

Lady Hawkins' School Complaints Policy [Reviewed 2017]

Introduction

The Lady Hawkins' School recognises that at times things can and do go wrong. The School governors and staff believe that it is in everyone's best interest to resolve concerns and complaints at the earliest possible stage.

This policy therefore seeks to help parents understand how to resolve concerns about their child's education. For ease of reading, the term 'parent' has been used throughout the document, to include parents, legal guardians and full time carers.

Scope

The scope of this policy covers most complaints that the School is likely to receive from parents or students. However it is not intended to cover aspects for which there are specific statutory requirements, in particular, complaints about the delivery of the curriculum or the provision of collective worship or religious education.

Parents who are not satisfied with a special needs assessment may appeal to an SEN Tribunal.

Concerns about admissions or exclusions have specific appeal rights to the governors and are detailed in the relevant policies.

Allegations of child abuse will be dealt with through the Child Protection Policy;

Complaints of financial improprieties or other criminal activities will be dealt with through the Whistleblowing Policy.

General Principles

The Lady Hawkins' School Complaints Procedure will:

- encourage resolution of problems by **informal** means wherever possible;
- be easily **accessible** and **publicised**;
- be **simple** to understand and use;
- be **impartial**;
- be **non-adversarial**;
- allow **swift** handling with established **time-limits** for action and keeping people informed of the progress;
- ensure a full and **fair** investigation by an independent person where necessary;
- 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 senior leadership team so that services can be improved.

Our Five Stage Procedure

The following diagram outlines the key stages of our complaints procedure.

Stage 1 – An informal discussion

Stage 2 – Referral to the Headteacher for Investigation

Stage 3 – Review by the Governors

Stage 4 – Review by an Independent Panel

Stage 5 – Referral to the Department for Education (DfE)

Note: If a complaint is made directly against the Headteacher the procedure begins at Stage 3.

Stage 1 An informal discussion

Our experience is that the vast majority of concerns and complaints can be resolved informally to the full satisfaction of those who raise them. There are many occasions where concerns can be resolved straight away, providing the complainant with the benefit of an immediate response, and avoiding the need to submit a formal complaint.

Concerns may be raised with any member of the School staff depending on the type of issue to be discussed.

By their nature, we do not impose specific timescales for dealing with concerns at this stage, or monitor them formally, although all issues will be considered as quickly and effectively as possible.

The person who raised the issue will be informed of any action to be taken to resolve it and if appropriate this will be confirmed in writing.

If the person is dissatisfied with the response given they should refer to Stage 2 below.

Stage 2 Referral to the Headteacher for Investigation

If a complainant is unhappy with the response from stage 1, they will be offered, before a formal investigation begins, an informal meeting with the Headteacher to discuss their concerns and wishes. It may still be appropriate to reach an informal resolution at this point. The Headteacher will also support the complainant in deciding whether the complaint is best dealt through this policy or another statutory procedure, and will advise the complainant on the next steps they would need to take.

If it is agreed to deal with the complaint through this policy, then a formal written complaint should now be provided to the Headteacher. This will be acknowledged within 3 school days of receipt.

The Headteacher, or a senior member of staff on behalf of the Headteacher, will now conduct an investigation:

- Interviews and statements will be taken as necessary.
- All persons interviewed will have the right to be accompanied or represented by a friend or relative at discussions and hearings.

A written response will be sent to the complainant within 10 school days of the initial acknowledgement. The response will determine whether or not the complaint has been upheld, the reasons why and what action, if any, will be taken.

If the person remains dissatisfied after this response, they should refer to Stage 3 below.

Stage 3 – Review by the Governors

The complainant must submit a written request to the Chairman of Governors for their complaint to be further considered. This request will be acknowledged within 10 school days. The acknowledgement will inform that the complaint is to be heard by three members of the Governing Body within 20 school days. These governors will have had no previous involvement in the complaint.

The aim of the hearing will be to resolve the complaint and if at all possible achieve reconciliation between the School and the complainant.

A written statement outlining the decision of the Governors will be sent to the complainant and the Headteacher. It will also explain whether a further appeal can be made and if so, to whom.

The School will ensure that a copy of all correspondence and notes are kept securely and separate to the records of any students' personal records.

Stage 4 – Review by an Independent Panel

Should the complainant remain dissatisfied with the outcome from stage 3, they may request that the Governors consider setting up an independent arbitration panel consisting of a local representative, a governor and a parent, none of whom have had a direct involvement in the previous stages in relation to this complaint, or the complainant. Both parties would be encouraged to agree ahead of time to abide by its findings, if not, the panel can only express a view about the complaint and the means of resolving it. The arbitration panel has no legal basis for imposing its will.

Stage 5 – Referral to the DFE

Complaints can be taken to the Secretary of State on the grounds that a governing body is acting or proposing to act unreasonably or on the grounds that either has failed to discharge its duties under the Education Act.

Complaints about maladministration can be made to the Education Funding Agency (EFA).

Policy Ownership, Monitoring and Review

The responsibility for ensuring that the School adheres to this policy and that this policy is periodically reviewed rests with: Headteacher

Record keeping

Complaints will be recorded and monitored termly by members of the Senior Leadership Team. Recording will begin at the point when a concern has become an issue that cannot be resolved on the spot but needs

investigation. Recording at the earliest stages need only be a basic record with the date, name and nature of the complaint.

Guidelines for each stage of the complaint procedure

Stage 1 Dealing with concerns and complaints informally

The vast majority of concerns and complaints can be resolved informally. There are many occasions where concerns are resolved straight away through the class teacher or Headteacher, depending on whom the parents first approached.

Parents must feel able to raise concerns with members of staff without any formality, either in person, by telephone or in writing. On occasion it may be appropriate for someone to act on behalf of a parent. At first it may be unclear whether a parent is asking a question or expressing an opinion rather than making a complaint. A parent may want a preliminary discussion about an issue to help decide whether he or she wishes to take it further.

Stage 1 Procedure

Parents have an opportunity for discussion of their concern with the appropriate member of staff who clarifies with the parent the nature of the concern, and reassures them that the School wants to hear about it. It can be helpful to identify at this point what sort of outcome the parent is looking for.

If the first member of staff to be contacted regarding a concern is unable to deal with it, they should may a note of the date, the name, contact number and address and pass them onto the relevant person. They should check later to make sure the referral has been successful.

If the concern relates to the Headteacher, the parent should be advised to contact the Chair of Governors.

The staff member dealing with the concern will make sure that the parent knows what action (if any) or monitoring of the situation has been agreed.

Stage 2 – Referral to the Headteacher for Investigation

At this stage it has become clear that the concern is a definite complaint. One of the reasons for having various stages in the procedure is to reassure complainants that their grievance is being heard by more than one person. The Headteacher will ensure that her involvement will not predominate at every stage of a particular complaint.

Stage 2 Procedure

The Headteacher or designate will acknowledge the complaint orally or in writing within 3 working days of its receipt. An opportunity will be given for the complainant to meet the Headteacher (or designate) to provide any supplementary information. The complainant may be accompanied by a friend, relative or representative.

The Headteacher (or designate) will interview witnesses and take statements from those involved. If the complaint centres around a student, the student will also be interviewed, normally with the parents present. If a member of staff is complained against, the needs of that person should be borne in mind.

The Headteacher (or designate) will keep written records of meetings, telephone conversations and other documentation.

Once the facts have been established the Headteacher will write a response or may meet the complainant to discuss / resolve the matter directly. The complainant will be advised that should they wish to take the complaint further, then they should get in touch with the Chair of Governors within five weeks of receiving the outcome letter.

If the complaint is against the Headteacher, stage 2 will be carried out by the Chair of Governors.

Stage 3 – Review by the Governors

Complaints only rarely reach this formal level, where the complainant is not satisfied by the Headteacher's response. It may be appropriate that the Governors consider this now a complaint against the School, rather than against the member of staff whose actions led to the original complaint.

Stage 3 Procedure

The Chair of Governors will acknowledge the complaint and will set up a hearing of the Governing Body within 20 working days of receiving the complaint. The letter will also explain that the complainant may submit any further relevant documents in advance of the hearing. Governors hearing the complaint will have no prior involvement with the complaint.

All parties will be given five working days notice of a hearing. The complainant may be accompanied to the hearing by a friend, relative or representative.

The Headteacher will be invited to the hearing. Involvement of other staff is subject to the discretion of the Chair of Governors.

The aim of the hearing will be to resolve the complaint and achieve a reconciliation between the School and the complainant. However it has to be recognised that it may only be possible to establish facts and make recommendations which will satisfy the complainant. The hearing proceedings will be as informal as possible.

The hearing will allow for:

- The complainant to explain their complaint and for the Headteacher to explain the School's response.
- The complainant and the Headteacher to question each other and for members of the hearing panel to also ask questions.
- Any party to have the right to call witnesses (subject to the approval of the Chair) and all parties having the right to question all the witnesses.
- Final statements by both the complainant and the Headteacher.

Following the hearing the Governors consider the complaint and will send their written decision to both parties with 15 working days.

Stage 4 – Review by an Independent Panel

If the complaint is not resolved at the end of stage 3 then the complainant may seek to address an independent panel with their complaint.

The Governors may in this case decide to set up an independent arbitration panel consisting of a local representative, a governor and a parent, none of whom would have a connection to the School or the complainant.

Both parties would be encouraged to agree ahead of time to abide by its findings, if not, the panel can only express a view about the complaint and the means of resolving it. The arbitration panel has no legal basis for imposing its will.

Stage 5 – Referral to the DfE

Ultimately, and very rarely, complaints can be taken to the Secretary of State on the grounds that a governing body is acting or proposing to act unreasonably or on the grounds that either has failed to discharge its duties under the Education Act.

Complaints about maladministration of local authority services could be made to the Young People's Learning Agency (YPLA).

Reviewed April 2017

Signed *S Grist*

[Chair of Governors]

Review cycle 3 years [2020]

Appendix 1 How to Listen to Complaints

How to Listen to Complaints Don't pass the buck

Try not to keep transferring an angry person from one place to another. Make sure you know the contact person for anything you cannot deal with yourself.

Don't be flippant

First impressions count. You and the School may be judged on your immediate reaction.

Treat all complaints seriously

However small or trivial it may seem to you, the complaint will be an important problem for anyone who takes the trouble to complain.

Treat every complaint individually

Even if you have received several complaints the same day, it is probably the person's first chance to have their say.

Be courteous and patient

Be sympathetic and helpful, but do not blame other colleagues.

Say who you are

If you are unknown to the person, introduce yourself.

Ask for their name and use it

Anonymous complaints are acceptable only where there are special circumstances.

Take time to find out exactly what the problem is

It is easy to someone to forget to tell you an important detail, particularly if they are upset or annoyed.

Don't take the complaint personally

To an angry or upset person, YOU are the School and the only one who can put their feelings to right now.

Stay cool and calm

Don't argue with the person – be polite and try to find out exactly what the person thinks is going wrong, or has gone wrong.

Check you are being understood

Make sure that the person understands what you are saying. Don't use jargon – it can cause confusion and annoyance to someone "not in the know".

Don't rush

Take your time. Let people have their say and let off steam if they need to. Listen carefully and sympathetically to their problems before replying and attempting to find a solution or offer a next step.