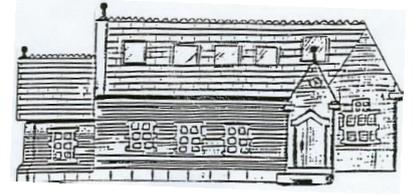




Beckley CEP School

Complaints Procedure



The Governors have elected to adopt East Sussex County Council's model guidance for schools on Dealing with Complaints.

Guidance created by East Sussex: March 2012

Policy adopted by the governors of Beckley School: 26 March 2015

SCHOOL COMPLAINTS LEGISLATION

SECTION 29 OF THE EDUCATION ACT 2002 REQUIRES THAT: -

- (1) The governing body of a maintained 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 or (in relation to Wales) by the National Assembly for Wales.

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

FRAMEWORK OF PRINCIPLES

At Beckley our aim is that our published 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 management team so that services can be improved

INVESTIGATING COMPLAINTS

At Beckley we will give careful consideration to all complaints and deal with them fairly and honestly. We will provide sufficient opportunity for any complaint to be fully discussed, and aim to resolve it through open dialogue and mutual understanding. At each stage, the person 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

RESOLVING COMPLAINTS

At each stage in the procedure we will want to keep in mind ways in which a complaint can be resolved, for example by offering:

- 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

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.

INFORMAL STAGE - COMPLAINT HEARD BY STAFF MEMBER

It is in everyone's interest that complaints are resolved at the earliest possible stage.

To assist the procedure the school will respect the views of a complainant who indicates that he/she would have difficulty discussing a complaint with a particular member of staff. In these cases the complainant will be referred to another staff member. Where the complaint concerns the headteacher, the complainant will be referred to the chair of governors.

Similarly, if the member of staff directly involved feels too compromised to deal with a complaint, the complainant will be referred to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the complaint objectively and impartially is crucial.

Where the first approach is made to a governor, the next step would be to refer the complainant to the appropriate person and advise them about the procedure. It would be useful if governors did 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 panel at a later stage of the procedure.

STAGE ONE - COMPLAINT HEARD BY HEADTEACHER

Stage One of the complaints procedure is invoked if the complainant is dissatisfied with the way the complaint was handled at the informal stage. The head may delegate the task of collating the information to another staff member but not the decision on the action to be taken.

STAGE TWO - COMPLAINT HEARD BY CHAIR OF GOVERNORS

At Stage Two the complainant asks for a review of their complaint by writing to the chair of governors care of the school, making it clear why they are complaining, whom they have already spoken to and what they want to happen as a result of their complaint. Complaints made to the chair should be acknowledged within 5 school days with a substantive response within 15 school days. The chair may need to hold interviews with the headteacher and possibly other members of staff and notes should be kept of those meetings.

The letter conveying the chair's findings should include details of the next stage of the procedure. The chair may need to explain the power of the governing body in the matter in question and the extent it may be possible to achieve the outcome desired by the complainant.

STAGE THREE - COMPLAINT HEARD BY GOVERNING BODY'S COMPLAINTS PANEL

At Stage Three the complainant needs to write to the Chair of Governors giving details of the complaint. The Chair, or a nominated governor, will convene a complaints panel. The governors' complaints panel is the last school-based stage of the complaints process. Individual complaints would not be heard by the whole governing body at any stage.

The governing body may nominate a number of members with delegated powers to hear complaints at that stage, and set out its terms of reference. These can include:

- drawing up its procedures
- hearing individual appeals
- making recommendations on policy as a result of complaints

The panel can be drawn from the nominated members and may consist of three or five people. The panel may choose their own chair.

ROLES AND RESPONSIBILITIES

THE REMIT OF THE COMPLAINTS 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

There are several points, which any governor sitting on a complaints panel needs to remember:

It is important that the panel 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.

The aim of the complaints panel, 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 panel 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.

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.

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 panel, if any, the child needs to attend.

The governors sitting on the panel need to be aware of the complaints procedure.

THE ROLE OF THE CLERK

It is strongly 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 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 GOVERNORS OR THE NOMINATED GOVERNOR

The nominated governor role:

- Check that the correct procedure has been followed
- If a panel is appropriate, notify the clerk to arrange it

THE ROLE OF THE CHAIR OF THE PANEL

The Chair of the Panel has a key role, ensuring that:

- Boundaries and behaviours for the meeting are clearly defined
- 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 meeting are put at ease
- The panel 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
- All parties see written material. If a new issue arises it would be useful to give all parties the opportunity to consider and comment on it.

THE PANEL'S DECISION

The chair of the panel needs to ensure that the complainant is notified of the panel's decision, in writing, with the panel's response; within a set deadline. The letter needs to explain if there are any further rights of appeal and, if so, to whom they need to be referred.

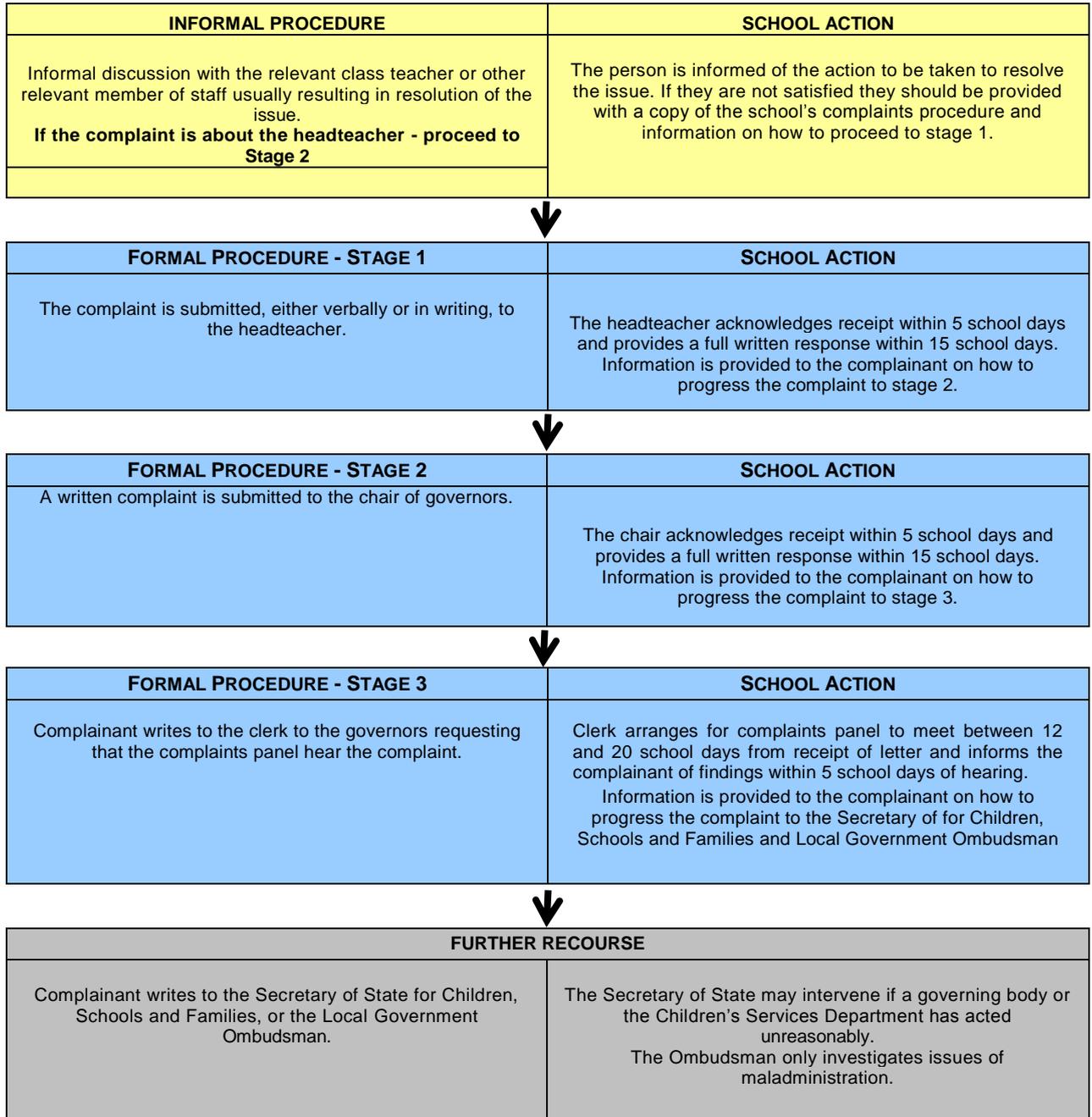
CHECKLIST FOR A COMPLAINTS PANEL

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 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.

COMPLAINTS FLOWCHART

CONCERN OR COMPLAINT RECEIVED



COMPLAINT FORM

Please complete and return to the Clerk to the Governors who will acknowledge receipt and explain what action will be taken.

YOUR NAME:	
PUPILS' NAME:	
YOUR RELATIONSHIP TO THE PUPIL:	
ADDRESS:	
TELEPHONE NUMBER: <ul style="list-style-type: none">• DAYTIME• EVENING	

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:

