HILLCREST SCHOOL

Complaints Procedure For use by Parents and Members of the Public.

Date established by governing body
Summer Term 2016
Date for full implementation
Immediately
Date for review
Summer Term 2017

This procedure is for use for complaints against the school, a member of staff or the governing body. There are separate arrangements, laid down by law to cover the following:

- Complaints against the curriculum, collective worship and religious education.
- Appeals against admissions.
- Appeals against exclusions.
- Appeals about assessments and statements of special educational needs.

For further guidance on any of the above please contact the Head Teacher.

Stage One: Complaint Heard by Staff Member/Head Teacher/ Chair of Governors.

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, if staff are made aware of the procedures, they know what to do when they receive a complaint.

In the first instance the complaint should be discussed between the person making the complaint and the member of staff involved. If a complainant indicates that he/she would have difficulty discussing a complaint with that particular member of staff he/she should be referred to another staff member. Where the complaint concerns the Head Teacher, or a Governor, the complainant should be referred to the Chair of Governors.

Similarly, if a member of staff/Head Teacher/Chair of Governors feels too compromised to deal with a complaint it should be referred to another member of staff or another Governor. The ability to consider the complaint objectively and impartially is crucial.

If a complainant first approaches a Governor, he/she should be referred to the appropriate person i.e. the member of staff concerned or the Chair of Governors. **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 committee at a later stage of the procedure.**

It is hoped the majority of complaints can be resolved at this stage

Stage Two: Formal Consideration of Complaint.

If the complainant is dissatisfied with the way the complaint has been handled at stage one and wishes to pursue their initial complaint, the Head Teacher/Chair of Governors may delegate the task of investigating the complaint to another staff member, or to another Governor, but not the decision on the action to be taken. Once the relevant facts have been established the Head Teacher/Chair of Governors should relay the decision, and the reason for the decision, in writing to the complainant as soon as possible.

Stage Three: Complaint Heard by Governing Bodies Complaints Committee

If the complainant is still dissatisfied with the outcome he/she should write to the Head Teacher/Chair of Governors giving details of the complaint within ten school days of receipt of the decision letter. The Chair, or another nominated Governor will convene a Governing Body Complaints Committee if they consider it appropriate after considering the report of the investigating officer.

The committee will consist of a minimum of three Governors with delegated powers to hear a complaint. The committee will be appointed by the Chair of Governors with the Chair of the committee being appointed when they meet.

The Complaints Committee will take a decision as to any action to be taken in response to the complaint. For example they may choose to:

- 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.
- In reaching a decision the Committee may take the advice of such bodies as they see fit, in particular the LEA and where appropriate the Diocesan Authority.
- Once a decision has been reached the Chair of the Complaints Committee may summarise the outcome and relay this informally to both parties.
- The clerk of the Complaints Committee will inform both parties in writing of the decision within five school days of the date of the hearing.

If having followed all three of the above stages the complainant is still dissatisfied with the decision of the Complaints Committee they can ask the LEA to review the decision. The request seeking a review must be received by the LEA, addressed to the Director of Education, within ten school days of the date of the hearing.

There is also recourse to the Secretary of State or, if the complaint is against action taken, or not taken by the LEA, it is possible for the complaint to be referred to the Local Government Ombudsman.

APPENDIX A

ROLES AND RESPONSIBILITIES DURING A FORMAL HEARING

It is important that a Complaint Committee hearing is independent and impartial and that it is seen to be so. No Governor may sit on the Committee if they have had prior involvement in the complaint or in the circumstances surrounding it. In deciding the make-up of the committee, the Governing Body should try and ensure there is a cross section of categories of governors, and be sensitive to the issues of race, gender and religious affiliation.

The aim of the hearing 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 allow the complainant to at least recognise that his/her complaint has been taken seriously.

An effective Committee will acknowledge that many complainants feel nervous and inhibited in a formal setting and that parents often feel emotional when discussing an issue that affects their child. The layout of the room where the hearing is to be held will set the tone and care is needed to ensure the setting is as informal as possible, given the circumstances.

The Role of the Clerk

The clerk will be the contact point for the complainant. It will be the clerk's responsibility to:

- Set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties, and that the venue is accessible.
- Collate any written material and send it to both parties at least five school days before the date of the hearing.
- Meet and welcome both parties as they arrive at the hearing.
- Record the proceedings.

Notify both parties of the Committee's decision within ten school days of the date of the hearing.

N.B Those schools requiring the services of the LEA will be charged accordingly.

The Role of the Complaint's Co-ordinator

- Check that the correct procedure has been followed.

The Role of the Investigating Officer

- 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 further information is required.

- Clarify what the complainant feels would put things right.
- Interview those involved in the matter.
- keep notes of any interviews.

The Role of the Chair of the Committee

The Chair of the Complaints Committee needs to ensure that:

- The remit of the Committee is explained to both parties.
- The issues are addressed.
- Key findings of fact are made.
- Both parties are put at their ease.
- The hearing is conducted in an appropriate manner, with each party treating each other with respect and courtesy.
- The Committee is open minded and acting independently.
- No member of the Committee has a vested interest in the outcome of the proceedings or has had any involvement in an earlier stage of the procedure.
- Each side is given the opportunity to state their case and ask questions.
- Both parties see written material.

APPENDIX B

PROCEDURE TO FOLLOW AT A COMPLAINTS COMMITTEE HEARING

1. The complainant (or his/her representative) shall present the case (which may be read or otherwise) in the presence of the respondent (and his/her representative) and may call witnesses (see paragraph 5 below) at any stage during the presentation.

2. On completion of the presentation the complainant may be questioned firstly by the respondent (or his/her representative) and then by Committee members.

3. The respondent (or his/her representative) shall present the case (which may be read or otherwise) in the presence of the complainant (and his/her representative) and may call witnesses (see paragraph 5 below) at any stage during the presentation.

4. On completion of the presentation the respondent (and his/her representative) may be questioned firstly by the complainant (or his/her representative) and then by Committee members.

5. Witnesses shall be excluded until called. For each witness called, the following procedure shall be adopted:-
   a) The witness shall be examined by the party calling the witness.
   b) The witness may be questioned by the other party.
   c) The witness may be questioned by the committee members.
   d) The witness may be re-examined on any matter referred to in the original examination or in the questioning.
   e) On completion of the above stages the witness shall leave the room. Wherever possible, the witness should be told at this point whether they are free to leave or are likely to be recalled.

6. The complainant and the respondent (or their representatives) may sum up their case if they so wish.

7. If at any stage new facts are alleged or new evidence produced, governors may adjourn the hearing (of their own volition or at the request of one of the parties) for so long as they think fit.

8. At the conclusion of the presentations the complainant and the respondent (and their representatives) shall leave the room.

9. Governors shall deliberate in private in the presence of the clerk and any advisers. If they wish to clear a point of uncertainty on any evidence given, both parties shall be recalled even if only one party is to be questioned. The parties shall again leave the room after this process.

10. The Chair of the Committee may announce the decision in the presence of the complainant and the respondent (and their representatives). The decision shall be confirmed in writing within five school days of the date of the hearing.

NOTES
The proceedings should be conducted informally so far as circumstances permit. The basic order of presentation of "complainant first, respondent second" must not be altered but either party may break its presentation into stages with questions being invited from the other party and committee members at the end of each stage.
No assertion shall be taken into consideration unless it is supported by evidence given in person or in writing.

APPENDIX C

Example of a complaint form

Please complete and return to ……..(complaints co-ordinator) who will acknowledge receipt and explain what action will be taken.

Your name:

Pupil's name (if applicable):

Your relationship to the pupil (if applicable):

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:

MONITORING, EVALUATION AND REVIEW

This policy will be reviewed annually and its effectiveness evaluated and amended in light of the findings of the evaluation.

Date of this policy: April 2016
Review date: April 2017

Policy approved by:

……	……
Mrs A Mead	Mrs J Hall
Head Teacher	Chair of Governors