



The Clere School

Complaints Policy

Date of Policy Issue: July 2020

Date of Policy Review: July 2023

Approved by Whole Governing Body

The Legal Requirement

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 failing 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.
 - c. 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.

Framework of Principles

The Aims of the Complaints Procedure:

- 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 peoples' 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 (SLT) so that services can be improved.

The Policy

The Clere School believes:

The Clere School fully recognises the vital importance of good relationships between staff, pupils and parents and strives to maintain these. In the light of this, every complaint is a matter of concern to the school and will be investigated with due urgency and thoroughness. Whenever a complaint is upheld, every effort will be made to rectify the issue and, if necessary, action will be taken to try to prevent a reoccurrence of the problem. The school will not investigate anonymous complaints or allegations, unless the assessed risk of a Child Protection issue indicates that it is necessary to do so.

Confidentiality will, however, be respected and the identity of informants will be protected whenever necessary.

The importance of talking to the school as soon as possible

The Clere School believes that taking informal concerns seriously at the earliest stage will reduce the numbers that develop into formal complaints. The underlying principle of our policy is that concerns ought to be handled, if at all possible, without the need for formal procedures. Having a complaints procedure does not in any way undermine our efforts to resolve the concern informally.

In most cases the form tutor, subject teacher or other individuals, will receive the first approach. It is helpful to all concerned when staff are able to resolve issues on the spot. Experience shows that when a mistake has been made, a swift, courteous response, including apologising where necessary, often resolves the issue.

Parents are encouraged to make early contact with the school when a concern emerges rather than waiting until the issue becomes more serious or more complex. Issues are usually easier to deal with at an early stage and the complainant's worries are addressed before the matter can grow any further in seriousness.

Written complaints to the school will normally be acknowledged within three working days of receipt. All complaints will be recorded by the recipient and a response, wherever possible, will be provided within five school days. When a matter requires fuller investigation than is possible within these timescales, the complainant will be informed and an indication of when a final response can be expected will usually be given. If a complaint is made to the police then any investigation by the school will normally be suspended at least until they have completed their enquiries.

What is a complaint?

Parents, from time to time, raise legitimate concerns about their child's education. Most parents do not regard such inquiries as "complaints" in the formal sense. Nevertheless, their concerns will be addressed with similar urgency and thoroughness. If matters raised as concerns are not resolved to the satisfaction of all parties, the dissatisfied party may wish to appeal through the formal complaints procedure.

The Stages of the Complaints Procedure

The procedures have four formal and well-defined stages. It will be made clear at each stage exactly who will be involved, what will happen, and how long it will take. There may, on occasion, be the need for some flexibility; for example, the possibility of further meetings between the complainant and the member of staff directly involved and further investigations may be required after a meeting with the complainant.

Informal	Concern raised with member of staff
Stage One	Complaint heard by Subject or Progress Leader (not the subject of the complaint)
Stage Two	Complaint heard by a member of the Senior Leadership Team (not the Headteacher)
Stage Three	Complaint heard by the Headteacher
Stage Four	Complaint heard by a Complaints Panel of the Governing Body

Recording Complaints

All members of staff and governors involved in the handling of a concern or complaint must maintain records of conversations and correspondence to ensure that the complainant and the school have the same understanding of what was discussed and agreed. The School will record the progress of the complaint and the final outcome. A complaint may be made in person, by telephone, or in writing. Copies of any written response should be added to the record.

The Business Manager is responsible for the records of complaints which reach Stage Two and will hold them centrally. Complaints records will be retained for 10 years from the date of resolution of the complaint (in accordance with Hampshire County Council Records Retention Schedule v2.4).

Complaints from pupils

Pupils who feel they have been unfairly treated in school are encouraged to speak to the appropriate member of staff, usually the Head of Year or a member of the SLT. He/she will investigate the complaint and will seek to resolve the matter informally between the pupil and the member of staff. Where the complaint or subsequent investigation raises issues of a disciplinary significance, the matter should be referred immediately to the Headteacher or his deputy.

Receipt of complaints from parents or others

- Telephone complaints should be directed to the School Business Manager who will refer the matter to the appropriate member of staff.
- Verbal complaints or allegations made by a visitor to the school will be referred to any available member of the senior leadership team who will try to resolve the matter there and then; if they cannot do so, they will refer the complaint to the Headteacher.
- Written complaints received by school staff should be copied immediately to the Business Manager who will complete a complaint form and attach the copy letter.

Verbal complaints received by governors

In normal circumstances, the governor should advise the complainant to contact the school direct. If the complainant is reluctant to do so, the governor should ensure he/she understands the full facts as perceived by the complainant without making any commitment or comment on the issue, except that it will be investigated and that a response will be provided either direct to the complainant or via the governor. The governor should then discuss the matter with the Chair of Governors and the Headteacher, who will confirm who is to investigate the matter and inform the complainant.

Written complaints received by governors

It is the responsibility of the receiving governor to ensure the letter of complaint is passed to the Headteacher and the Chair of Governors in order that the complaint is acknowledged within three working days of receipt. The matter will be investigated in the usual way and a copy of the response sent to the receiving governor and to the Chair of Governors.

Investigating Complaints

At Stage 1 and above, the Headteacher will decide who will investigate the complaint and will inform the complainant.

