



pathfield
SCHOOL

Inspiring interaction

COMPLAINTS POLICY AND PROCEDURES

Adopted by Governors	Sue Haywood
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Pathfield School is committed to safeguarding and promoting the welfare of children and young people and expects all staff and volunteers to share this commitment.

This policy will support, promote and be applied with due regard to the requirements of the **SENTIENT TRUST**
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Introduction

1. From 1 September 2003 Governing Bodies (GBs) of all maintained schools and maintained nursery schools in England are required, under Section 29 of the Education Act 2002, summarised in Annex A, 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.
2. The law also requires the procedure to be publicised.
3. This policy document acknowledges that there are some complaints which fall outside of its remit. For example when dealing with staff grievance, and all disciplinary processes this policy and procedure will not be used.
4. Although Pathfield School is a Foundation Trust School within the SENTient Trust, we are still an LA grant maintained school and as such we are required to observe LA procedures for the correct implementation of complaints procedures. The LA has complaints procedures which apply to certain complaints such as complaints against the curriculum and issues arising out of processes to organise appropriate Collective Worship. Where the LA has a specific process the school will seek LA advice on how to facilitate the swift resolution of the complaint between the complainant and the LA.
5. The Governors of Pathfield School will ensure as far as is practical that all third party users of school facilities will have their own Complaints Procedures, which will be commensurate with their activities and level of use of the school.
6. In compiling this policy the Governors have sought advice from and consulted with Teachers, SMT, parents and union reps.

General Principles concerning complaints

Dealing with Complaints – Initial concerns

At Pathfield School we seek to provide a safe and supportive environment for the pupils and staff in which they can carry on the important task of Teaching and Learning. We welcome many other professionals and visitors and aim that they are able to access our facilities and conduct their business with suitable assistance and support.

We recognise that there will be times when any person within the school may need to raise an issue which we need to examine as part of our quality control monitoring of all aspects of the school.

We will take all concerns raised seriously, and through the appropriate use of this policy and procedure will ensure that a proper response will be made to resolve the issue(s) raised.

It must be made clear that not all concerns are complaints. In recognising the difference we will ensure that formal procedures will be invoked when such a process is required. For example a parent may raise a concern regarding their child via the Home School book, and an explanation the following day from a teacher is all that is needed to deal with the problem. In making such a process formal it would not be commensurate with the severity of the problem in most cases.

In dealing with concerns promptly we will lessen the need for a formal process to be undertaken, and this will always be our aim wherever possible. Initial concerns will be acknowledged within one working day. The person looking into it will contact you further if required within 5 days. They can arrange to talk to you face-to-face, on the telephone, or they can contact you by letter or email if you prefer.

In many cases an apology and expressing a desire to ensure that there is no recurrence of the problem is all that is required to reassure the complainant that they have been taken seriously and can regard the matter as closed.

Dealing with Complaints – Formal procedures

The formal procedures will need to be invoked when initial attempts to resolve the issue are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further.

In Pathfield School the Headteacher will be responsible for dealing with any formal complaint made, unless the Headteacher is the subject of the complaint in which case the Chair of Governors will receive the complaint.

All staff will be made aware of this route for making a complaint and when asked to, they should ensure that the complainant is aware of the name of the Headteacher and /or the Chair of Governors.

Framework of Principles

At Pathfield School we will ensure that our Complaints Procedures 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 management team and Governors so that services can be improved.

Investigating Complaints

At each stage, the Headteacher/Chair of Governors (or his/her nominated representative) investigating the complaint, will make 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);
- clarify what the complainant feels would put things right;
- 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
- ensure appropriate confidentiality.

Resolving Complaints

At each stage in the procedure the investigator will be required to 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.

It will be useful if complainants are encouraged to state what actions they feel might resolve the problem at any stage by the investigator.

All persons involved in a formal process should be aware that an admission that the school could have handled the situation better by any member of staff or Governor is not the same as an admission of negligence by the school.

Our procedure will identify areas of agreement between the parties, and 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.

Vexatious Complaints

Pathfield School is confident that this complaints procedure will limit the number of complaints that become protracted. However, there will be occasions when, despite all stages of the procedures having been followed, the complainant remains dissatisfied. If the complainant tries to reopen the same issue, the Chair of Governors is able to inform them in writing that the procedure has been exhausted and that the matter is now closed. This will occur within 2 weeks of the matter being referred to the Chair where such a decision is required.

Time-Limits

This complaints procedure needs to ensure that complaints are considered, and resolved, as quickly and efficiently as possible. To inspire confidence and aid clarity of process this procedure will have realistic time limits set for each action within each stage. However, where further investigations are necessary, new time limits may be set and the complainant will be sent details of the new timeframe and an explanation for the delay.

This policy and procedure applies to a school environment and complainants must be made aware of any delays that could be due to school holiday periods.

The timeframes outlined in this policy refer to school days within term time. However, the Headteacher will ensure that where a complaint is of a very serious nature delays caused by school holiday periods will be kept to the minimum where possible.

Mediation

At any point within the complaints process, mediation can be sought as a way to try and resolve the issues that have been raised. This is an informal, impartial and voluntary process designed to develop a better understanding of each other's point of view, with the aim of securing future relationships.

The Formal Complaints Procedure

The Stages of Complaints

Pathfield School will follow a procedure with clearly defined stages. In Annex C a flow chart is included which shows the process to be followed in all cases. At an early stage the Headteacher will identify who will conduct the investigation and that person will contact the complainant and make clear the steps to be undertaken in the process. Depending on the complexity of the complaint the likely timescales will be made known to the complainant. There should be no expectation at this point that the process will be followed to the end, as many complaints will be settled well before the process is taken through all its stages.

We expect that the following stages will be sufficient to address the vast majority of complaints:

Stage One: Formal complaint received by the Headteacher (or identified representative).

Stage Two: The Headteacher identifies the Investigator and an investigation is undertaken.

Stage Three: The outcome of the Investigation is fed back to the complainant in writing.

Stage Four: If the complainant remains dissatisfied at the outcome of the initial investigation then they can appeal to the Governors via the Chair of Governors.

Stage Five: Complaint heard by GB's Complaints Appeal Panel.

An unsatisfied complainant can always take a complaint to the next stage. Our procedures will allow for an additional stage if required to provide an independent appeal or review. Assistance in this circumstance could come from the LA or the SENTient trust Board.

Where the subject of the complaint is the Headteacher, the Chair of Governors will be required to follow the stages contained within this policy. It will be for the Chair of Governors to consider if other policies are needed to resolve the matter.

Where the complaint concerns the conduct of a member of the Governing Body, the Chair of Governors will ensure that the complaint is dealt with according to this policy and documents which govern the conduct of School Governors. Complaints of this nature should be sent to the Clerk to Governors.

Should the complaint concern the Chair of Governors, the Vice Chair of Governors Headteacher will ensure that the complaint is dealt with according to this policy and documents which govern the conduct of School Governors.

Part 3 – Managing and Recording Complaints

Recording Complaints

Complaints may be made in writing, by telephone, e-mail, or in person. The style used to raise the complaint will not change the way in which the complaints process is followed.

It is for each person receiving a complaint to remember that a complaint may not use that word at all. However where it is implied the issue must be treated in the same way. In order to be sure, the complainant should be asked if they are raising a formal complaint. Clarity at this early stage is vital to prevent unnecessary escalation of the issue.

Where the complaint is not in written form it will be necessary for the person receiving the complaint to note down the content of the conversation which identifies that a complaint is being made. In encouraging good practise and aiding understanding the complainant will be given a copy of the note made about the issues raised.

The Headteacher will be responsible for ensuring that records are kept of all complaints and their outcome/resolution.

The Headteacher will provide information regarding the number of complaints and their outcomes to the Governing Body via the Headteacher's reports twice a year withholding all identifying features of persons involved.

Governing Body Review

The role of the Governors with regard to this policy will be to ensure that complaints have been dealt with. The level of complaints will also be used as an indicator of the success of school processes and procedures.

On occasion the complaints can be a useful tool to aid school improvement and identify trends which inform school self evaluation and performance.

Publicising the Procedure

There is a legal requirement for the Complaints Procedures to be publicised. The Governing Body has decided to include details of the Complaints Procedures in:

- the governors' report to parents;

- the information given to new parents when their children join the school;
- the home-school agreement;
- documents supplied to community users;
- displayed in main reception – as a poster of where to find details;
- the school website.

Annex A

Section 29 of the Education Act 2002 requires that:

- (1) The governing body of a maintained school (including a maintained nursery school) shall –
 - (a) establish procedures for dealing with all complaints relating to the school or to the provision of facilities or services under section 27, other than complaints falling to be dealt with in accordance with any procedures required to be established in relation to the school by virtue of a statutory provision other than this section, and
 - (b) publicise the procedures so established.
- (2) In establishing or publicising procedures under subsection (1), the governing body shall have regard to any guidance given from time to time (in relation to England) by the Secretary of State.

Section 39 of the Education Act 2002 provides the following:

“maintained school” means a community, foundation or voluntary school, a community or foundation special school or a maintained nursery school;

“maintained nursery school” means a nursery school which is maintained by a local education authority and is not a special school;

Annex B

The Headteacher's influence is crucial in shaping the way complaints are handled in our school. Where the complainant may be dissatisfied with the way the complaint was handled at the earlier stages in the policy, the complainant has the option to raise the issue(s) with the Governing Body.

Complaint heard by Governing Body's Complaints Appeal Panel – Procedure

The complainant needs to write to the Chair of Governors giving details of the complaint. The Chair, or a nominated governor, will convene a GB complaints panel.

The Governors' Appeal Hearing Panel 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 GB 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 body has nominated five members with delegated powers to hear complaints at this stage, and set out its terms of reference. These 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 is part of our school's complaints procedure. The panel can be drawn from the nominated members and will consist of three people. The chair will be as decided by the panel.

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.

All governors sitting on a complaints panel will be mindful of the following:

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.

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 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.

e) The governors sitting on the panel must ensure that they have a good knowledge of this policy

Roles and Responsibilities

The Role of the Clerk

Where the complaints appeals panel is to be convened the proceedings will be clerked by the Clerk to the Governors. The clerk will be the contact point for the complainant and will:

- 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.

The Role of the Chair of the Panel

The Chair of the Panel will ensure 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 it would be useful to give all parties the opportunity to consider and comment on it.

Notification of the Panel's Decision

The chair of the panel will ensure that the complainant is notified of the panel's decision, in writing, with the panel's response; this is usually within 5 days of the hearing.

If the complainant remains dissatisfied with the way the school has managed the complaint, details of how a complaint can be submitted to the Department for Education will be included with this letter.

Checklist for a Panel Hearing

The panel will take the following points into account and ensure that the hearing is conducted according to them:

- 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 a set time scale.

Flowchart

Summary of Dealing with Complaints

Informal

Complaint identified by staff member, complainant responded to within 5 days and reported to the appropriate person according to policy

Action taken - Issue resolved

Action taken - Issue not resolved

Formal

Within 5 days the Headteacher will arrange to talk to the complainant face to face, by telephone, or by letter to discuss complaint

Investigation Undertaken (usually completed within 10 days) and outcome fed back to complainant

Action taken - Issue resolved

Action taken - Issue not resolved

Governor's complaints appeal panel meeting arranged

- Issue letter inviting complainant to meeting
- Issue letter confirming panel decision
- Include further steps complainant may take

Annex D

COMPLAINTS PROCEDURE TIME LIMITS

The Headteacher will be notified of a formal complaint on the same day it is made. In the absence of the Headteacher the deputy head will receive the complaint.

The complainant will be contacted within 5 days of receipt to acknowledge the complaint and to arrange to meet with them face-to-face, on the telephone or to contact them by letter if they prefer. They will be referred to the School's Complaints Policy.

The Headteacher will commission an investigation. This investigation should be completed within 10 working days. Once concluded a letter will be sent to the complainant to outline the findings and any actions that may be required. Sometimes the investigation may take longer; the complainant will be regularly informed of its progress

If the complainant remains unsatisfied with the outcome of the initial investigation, they can appeal and will have 20 working days to do so. Any appeal should be addressed to the Clerk to Governors.

The complainant will then be invited to an Appeal Meeting. Any paperwork relating to the initial investigation will be sent to the complainant 7 days in advance of the appeal meeting.

The final decision will be communicated by letter to the complainant by the chair of the panel within 5 working days of the hearing. If the complainant remains dissatisfied with the way the school has managed the complaint, details of how they can submit a complaint to the Department for Education will be included with this letter.

NOTE:

Following the above procedure being concluded, if the complainant continues to raise the same complaint (unless the same issue arises at a different time), the Chair of Governors can rule that the complaint is vexatious and write to the complainant that they consider the matter to be closed.

Appendix One

Managing Unreasonable Behaviour of Complainants

The following policy can be used whether the unreasonable behaviour is as a result on an ongoing concern or complaint which the parent has expressed about the school, or not.

At Pathfield School we recognise that parents and carers are the single biggest influence on their children and their achievements. Therefore, we are committed to building positive and responsive relationships with parents and carers so that together we can ensure that our young people get the most out of their time with us.

We encourage partnerships with our parents and carers, and work hard to maintain mutual respect and recognition of shared responsibility for the children. However, in a very small minority of cases, the behaviour of a few parents or carers can cause disruption, resulting in abusive or aggressive behaviour towards staff and this will not be tolerated. All members of the school community have a right to expect that their school is a safe place.

Schools are not public places and although parents and carers have rights to attend and enter school premises for legitimate proper purposes, The Education Act of 1996 states that it is an offence for a trespasser on school premises to cause a nuisance or disturbance. The school is entitled to withdraw the implied right a parent or carer has to enter the school, if that parent or carer is violent or aggressive. If the parent or carer then enters the premises, they are in breach of the law, and they can be prosecuted in the criminal courts.

This policy applies to all those that engage with the school and not just to parents.

Behaviours which can lead to a ban include:

1. Physical or verbal threats towards staff, pupils, or other parents
2. Actual violence
3. Damage to property
4. Refusal to leave when asked
5. Disruption of the running of the school
6. General Abusiveness. This includes the use of social media (eg Facebook, Twitter etc) where public comments concerning the school or its members of staff may be so serious and offensive in nature that they warrant the invoking of this policy.

The Headteacher will decide whether the situation has been reached for proposing an actual ban. In extreme circumstances, i.e. if the incident is considered to be very serious, then s/he can issue a short-term temporary ban immediately, if required.

If the issue presents a less immediate threat then the Headteacher will consider issuing a warning letter which says that repeats of such behaviour will likely result in a ban. Events may occur in a number of stages and it may be that upon consideration by the Headteacher that a warning letter needs to be issued.

The school will write to the parent/carer setting out:

- what has happened and why it is unacceptable
- that the school will consider banning the parent/carer from the school premises
- give a clear explanation of why the ban is proposed
- give the parent/carer 5 working days to respond in writing giving their own version of events
- state the length of the proposed ban and give a review date.

Following receipt of the written response:

- The Headteacher will decide whether or not to ban the parent/carer
- The parent/carer will be informed in writing within 3 days of the decision taken
- The terms of any ban will be clear, with explicit paths of communication between the school and the parent
- Pick up and drop off of children will be taken into consideration
- A date for the review will be given, which will take account of what has happened in the interim period
- If no further concerns have arisen regarding the parent's behaviour, a meeting date will be set which will seek to re-establish a productive working relationship between the school and the parent/carer

If a parent/carer wishes to appeal against a ban, they may do so in writing (following the complaints procedure). The first stage of this appeal will be undertaken by an appointed governor who would invite the Headteacher to review the matter with a view to lifting the ban. If the outcome to this stage is that the ban is still in place, then the parent may appeal further to a panel of governors according to the usual complaints process.

In some cases the unacceptable behaviour is so extreme (for example, an assault on a member of staff) that the Headteacher may feel that there is no alternative but to impose a lengthy or permanent ban. In criminal cases the Headteacher should inform the police and should contact their legal advisors (DCC Solicitors in maintained schools).