



The Abbey School
A Business and Enterprise Academy

Complaints Policy and Procedure

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Introduction

This document sets out the school's procedure for addressing complaints. It should be used only when informal attempts to resolve problems have been unsuccessful. If you have any concerns about the school or the education provided, you are encouraged to discuss the matter first with the Assistant Headteacher of the Key Stage at the earliest opportunity. The school considers any concerns very seriously and most problems can be resolved at this stage.

This policy and procedure will be relied upon in respect of all complaints with the following exceptions where separate policies and procedures apply:

- Admissions to schools
- Statutory assessments of Special Educational Needs (SEN)
- Child protection allegations
- Exclusions
- Whistleblowing
- Staff grievance and disciplinary procedures

General Principles

1. The school will take all concerns expressed by any party seriously, and attempt to resolve them before they develop into formal complaints.
2. Wherever possible, concerns will be handled without the need to resort to formal procedures. It is seen as a strength if staff are able to resolve issues on the spot, including apologising where necessary.
3. 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.
4. In all cases, the procedure should:
 - encourage resolution of problems by informal means wherever possible;
 - be easily accessible and well 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.
5. Complaints can be made by e-mail, letter, in person, by telephone or by completing the form at Appendix 1.

Investigating Complaints

At each stage, the person investigating the complaint must 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

1. At each stage, the person investigating the complaint must 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.
2. The complainant should 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. It is important 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.
4. A “Complaint Report” proforma is available for the person investigating the complaint (see appendix 2).

Vexatious Complaints

If properly followed, 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 the Governing Body is able to inform them in writing that the procedure has been exhausted and that the matter is now closed.

Time-Limits

Complaints need to be considered, and resolved, as quickly and efficiently as possible. A realistic time limit for each action within each stage must be established. However, where further investigations are necessary, new time limits can be set and the complainant sent details of the new deadline and an explanation for the delay.

The Formal Complaints Procedure

The procedure has three stages:

1. Heard by a staff member, not the subject of the complaint.

2. Heard by the Headteacher.
3. Heard by the Governing Body's Complaints Appeal Panel.

Stage One: Complaint Heard by Staff Member

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.

The school will respect the views of the complainant who indicates that he/she would have difficulty discussing a complaint with a particular member of staff. In these cases, the Headteacher or other member of the Leadership Team can refer the complainant to another staff member. Where the complaint concerns the Headteacher, the complaint should be referred to the Chairman of the Governing Body.

Similarly, if the member of staff directly involved feels too compromised to deal with a complaint, the Headteacher or other member of the Leadership Team may consider referring the complainant 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, they should refer the complainant to the Headteacher. Governors must 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 Two: Complaint Heard by the Headteacher

If the matter cannot be resolved by Stage One, the matter is referred to the Headteacher. He/she will delegate the task of collation of material or investigation, but must make all decisions on actions to be taken.

Stage Three: Complaint Heard by Governing Body's Complaint Appeal Panel

If the complainant wishes to do so they may write to the Chairman of the Governing Body giving details of the complaint. The Chair, or a nominated Governor, will convene a complaints panel.

The Governors' appeal hearing 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 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 Appeal Panel will consist of three Governors, none of whom have any knowledge of the case.

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.

Governors sitting on a complaints panel need to be aware 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. In deciding the make-up of the panel, Governors will try to ensure that it is a cross-section of the categories of Governors 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 that 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 given 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 procedure.

Roles and Responsibilities

Role of the Complainant

The complainant or person who makes the complaint will receive a more effective response to the complaint if he/she:

- co-operates with the school in seeking a solution to the complaint;
- expresses the complaint in full as early as possible;
- responds promptly to requests for information or meetings or in agreeing the details of the complaint;
- asks for assistance if needed;
- treats all those involved in the complaint with respect.

Role of the Clerk

All hearings will be attended by the Clerk to the Governors. The Clerk will 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.

Role of the Chair of the Governing Body (or his/her nominated governors when not available)

The Chair will:

- check that the correct procedure has been followed in Stages 1, 2 and 3 complaints procedure;
- if a hearing is appropriate, notify the Clerk to arrange a Governing Body Complaints Panel.

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.

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 within 10 working days.

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 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.

Appendix 1 - Complaint Form

Please complete and return to:

Mrs C Newton, PA to the Headteacher, The Abbey School, London Road, Faversham ME13 8RZ.

Your name:

Pupil's name:

Your relationship to the pupil:

Address:

Postcode:

Daytime 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:

Appendix 2 – Complaint Report

Nature of Complaint:
Date of Complaint:
Member of staff / senior member of staff overseeing investigation (insert name):
Description of evidence gathered:
Complaint about (insert name):
Statement from respondent:
Statement from witness(es):
Statement from complainant:
Conclusions and recommendations:

The Abbey School Complaints Procedure