At each stage, the school will:

- 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 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, the school will consider how a complaint can be resolved. If the complaint is found to be legitimate, 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 within the bounds of human control;
- 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.

An admission that the school could have handled the situation better is not the same as an admission of negligence.

The School will seek to 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.

Timescale for Resolution

The school will aim to address and resolve all complaints as quickly as possible. The following timescales are established for the management of complaints. If these timescales cannot be met then the school will notify the complainant in writing as to the new timescale and the reason for delay.

Informal Complaints – there are no specific timescales defined for this stage but all complaints should be managed as quickly and effectively as possible.

Stage 1 – the Curriculum Leader or Progress Leader to whom the complaint is referred (not the subject of the complaint) will acknowledge receipt of the complaint within 3 working days and begin an investigation. A full response will be made after investigation within 10 working days of the date of acknowledgement of the complaint.

Stage 2 - the Senior Leadership Team member will acknowledge receipt of the complaint within 3 working days and begin an investigation. A full response will be made after investigation within 10 working days of the date of acknowledgement of the complaint.

Stage 3 – the Headteacher will acknowledge receipt of the complaint within 3 working days and begin an investigation. A full response will be made after investigation within 10 working days of the date of acknowledgement of the complaint.

If necessary a further school investigation may take place at this stage before it goes to the Governors complaints committee, if this is necessary the response time by the Governors will increase to within 20 days.

Stage 4 – the Governors will acknowledge receipt of the complaint within 3 working days. The Governors will normally convene a meeting of the Governors complaints committee to investigate the complaint and will respond within 15 working days of the date of acknowledgement of the complaint.

Vexatious Complaints

If properly followed, the complaints procedure will limit the number of complaints that become protracted. However, there may 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 may inform the complainant in writing that the procedure has been exhausted and that the matter is now closed.

Investigation of complaints

The Headteacher will investigate or cause investigation to be made of all complaints at Stages 1, 2 and 3. Complaints at Stage 4 and complaints about the Headteacher will be investigated by an appropriate independent person, selected by the Chair of Governors.

No action will be taken without the subject(s) of the complaint having opportunity to comment on the complaint and to suggest independent witnesses who might be called upon to provide evidence to the investigating manager.

Most complaints are satisfactorily resolved by the appropriate manager reporting back, usually in writing, to the complainant. If the complainant is still not satisfied, he/she may appeal to the Headteacher, who has final authority in matters of the internal organisation, management and control of the school. If a parent feels that the Headteacher has acted unreasonably in the exercise of his duties and powers, he/she may appeal in writing to the Chair of Governors.

The outcome of the investigation and any action taken as a result will be entered in the record of complaints. The Headteacher will provide a report each term to the Chair of Governors on complaints received and any implications arising.

The Role of the Governing Body

The Governing Body will routinely receive reports of the number of formal complaints (stage 2, 3 & 4) made to the school.

Complaints about the school's policies or procedures will be referred to the Chair of Governors for consideration by the relevant governors' committee.

Complaints about the Headteacher or any governor should be directed to the Chair of Governors.

Allegations of misconduct will be dealt with according to the relevant procedures. Representations to the Chair of Governors concerning the treatment of a complaint at any stage may, at the discretion of the Chairman, be referred to a Complaints Panel convened for that purpose.

In matters which fall within the scope of statutory procedures, such as for admissions appeals, exclusion appeals or staff disciplinary matters, those procedures will take precedence.

Further guidance on complaints heard by the Governing Body's Complaints Appeal Panel (Stage 4)

The complainant should write to the Chair of Governors giving details of the complaint. The Chair, or a nominated governor, may convene a Complaints Panel.

The Governors' Complaints Panel is the last school-based stage of the complaints process.

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.

The Governing Body may nominate a number of members with delegated powers (the Complaints Panel) to hear complaints at that stage.

The panel will be drawn from nominated members and it may consist of three (or, exceptionally five) people. The panel will nominate its own Chair for a hearing.

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;
- seek further info or further investigation;
- 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:

- 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 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 need to be aware of the Complaints Policy and Procedures.

Roles and Responsibilities

The Role of the Clerk

Wherever possible, any panel or group of governors considering complaints will be clerked. The clerk is the contact point for the complainant and is 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 the Panel

The Chair of the Panel has a key role, ensuring 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.

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 independent investigator then reports his/her findings.
- 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.

The Role of the Local Authority's Children's Services Department

The local authority has its own procedure for complaints for the areas for which it is solely responsible. Within the Local Authority the Children's Services Department has a Customer Relations and Complaints Adviser:

Customer Relations and Complaints Adviser
Children's Services Department
The Castle
WINCHESTER
SO23 8UG
01962 846572

Publicising the Procedure

There is a legal requirement for the Complaints Procedures to be publicised. It is the Governing Body's duty to fulfil this requirement which they do by publishing it in the school prospectus and publicising it, from time to time, by means of:

- the information given to new parents when their children join the school;
- the home-school agreement;
- documents supplied to community users including course information or letting agreements;
- a specific short form of the complaints policy and procedures available to parents and visitors;
- the school website.

Appendix 1

The Clere School's Formal Complaint Record

Please complete and return to the School Business Manager who will acknowledge receipt and explain what action will be taken.

Your Name:
Pupil's Name:
Your Relationship to the pupil:
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 Whom:

Complaint referred to:

Date: