



# COMPLAINTS PROCEDURE

ADOPTED AT THE MEETING OF THE LOCAL GOVERNING BODY

HELD ON 5<sup>th</sup> JULY 2016

REVIEWED BY THE RLT BOARD OF TRUSTEES

ON 21<sup>st</sup> March 2016

CHAIR OF LGB: *Bob Downing*

HEADTEACHER: *[Signature]*

## **Kirkby High School Complaints Procedure**

Kirkby High School is committed to ensuring that all students are provided with the best educational experience possible and our school works in a productive and positive partnership with all parents and carers.

However, if a parent/carer feels that a situation has arisen that they are unhappy about then they have a right to make a complaint. Any and every complaint made will be taken seriously and dealt with swiftly and professionally. All parents/carers will be made aware of this policy and the procedures to follow if they wish to make a complaint.

### **1. Principles**

This policy relates to complaints about the educational administration of the school and typically applies to complaints made by parents and carers of students. It does not relate to matters which are governed by employment legislation or those where the principles of civil contract law would normally apply e.g. service/supply contracts entered into with a school.

The school will try to resolve problems informally wherever possible. An effective response and/or appropriate redress will be provided to all complaints as quickly as possible in order to:

- Put right any matter which may have gone wrong
- Review our systems and procedures in the light of the relevant circumstances

However,

- Complaints brought by staff should be investigated using the Grievance procedure and not this Complaints Procedure.
- Only complaints received in writing (preferably using the Complaints form) will be considered.
- Anonymous complaints will not be considered.
- Complaints must be made within 3 months of the event. Complaints after this period will not be considered.

### **2. Statutory obligations**

Complainants must be made aware that there is a complaints procedure and a copy of this policy will be available on request as well being posted on the school website.

### **3. Dealing with complaints**

a) At each stage, the person investigating the complaint will ensure that they:

- Clarify the nature of the complaint and unresolved issues
- 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
- Keep appropriate notes of any interview(s) held.

b) At each stage, the person investigating the complaint will seek ways to resolve the complaint satisfactorily. It may be appropriate to offer one or more of the following:

- An acknowledgement that the complaint is valid in whole or in part and/or acknowledgement that the situation could have been handled differently or better (this is not the same as an admission of negligence)
- An apology
- An explanation
- An assurance and an explanation of the steps that have been taken to ensure that it will not happen again
- An undertaking to review school or Trust procedures in light of the complaint.

#### **4. Records**

All complaints will be recorded by the school, including informal complaints. The Headteacher is responsible for ensuring that staff record all complaints and their outcome.

- Records relating to individual complaints are confidential, except where the secretary of state or a statutory body conducting an inspection requests access to them.
- The LGB will monitor the level and the subject matter of complaints and review the outcomes on a regular basis through the mechanism of performance and data reporting.

#### **Rowan Learning Trust Academies (RLT)**

The officer with responsibility for ensuring that this policy is implemented in RLT academies is the Chief Executive Officer. Complainants should be aware that Headteachers may refer complaints received to the Chief Executive Officer because they consider the matter is one of such a nature that it should be investigated independently of the school. Likewise, complaints may be retrieved and dealt with by the RLT for the same reason. Where a complaint is made direct to the RLT, it will be logged by the Chief Executive Officer and forwarded to the school unless it is retrieved as stated above.

#### **5. Complaints procedure**

This policy applies to all employees of the Trust (permanent, fixed term and casual).

## **Dealing with Complaints – Initial Concerns**

It is important to be clear about the difference between a concern and a complaint. Taking informal concerns seriously at the earliest stage will reduce the numbers that develop into formal complaints.

The policy which follows deals with complaints but the underlying principle is that concerns ought to be handled, if at all possible, without the need for formal procedures. The requirement to have a complaints procedure need not in any way undermine efforts to resolve the concern informally. In most cases the class teacher or the individual delivering the service in the case of extended school provision, will receive the first approach. It would be helpful if staff were able to resolve issues on the spot, including apologising where appropriate.

## **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.

## **Framework of Principles**

Our Complaints Procedure:

- encourages resolution of problems by informal means wherever possible;
- is easily accessible and publicised;
- is simple to understand and use;
- is impartial;
- is non-adversarial;
- allows swift handling within agreed time-limits for action and keeping people informed of progress;
- ensures a full and fair investigation;
- respect people's desire for confidentiality;
- addresses all the points at issue and provide an effective response and appropriate redress, where necessary;
- provides information to the school's senior management team so that services can be improved.

## **Investigating Complaints**

At each stage, the person investigating the complaint makes sure that they:

- establish what has happened so far, and who has been involved;

- clarifies the nature of the complaint and what remains unresolved;
- meets with the complainant or contacts them (if unsure or further information is necessary);
- clarifies what the complainant feels would put things right;
- interviews those involved in the matter and/or those complained of, allowing them to be accompanied if they wish;
- conducts the interview with an open mind and is prepared to persist in the questioning;
- keeps notes of the interview.

### **Resolving Complaints**

At each stage in the procedure the school will 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 would be useful if complainants were 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.

### **Vexatious Complaints**

This procedure should 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 LGB or CEO is able under this policy 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 using time limits published in this policy. 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 School will publicise the complaints policy and procedure in:

- the information given to new parents when their children join the school;
- the school website.

## **Kirkby High School Complaints Procedure**

### **Stage One: Complaint Heard by Staff Member**

1. 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. To that end, staff will be periodically made aware of the procedures so that they know what to do when they receive a complaint.
2. Parents should never feel or be made to feel that a complaint made in a reasonable and appropriate way will be taken amiss or will reflect adversely on the student or his/her opportunities at the school. The school will try to investigate and try to resolve every complaint in a positive manner and will treat every complaint as an opportunity to improve our service.
3. The school will try to 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 matter will be referred to a deputy headteacher or headteacher who may, if they feel it appropriate, refer the complainant to another staff member. Alternatively, they may not feel this is necessary. Where the complaint concerns the Headteacher, the complainant can be referred to the Executive Headteacher or Chief Executive.
4. Similarly, if the member of staff directly involved feels too compromised to deal with a complaint, the deputy headteacher or headteacher 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.
5. Where the first approach is made to a governor, the next step would be to refer the complainant to the appropriate line manager. Governors should not act unilaterally on an individual complaint outside the formal procedure or be involved at the early stages in case because they may be needed to sit on a panel at a later stage of the procedure.
6. The Line Manager will ensure that a written or oral acknowledgement is provided to the complainant within 5 working days of receiving a complaint. The acknowledgement will give a target date for providing a response to the complaint which should normally be within 10 working days. If the target cannot be met a written or oral response will be provided within 10 working days explaining the reason for the delay and providing a revised target date.

7. The Line Manager will seek to meet or speak with all of the appropriate people in order to establish the facts relating to the complaint, if the information given on the complaints form necessitates this. This may include the complainant, staff and any other person.

8. Once all of the facts have been established the Line Manager will then produce a written response to the complainant, or may wish to meet the complainant to discuss/resolve the matter directly.

9. A written response should contain an outline of the complaint and a summary of the response to the complaint including the decision reached and the reasons for it. Where appropriate this should also include what response the school will take to resolve the complaint. This may be by way of a general description e.g. Action taken within the Disciplinary Procedure.

10. When the investigation has been concluded the complainant and the member of staff concerned will be informed in writing of the outcome. This may be to the effect that:

- There is insufficient evidence to reach a conclusion, so the complaint cannot be upheld
- The concern was not substantiated by the evidence
- The concern was substantiated in part or in full. Some details may then be given of the action the school may be taking to review procedures etc. but details of the investigation or of any disciplinary procedures will not be released.
- The matter has been fully investigated and that appropriate procedures are being followed which may be strictly confidential (e.g. where staff disciplinary procedures are being followed).

11. This letter or report must be endorsed by the Headteacher. It should also inform the complainant that should he/she wish the complaint to progress to the second stage of this procedure then he/she should send a written request stating this to the Headteacher within 10 working days of receiving the response.

12. If no further communication is received from the complainant within 10 working days it is deemed that the complaint has been resolved and should end.

### **Stage Two: Complaint Heard by Headteacher**

13. If the complainant is dissatisfied with the way the complaint was handled at stage one they may go to Stage 2 and have the Headteacher hear the complaint. The Headteacher may delegate the task of collating the information to another staff member but not the decision on the action to be taken. If the complaint is about the Headteacher then at Stage 2 the complaint will be heard by either the Chief Executive or the Chair of the LGB.

14. The same timings and process as in Stage 1 will apply.

### **Stage Three: Complaint Heard by Local Governing Body Complaints Appeal Panel**

15. The complainant needs to write to the Clerk to the LGB as directed by the Headteacher giving details of the complaint.

16. The Clerk should write to the complainant acknowledging receipt of the written request for the complaint to be heard. This acknowledgement must be sent within 5 working days and should inform the complainant of the arrangements for hearing the complaint within 20 working days of receiving it. The letter should explain that the complainant has the right to submit any further documents relevant to the complaint. These must be received within 5 working days of the date of the hearing to allow adequate time for the documents to be circulated.

17. No person involved should have previous involvement in the complaint.

18. The Local Governing Body appeal hearing is the last school-based stage of the complaints process.

19. Individual complaints would not be heard by the whole Governing Body at any stage, as this could compromise the impartiality of any hearing set up for disciplinary purposes against a member of staff following a serious complaint.

20. The LGB may nominate a number of members with delegated powers to hear complaints at that stage.

21. The Chair of the LGB will typically chair the Complaints Panel, but in their absence the panel will choose their own Chair. The panel will consist of three Governors and at least one other member who will be independent of the management and running of the school.

22. If the complaint is about the Headteacher/Executive Headteacher a hearing by the CEO or Chair of the LGB becomes Stage Two. If the complainant is unhappy he/she needs to write to the Clerk to the Trust Board whereupon a panel of three governors and least one other member who will be independent of the management and running of the school (not previously involved) will hear the complaint. Their decision will be final.

## **The Remit of the Complaints Appeal Panel**

23. 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.

24. The school will write and inform the complainant and any witnesses, the panel etc. of the date and location of the meeting 5 working days in advance. The notification to the complainant should also inform him/her of the right to be accompanied to the meeting by a friend (who can not be a legal representative). The letter should explain how the meeting will be conducted and the complainant's right to submit further written evidence to the panel. The Headteacher has the right to bring representation if so desired.

25. Intervention of parallel investigations relevant to the complaint by the Police or social services may cause variation to these time scales. Any such variation will be notified to the complainant.

## **Hearing the Complaint at the Meeting**

The aim of the meeting will be to resolve the complaint and achieve reconciliation between the school and the complainant.

In the interest of natural justice, the introduction of previously undisclosed evidence or witnesses would be a reason to adjourn the meeting so that the other side has time to consider and respond to the new evidence.

The recommended conduct of the meeting is as follows:

- a) The Chairperson of the panel will welcome the complainant, introduce the panel members and explain the procedure.
- b) The Chairperson of the panel will invite the complainant to explain the complaint.
- c) The Committee members may question the complainant about the complaint and the reasons why it has been made.
- d) The headteacher will be invited by the Chair of the panel to question the complainant about the complaint and why it has been made.
- e) The Chair of the panel will invite the headteacher to make a statement in response to the complaint. The headteacher may invite members of staff directly involved in the complaint to supplement his/her response.

- f) The Committee members may question the headteacher and/or members of staff about the response to the complaint.
- g) The Chair of the panel will invite the complainant to question the headteacher and/or members of staff about the response to the complaint.
- h) Any party has the right to call witnesses, subject to the approval of the Chair of the Committee. Students may not appear as witnesses, but they may provide statements and witnesses are only required to attend for the part of the hearing in which they give their evidence.
- i) The Committee, the headteacher and the complainant have the right to question any such witness.
- j) The headteacher will be invited by the Chair of the panel to make a final statement.
- k) The complainant will be invited by the Chair of the panel to make a final statement.
- l) The Chair of the panel will explain to the complainant and the headteacher that the decision of the panel will now be considered and a written decision will be sent to both parties within 15 working days. The Chair of the panel will then ask all parties to leave except for members of the Committee.
- m) The Committee will then consider the complaint and all the evidence presented and;
- n) Reach a decision on the complaint and the reasons for it.
- o) Decide upon the appropriate action to be taken to resolve the complaint.

If the complainant remains unsatisfied, they may then take their complaint to the Education Funding Agency (EFA).

**Complaint Form**

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

Your name:
Student's name:
Your relationship to the Student:
Address:  Postcode:  Daytime telephone number: Evening telephone number:
Please give details of your complaint:
What action, if any, have you already taken to 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:

## Complaints Procedure Flowchart

