

# Hungerhill School

## Complaints Policy

Ratified by Governors: April 2018

Next Review: Spring 2020

### Complaints Procedure

At Hungerhill School we have a strong commitment towards working in positive partnership with the whole school community. Respect and courtesy are central to our daily interactions between staff, students, parents and carers. However, from time to time something may go wrong, or you may think we could do something better. Where any concerns are raised we aim to resolve these as quickly and as efficiently as possible. Usually concerns that are raised can be resolved very quickly through the school's day to day communication between parents/carers and the school.

There are times when the school receives a complaint from a parent or another party which may need further investigation. This policy sets out the guidelines and procedures to ensure a complaint is dealt with in the most effective and efficient manner and ensures there are clear systems in place for any stakeholder to make the school aware of any concerns.

### 1. Principles

- 1.1 Informal concerns relating to the school or the provision of facilities or services will be treated seriously at the earliest stage.
- 1.2 Concerns will be handled by the most appropriate person – member of support staff, Class Teacher, Tutor, Head of Department, Achievement Leader or a member of the Leadership Team.
- 1.3 Most concerns will be dealt with straight away by telephone or meeting. A record of the complaint and the outcome of the contact made will be kept.
- 1.4 If a concern needs further investigation, collection of information or referral to another member of staff, then a record of the concern and action taken so far will be passed to that member of staff. Full details of the investigation, including any contact made with the complainant, must be kept and filed once the matter has been resolved.
- 1.5 **The Headteacher must be kept informed of any complaints against staff at all stages.**

## 2. Investigating Complaints

It is suggested that at each stage, the person investigating the complaint makes 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);
- 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;
- keep notes of the interview.

## 3. Resolving Complaints

3.1 At each stage of the procedure, the person dealing with the complaint should 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;
- an undertaking to review school policies in light of the complaint.

3.2 Complainants will be encouraged to state what actions they feel might resolve the problem at any stage. An admission that the school could have handled the situation better is not the same as an admission of negligence.

3.3 An effective procedure will identify areas of agreement between the parties. It is also of equal importance to clarify any misunderstandings that might have occurred as this can create a positive atmosphere in which to discuss any outstanding issues.

3.4 Every effort will be made to resolve the problem to the satisfaction of the complainant at this informal stage. Possible outcomes include:

- i) complaint resolved to the satisfaction of the complainant;
- ii) complaint not resolved to the satisfaction of the complainant;
- iii) complaint dealt with under another procedure.

#### 4. Formal Complaints

- 4.1 When concerns have been discussed but not resolved, then a complaint may be made formally. This must be in writing (using the Complaint Form). The complainant must put the complaint in writing, addressed to the Clerk to the Board of Governors, Mrs C Keogan. He/She must set out briefly the facts and state what it is that the complainant considers should have been done or where the academy has not met reasonable expectations.
- 4.2 The Headteacher will acknowledge the complaint within **3** school days and ensure that any complaint is fully investigated. The Headteacher may delegate responsibility for investigating the complaint to another member of staff. The investigator will put his/her findings in writing and will indicate what, if any, future steps will be taken to resolve the matter.
- 4.3 Once an investigation is completed, the Headteacher will review all the information and discuss the findings with the complainant with the aim of resolving the complaint to the complainant's satisfaction. The investigation may include the offer of a meeting with the complainant, whenever reasonably possible. A written response to the complainant including key findings and what, if any, steps will be taken will be sent within **15** days of any meeting; if no meeting is arranged it will be sent within **15** school days of the written complaint being received.
- 4.4 For complaints about members of staff - The Headteacher may decide to conduct an investigation under the Disciplinary Procedure. In this event, the complainant will be informed of this decision. However, the school's disciplinary procedures require that all details of proceedings remain confidential, and consequently the complainant will not be informed of the outcome.
- 4.5 The Headteacher will inform the Chair of Governors if any complaint cannot be resolved following an investigation. Details of the investigation and a report of action taken will be kept in writing.
- 4.6 Where the complaint concerns the Headteacher, the complainant must address their concerns, in writing, to the Chair of Governors. An independent representative from either another academy or LA will be appointed to undertake the investigation with support from the Leadership Team. The findings from the complaint will be reviewed by the **Governing Body Complaints Panel**. The Governors' Complaints Panel will comprise of at least 3 people who have not had any direct involvement in the matters detailed in the complaint. The panel will review all evidence and decide on any possible outcomes. (**See 5.7.**) Individual complaints will not be heard by the whole Governing Body 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.

4.7 Possible outcomes from a complaint include:

- i) complaint withdrawn;
- ii) complaint dismissed;
- iii) complaint upheld or partially upheld;
- iv) complaint dealt with under another procedure;
- v) if appropriate, make recommendations to change the school's systems or procedures to ensure that problems of a similar nature do not recur.

4.8 Every attempt will be made to resolve the complaint so that it promotes closure in the matter and enables parents/carers and teaching staff to move forward constructively. However, it may also be the case that, at any stage of the procedure, there is insufficient evidence to reach a conclusion so that the complaint cannot be upheld.

4.9 Where the complainant remains dissatisfied he/she may request an appeal. Any such request must be set out in writing stating why the complainant remains dissatisfied, what remedies are being sought and be lodged within **10** school days of the complainant receiving the findings in writing. The request must be addressed to the Chair of Governors and forwarded to the Clerk to the Board of Governors, Mrs C Keogan. The Chair of Governors will then arrange a date within 15 working school days for the appeal. The Panel will consist of three members, with at least one being independent of the management and running of the school.

## **5. Remit of the Governors' Appeal Panel**

The Governors' Appeal Panel will comprise of at least **3** people who have not had any direct involvement in the matters detailed in the complaint. The panel will review all evidence and decide on any possible outcomes. The Panel may include one or more persons from another local academy or a member of the LA.

There are several points which any Governor 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 Governor 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 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 welcome 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) The Governors sitting on the Panel need to be aware of the complaints procedure.

## **6. Roles and Responsibilities**

### **The Role of the Clerk**

It is recommended 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 within a 15 school working day period 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.

## **7. The Role of the Chair of Governors 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.

## **8. The Role of the Chair of the Panel**

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 it would be useful to give all parties the opportunity to consider and comment on it.

## **9. 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, within 10 school days, and the Clerk will notify all concerned. The Appeal Committee may:

- i) dismiss the complaint in whole or in part;
- ii) uphold the complaint in whole or in part;
- iii) decide on any further action to be taken;
- iv) if appropriate, make recommendations to change the school's systems or procedures to ensure that problems of a similar nature do not recur.

## **10. Attendance at a Complaints Panel Hearing**

Once a date for the Panel Hearing has been set, the Panel will meet to consider the complaint. If the complainant is unable to attend, the meeting will still go ahead, so that the complaints process can be completed. The complainant can be accompanied at the Panel Hearing should they wish.

## **11. Serial or Persistent Complaints**

If there is an occasion when, despite all stages of the complaints procedure having been followed, the complainant remains dissatisfied and tries to re-open the same or a closely related issue, the

Chair of Governors may write to inform them that the procedure has been exhausted and that the matter is now closed. The school will not respond to any further correspondence on any issue or related issue once the complaints procedure has been exhausted.

### **Schools' responses to unreasonably persistent complaints, harassment or improper use of a formal procedure**

Sometimes parents or carers pursuing complaints or other issues treat staff and others in a way that is unacceptable. Whilst we recognise that some complaints may relate to serious and distressing incidents, we will not accept threatening or harassing behaviour towards any members of the school community.

The aim of this procedure is to provide information about our school policy on unreasonably persistent complainants or harassment of staff.

We will always seek to work with parents, carers and others with a legitimate complaint to resolve a difficulty. However, in cases of unreasonably persistent complaints or harassment, the school may take some or all of the following steps, as appropriate:

- inform the complainant informally that his/her behaviour is now considered by the school to be unreasonable or unacceptable, and request a changed approach;
- inform the complainant in writing that the school considers his/her behaviour to fall under the terms of the Unreasonably Persistent Complaints/ Harassment procedure;
- require all future meetings with a member of staff to be conducted with a second person present. In the interests of all parties, notes of these meetings may be taken;
- inform the complainant that, except in emergencies, the school will respond only to written communication and that these may be required to be channelled through the Board of Governors

### **Physical or verbal aggression**

The governing body will not tolerate any form of physical or verbal aggression against members of the school community. If there is evidence of any such aggression the school may:

- ban the individual from entering the school site, with immediate effect;
- request an Anti-Social Behaviour Order (AS BO);
- prosecute under Anti-Harassment legislation.
- call the police to remove the individual from the premises, under powers provided by the Education Act 1996.

Legitimate new complaints will always be considered, even if the person making them is (or has been) subject to the Unreasonably Persistent Complaints/ Harassment Procedure. The school nevertheless reserves the right not to respond to communications from individuals subject to the policy.

## **12. Record Keeping**

A written record will be kept of all complaints resolved at the formal stage of the complaints procedure. The school reserves the right to record all meetings. Notes of all meetings held and of telephone conversations will be kept on record. All such records are subject to the Freedom of Information and Data Protection Acts. Content must be factual and objective. All stages of the process must be documented in a single file held centrally by the Clerk to the Board of Governors.

## **13. Department for Education**

We hope that we will be able to resolve any complaint using this complaints procedure. If you feel this is not the case, you can complain to the Education Funding Agency, which handles complaints about Academies and Free schools. The following link provides guidance on their procedure for dealing with complaints about academies and links to the EFA complaints form.

<http://media.education.gov.uk/assets/files/pdf/e/procedure%20for%20complaints%20about%20acads%20-%20version%20sept%202013.pdf>.

## **14. Monitoring, Evaluation and Review**

Hungerhill School will review this procedure within two years and assess its implementation and effectiveness.



## **Appendix A**

### **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 Panel may ask questions at any point.
- 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 responses 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 a set time scale.

**Appendix B**

**Complaint Form**

Complainant:

Details of Complaint:

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

***For office use***

Date Received by Clerk: \_\_\_\_\_ Date of Response to Complainant: \_\_\_\_\_

Name: Address:

Tel/Mobile:

Please continue on a separate sheet if necessary. Once completed, send this form to the Clerk who will arrange for your complaint to be investigated.  
Please include full details, including dates, times and names of those involved.

**Appendix C**

**Complaint Appeal Form**

Complainant:

Date complaint was submitted in writing:

Date response received from the Headteacher in writing:

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

***For office use***

Date Received by Trust Clerk: \_\_\_\_\_ Date of Response to Complainant: \_\_\_\_\_

Please continue on a separate sheet if necessary. Once completed, send this form to the School Clerk who will arrange for your appeal to be heard.

Name:

Address:

Tel/Mobile:

I am dissatisfied with the response to the above complaint and would like an Appeal Hearing for the following reasons: