

Kingsdown

Secondary School

**KINGSDOWN SECONDARY
SCHOOL**

COMPLAINTS PROCEDURE

School Complaints Procedure Index

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Introduction

The School Standards and Framework Act 1998, as amended by Section 29 of the Education Act 2002, places a duty on Governing Bodies of all maintained schools and maintained nursery schools in England, to have in place a procedure to deal with complaints relating to the school and to any community facilities or services that the school provides. The law also requires the procedure to be publicised. Whereas Kingsdown Secondary School has Independent Special School Status, we would wish to replicate best practice and access to a well understood complaints procedure. Copies of our procedures will be made available in large font or Braille if required. We will work with parents and carers to ensure they are able to access the procedure. We will translate into community languages as required.

Guidance provided by the Local Government Ombudsman states that local complaints procedures should be:

- Clear
- Simple
- Easily Accessible
- Speedy
- Well publicised
- Include a named contact
- Involve the keeping of comprehensive records and,
- Based around a staged approach which keeps the complainant well informed at each of the various stages

This guidance accords with the recommendations arising out of research undertaken by the RISE Trust (Research and Information on State Education). RISE published a Model School Complaints procedure in 1977 and the DfES (Department for Education and Skills) published a School Complaints Procedure in 2002. This guide draws together material from both models.

Complaints are not always easy to define. It is therefore important to keep in mind a distinction between concerns, problems and complaints. These can often arise from the consequences or perceived consequences of resource allocations, operational difficulties, working practices or individual actions.

Underlying Principles

Complaints should be treated seriously and courteously and given the time they require to be heard. It is important to the school that complainants have confidence in these procedures and know that their case will be investigated impartially.

Complainants should be advised at the earliest possible stage about:

- The scope, if any, for pursuing their complaint and the extent of the procedure for dealing with it
- The way in which the complaint is likely to be handled

Where there are established statutory and other procedures for dealing with a complaint, these will be followed. These guidelines therefore do not cover those matters for which such a procedure already exists such as:

- Exclusions from school
- Special Educational Needs Provision
- Matters concerned with the school curriculum
- Serious complaints against school staff
- Child Protection issues
- Public examinations

The key to guaranteeing a successful outcome is to ensure that the correct procedure is followed from the outset. If Governors or the Head Teacher are unsure of the procedure to be followed, the flow chart on Page 14 of this guide should be consulted. On some occasions, a complaint may lead to our initiating statutory processes. Where this is the case person raising the complaint must be informed of the likely delays that will follow. At all time due consideration must be given to issues of confidentiality that may arise

Definition of a Complaint

We regard a complaint as 'An expression of dissatisfaction with our provision or services, with the actions of its employees, governors or policies. A complaint requires an immediate response and, if it is serious or cannot be dealt with immediately, need to be investigated and resolved'.

Complaints can be made about:

- Failure to provide a satisfactory service
- Failure to follow agreed policies or processes (or the lack of such processes where they could reasonably be expected to be in place)
- The conduct of an employee of the Kingsdown workforce or a volunteer engaged by the school

If a person perceives there is a valid reason for a complaint, this must be treated accordingly and an investigation undertake.

For us, the definition of a complaint within the terms of the procedures described here is an expression of dissatisfaction verbally or in writing by parents or carers of children who attend the school.

After initial investigation of a complaint, a decision may well be made to use the discipline, capability or other appropriate procedure against a member of staff.

Anonymous complaints will not normally be considered under the procedure set out here.

The procedure set out in the following pages outlines the stages both formal and informal through which a complaint made against the school will proceed. At all stages, the aim is resolution to the satisfaction of both parties and a mutual understanding of the problems believed to exist in order that improvements can be made where necessary.

Where agreement and resolution cannot be reached, the aim of the procedure is to ensure that all parties are treated fairly and equitably.

Conciliation or mediation between school and complainant can be considered at any time within the informal or formal stages as set out in this guide.

A written record of all complaints and their outcomes will be kept in the complaints folder in the administration office. This will include confirmation of what stage the complaint was resolved (1) Preliminary Stage or (2) Panel Hearing. A copy of this record will also be sent to the complainant.

1. The First (Preliminary) Stage

Dealing with Concerns and Complaints Informally

1.1 Guidelines

- 1.1.1 It is hoped that all complaints and concerns will be resolved as early and as informally as possible. Parents and carers need not only to be listened to but also to feel that they have been listened to. The underlying principle is that concerns ought to be handled, if at all possible, without the need for formal procedures. Nevertheless, anyone receiving a complaint should ensure that a record of the complaint and its outcome is maintained.
- 1.1.2 The vast majority of concerns and complaints can be resolved informally. There are many occasions where concerns are resolved immediately with the teacher, school secretary or Head Teacher, depending on whom it is parents or carers first approach. Parents must feel able to raise concerns with members of staff without any formality, either in person, by telephone or in writing. It may, on occasions, be appropriate for someone to act on behalf of the parent or carer.
- 1.1.3 It may be unclear as to whether a parent or carer is asking a question or expressing an opinion, rather than making a complaint. Similarly, a parent or carer may want a preliminary discussion or be seeking clarification of an issue in order to decide whether he or she wishes to take the matter further.
- 1.1.4 We will inform our workforce that they have the right to advice or representation from their trade union at any stage of the complaints procedure once it becomes clear that a complaint is being made about a member of staff.

1.2. Procedures

- 1.2.1 Parents and carers should be given an opportunity to discuss their concern with the appropriate member of staff who will clarify the nature of the concern or complaint and reassure them that the school will hear the concern or complaint and attempt to resolve it at the earliest stage. The member of staff may explain how the matter or incident arose and the issues connected with it. It may be helpful at this point for the parent or carer to identify what outcome is expected.
- 1.2.2 The member of staff will need to respond appropriately, taking into account the status and seriousness of the complaint. Hopefully, the matter can then be resolved immediately. (See notes on '**How to Listen to Complaints**').
- 1.2.3 If the member of staff first approached cannot deal with the matter immediately, then they should make a clear note of the date, the name and contact address or telephone number given by the complainant. The Head Teacher should be informed accordingly.
- 1.2.4 All members of staff should be aware of the procedure for referring a complaint to the staff member having responsibility for the area about which a particular concern has been raised. They should also ensure that when a referral has been made, this is followed through.
- 1.2.4 Where the concern relates to the actions of the Head Teacher, the complainant should be advised to contact the Chair of the School Governing Body. In such circumstances, it is recommended that a Governors Complaints Panel comprising three members of the School's Governing Body.
- 1.2.5 The member of staff dealing with the concern or complaint should make sure that the parent or carer is clear about what action, if any, or monitoring of the issue has been agreed, putting this in writing if this appears to be the best way of advising the complainant clearly about the resolution of the matter.
- 1.2.6 In instances where no satisfactory solution has been found within 10 school working days of the complaint having been made, parents or carers should be given clear information both verbally and in writing about how to progress their complaint and about any independent advice available to them.

2. The Second Stage

Referral to the Head Teacher for Formal Investigation

2.1.1 Guidelines

- 2.1.2 At this stage, it will be apparent that a formal complaint has been registered and an appropriate response will be required. In some instances, the Head Teacher will already have been involved in looking at the matter; in others, it will be their first involvement. In all instances, it will be helpful for the Head Teacher (or other designated member of staff) to use these guidelines to ensure consistency and to ensure that regard is paid to the stages of the complaints procedure.
- 2.1.3 Head Teachers have responsibility for the day-to-day running of their school. They have responsibility for the implementation of the complaints procedure including decisions concerning their involvement at the various stages. A staged complaints procedure should ensure that more than one individual is involved in hearing and investigating the complaint.
- 2.1.4 Head Teachers should make arrangements to ensure that their involvement does not predominate at each stage of a particular complaint. Arrangements may be made for other staff to deal with parent and carer concerns at Stage 1, allowing for the Head Teacher's involvement at Stage 2, should this be necessary. At any stage, the Head Teacher may designate another member of staff to collect information and prepare a response.

2.2 Procedures

- 2.2.1 Complaints should normally be submitted in writing. In exceptional circumstances, the school may consider progressing a verbal complaint where there are believed to be sufficient grounds for doing so. The Head Teacher (or designated member of staff) will acknowledge the complaint within 3 working days of receipt.
- 2.2.2 We are sensitive to the particular needs of parents or carers who may have difficulty in making a written complaint or for whom English is not their first language.
- 2.2.3 An acknowledgement should provide a brief outline of the school's complaints procedure and an expected date for the provision of a response. This will normally be within 10 school working days. If this proves to be unworkable, the complainant should be provided with an explanation for the delay and given a revised date for the provision of a response.
- 2.2.4 An Advice and Conciliation Service may become involved and enable an agreed way forward. A mediated meeting between the complainant and the school to discuss a solution may be suggested if both parties are in agreement. The aim here is to seek an early resolution to the complaint for the benefit of the child, parents or carers and the school. Prolonging a complaint longer than is necessary is of no benefit to any of the parties involved. Such involvement is not however intended to compromise the formal complaints procedure. A complainant reserves the right to invoke

more formal procedures should this be thought necessary to resolve matters.

- 2.2.5 The Head Teacher should provide an opportunity for a complainant to meet with them in order to supplement any information previously provided. It should be made clear to the complainant that, if they wish, they may be accompanied at any meeting by a friend, relative or representative to speak on their behalf; and that interpreting facilities can be made available should this be necessary.
- 2.2.6 The Head Teacher will, if necessary, interview witnesses and take statements from those involved. If the complaint concerns a pupil, the pupil should also be interviewed. In some instances, another member of staff with whom the pupil feels comfortable may be asked to attend. It may be appropriate, depending on the circumstances, to invite a parent or carer to be present when the Head Teacher interviews a pupil. The Head Teacher should keep written records of all meetings, telephone conversations and other contacts made during the course of investigation of a complaint.
- 2.2.7 Once all relevant information has been gathered, the Head Teacher will then formulate a written response to the complainant. The Head Teacher may, additionally, suggest a meeting to discuss the complaint and seek a resolution. The written response should include a full explanation of the decision reached and the reasons for the decision. Where appropriate, this will include details of the action taken to resolve the complaint. If the complaint concerns a member of staff and action is to be taken against the member of staff concerned, the phrase 'Appropriate action has or will be taken' should be used.
- 2.2.8 The complainant should be advised that, should they find the Head Teacher's response inadequate and they wish to take matters further, that they should notify the Chair of the School's Governing Body within 10 school working days of receipt. The Chair should arrange for a Governors Complaints Panel to investigate the complaint and would normally chair this panel, unless an alternative chair has designated by the Governing Body.
- 2.2.9 Where a complaint has been made against the Head Teacher, arrangements should be made for the initial investigation to be conducted by a single Governor (usually the Chair or Vice Chair of the Governing Body) or a suitably constituted Governing Body Complaints panel who will undertake Stage 2 of these procedures.

3. The Third Stage

Appeal to the Chair of the Governing Body or Governing Body Complaints Panel

3.1 Guidelines

- 3.1.1 It is anticipated that complaints will rarely reach this stage. It is, however, important that should they do so, any appeal is not only independent and impartial but that it should be seen to be so. All complaints reaching Stage 3 will have done so because the complainant has not been satisfied with the response provided by the Head Teacher (or Chair of Governors if the original complaint had been about the Head Teacher) at an earlier stage of the procedure. Therefore, governors who have had no prior knowledge of or involvement in the complaint must as far as is possible, handle any appeal.
- 3.1.2 As this is the last stage at which a resolution may be reached, every effort should be made to either mediate or conciliate. Parents or carers may therefore wish to seek assistance from an Advice and Conciliation Service, particularly if contact has not previously been made.
- 3.1.3 Appeals should normally be made in writing. In exceptional circumstances, the school may consider progressing a verbal complaint where there are believed to be sufficient grounds for doing so. The appeal should state clearly why it is felt that the complaint has not been resolved satisfactorily and, wherever possible, supported by documentary evidence or witness statements.
- 3.1.4 In the unlikely event of pupils needing to be interviewed, care will need to be taken to ensure that parental permission is obtained. In all instances a single governor should interview the pupil and parents or carers should be given the opportunity to attend but, if they are unable to do so, a nominated member of staff should accompany the pupil.

3.2 Procedures

- 3.2.1 Upon receipt of a written request by a complainant for the complaint to proceed to Stage 3, the procedures outlined below should be followed:
- The Chair of the Governing Body should write to the complainant acknowledging receipt of the written request.
 - The acknowledgment should inform the complainant that the Chair of Governors or up to three members of the school's Governing Body and an independent community representative as appropriate, will investigate the complaint within 20 school working days of receipt of the request.
 - The acknowledgement should also explain that the complainant has the right to submit any further information or documentation relevant to the complaint. Any such documentation must, however, be received in sufficient time for this to be sent to the Chair or Panel members charged with conducting the investigation.

- 3.2.2 If a Governors Complaints Panel is conducting the investigation, the Chair of Governors should convene a panel elected from members of the school's Governing Body and an independent community representative. Panel members should be governors who have had no prior involvement with the complaint. Generally speaking, it is not appropriate for the Head Teacher or other staff members to have a place on the panel. Governors may wish to bear in mind the advantages of having a parent or carer (who is also a governor) on the panel. Governors should be sensitive of issues of race, gender and religious affiliation.
- 3.2.3 The Chair should ensure that the Panel hears the complaint within 20 school working days of receiving the request. All relevant correspondence regarding the complaint should be given to each Panel member as soon as the composition of the Panel has been determined.
- 3.2.4 The Chair should write and inform the complainant, Head Teacher, relevant witnesses and Panel members of the date, time and venue of the meeting, at least 10 school working days in advance. The details of the complaint available at that time should also be sent in writing to the Head Teacher.
- 3.2.5 Notice of the Panel meeting sent to the complainant should also inform him/her of their right to be accompanied to the meeting by a friend, advocate or interpreter. This notice should also explain how the Panel meeting will be conducted and of the complainant's right to submit further written evidence to the Panel at least 5 school working days in advance of the meeting. The Chair should also invite the Head Teacher to attend and prepare a written report for the Panel in response to the complaint.
- 3.2.6 The Head Teacher may invite members of staff who have been directly involved in matters or issues raised by the complainant to respond in writing or, at the discretion of the Panel Chair, to attend the meeting in person. All concerned, including the complainant, should receive all relevant documentation, including the Head Teacher's report, at least 5 school working days in advance of the meeting.
- 3.2.7 It is the responsibility of the panel Chair to ensure that the meeting is properly minuted.

3.3 The Meeting

- 3.3.1 The aim of the Panel meeting will be to resolve the complaint and achieve reconciliation between the school and the complainant. It has to be recognised, however, that whilst the intention is to ensure that any complaint, which reaches this stage, is seen to have been treated seriously, it may not be possible to make recommendations that fully satisfy the complainant.
- 3.3.2 The Panel should be sympathetic to the fact that some parents and carers will not be used to dealing with groups of people in formal situations such as this and may, therefore, feel intimidated by the setting. It is suggested therefore that the Chair ensures proceedings are as informal as the circumstances allow.

- 3.3.3 Should either party wish to produce previously undisclosed or uncirculated documentation, it is in the interests of natural justice to adjourn the meeting to allow sufficient time for each party to consider and respond to this.
- 3.3.4 At Stage 3, the complainant and the Head Teacher, together with and other staff involved with the complaint should be interviewed separately in order that the Panel can form a clear and independent view of the complaint. The interviews, which can be arranged to run consecutively, should allow for:
- The complainant to explain the nature of their complaint(s)
 - The Head Teacher to explain the school's response to the complaint
 - Panel members to have an opportunity to question both complainant and Head Teacher
 - All parties to have a right to call witnesses (subject to the approval of the Chair) and the Panel to the opportunity of questioning all witnesses
 - Parents and carers, Head Teacher and staff to have the right of representation at the meeting if they so wish
- 3.3.5 The Chair should explain to the complainant and the Head Teacher that the Panel will consider its decision and a written response sent to both parties within 15 school working days.
- 3.3.6 The Panel will consider the complaint and all the evidence presented and
- Reach a unanimous or at least a majority decision on the complaint;
 - Decide upon the most appropriate course of action to be taken to resolve the complaint and,
 - Where appropriate, suggest recommended changes to the school's systems or procedures to ensure that problems of a similar nature do not arise in future
- 3.3.7 Recommendations should be reported to the Governing Body at an appropriate time and a written statement outlining the decision of the Panel should be sent to the Head Teacher and complainant. The findings and recommendations will be available for inspection on the school premises. Should any action need to be taken against a member of staff, in order to protect their rights, the phrase 'Appropriate action has or will be taken' should be used.
- 3.3.8 Governors should ensure that a copy of all correspondence and accompanying notes are kept on file. These records should be kept separately from the pupil's personal records and should be kept confidential at all times.

4. The Fourth Stage

Referral to the Secretary of State or Ombudsman

4.1 The Secretary of State

If a complainant believes that the school or school's governing body has acted "unreasonably", a complaint can be taken to the Secretary of State in the Department for Education and Skills under section 496 of the Education Act 1996. It should be noted that, in this sense, the word "unreasonably" is used in a strict sense and means acting in a way that no reasonable school or authority could act in the circumstances. This should be a last resort and you should set out the steps you have taken to resolve the problem in your letter.

4.2 The Ombudsman

Complaints about our school's complaints procedure can be made to the Ombudsman. However, it must be emphasised that the Ombudsman does not look at internal school management matters and usually expects that thorough attention has been given to a complaint before investigation by the Ombudsman.

School Complaints Procedure

Flowchart Summary of Stages of Complaints Procedure

Stage One:
Informal

Stage 2:
Head Teacher/Chair of Governing Body Investigation

Stage 3:
Governing Body Appeal Panel/Advice and Conciliation Service

Stage 4:
Beyond the Local Authority

