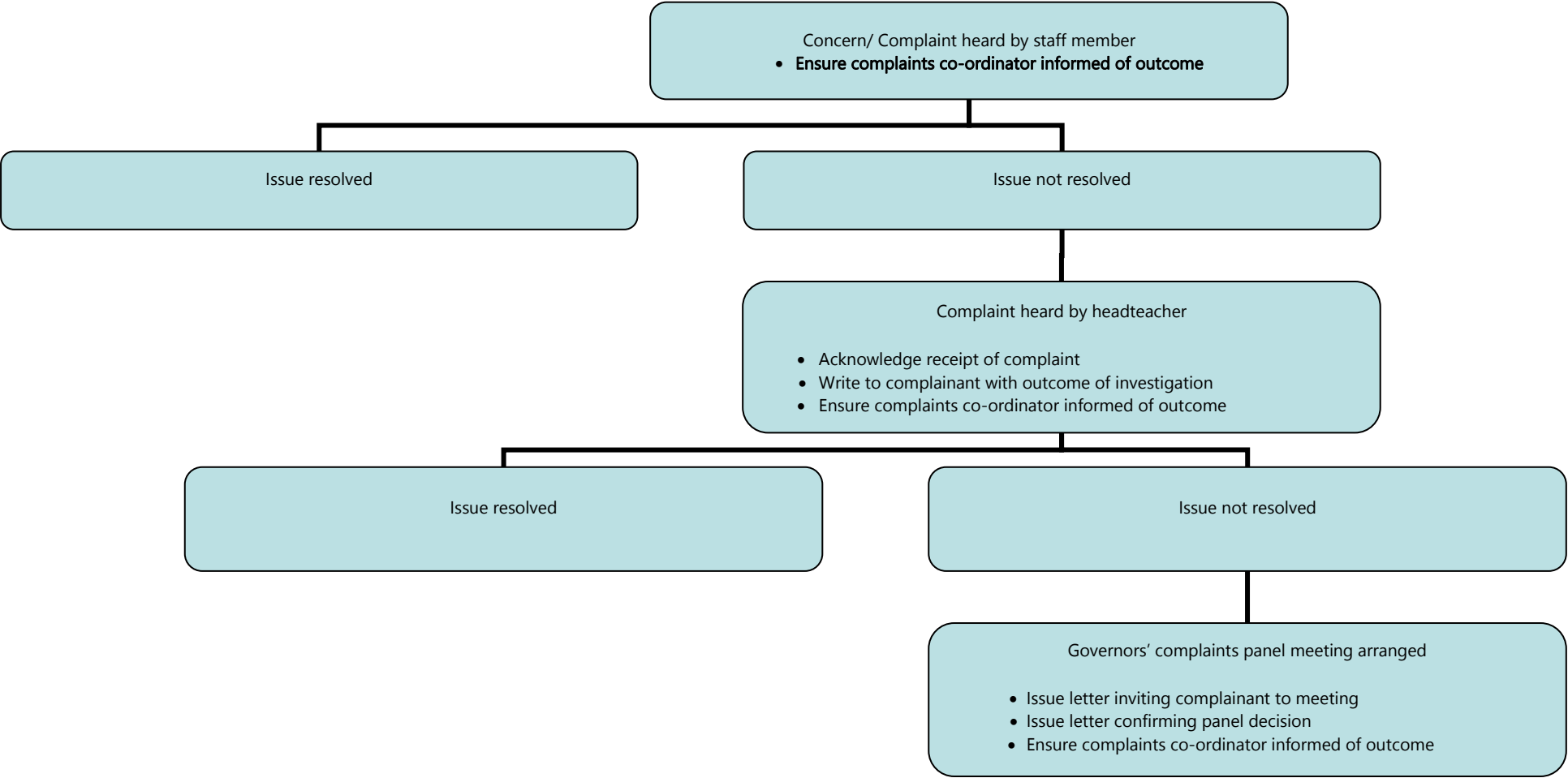
Managing a vexatious complaint

- The school may receive complaints considered to be vexatious. The Office of the Independent Adjudicator defines the characteristics of a 'frivolous' or 'vexatious' complaint as:
- complaints which are obsessive, persistent, harassing, prolific, repetitious
- insistence upon pursuing unmeritorious complaints and/or unrealistic outcomes beyond all reason
- insistence upon pursuing meritorious complaints in an unreasonable manner
- complaints which are designed to cause disruption or annoyance
- demands for redress that lack any serious purpose or value

Such complaints will be assessed by the Headteacher or Chair of the Governing Board and will be proportionally responded to. This may require denying the complainant access to the formal complaints process. Complainants will receive written notification from the school.

Flowchart

Summary of Dealing with Complaints



Example of a complaint form

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

Your name:

Address:

Postcode:

Day time telephone number:

Evening telephone number:

Please give details of your complaint.

What action, if any, have you already taken to try and resolve your complaint
(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:

Official use

Date acknowledgement sent:

By who:

Complaint referred to:

Date: