



# **KENILWORTH SCHOOL & SIXTH FORM COMPLAINTS POLICY**

## **DECEMBER 2017**

### **POLICY DETAILS**

Date of policy: December 2017

Date of review: December 2018

Member of staff responsible for overseeing that this policy is implemented and regularly reviewed:

Hayden Abbott - Headteacher

# **Dealing with Complaints Policy and Guidance**

## **Kenilworth School and Sixth Form**

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# Kenilworth School and Sixth Form Dealing with Complaints Procedure

*(Adopted from Department of Education Guidelines)*

The Governors of Kenilworth School and Sixth Form have adopted the following policy on dealing with formal complaints from members of the school community or general public.

*Information for Parents:*

*Sharing your concerns about your child's education can be read in Appendix 2*

## **1. The difference between a concern and a complaint.**

A 'concern' may be defined as '*an expression of worry or doubt over an issue considered to be important for which reassurances are sought*'. A complaint may be generally defined as '*an expression of dissatisfaction however made, about actions taken or a lack of action*'.

It is in everyone's interest that complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to invoke formal procedures. The School will take informal concerns seriously and make every effort to resolve the matter as quickly as possible.

There are occasions when complainants would like to raise their concerns formally. In those cases, the school's formal procedure should be invoked through the stages outlined within this procedure<sup>1</sup>.

## **2. Principles informing our Complaints Procedure**

This procedure is designed to:

- be well publicised and easily accessible
- be simple to understand and use
- be impartial
- be non-adversarial
- allow prompt handling with established time limits for action and keeping people informed of the progress
- allow a mediation process if agreed by the complainant
- allow for a hearing by a Panel of Governors, where appropriate
- respect people's desire for confidentiality, wherever possible
- address all points of issue
- provide an effective response and appropriate redress where necessary
- provide information to the school's Senior Leadership Team so that services can be improved

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<sup>1</sup> Department of Education Best Practice Advice for School Complaints Procedures 2016

### **3. Dealing with concerns at the earliest opportunity**

#### **3.1 This is the informal stage in the complaint's procedure**

When parents, pupils or members of the public have concerns they should: discuss their concerns with the member of staff most directly involved and, if not satisfied discuss their concerns with a senior member of staff.

We expect the majority of concerns will be resolved in this way (and not recorded as a formal complaint). However, if not, the following formal procedure will be followed.

#### **3.2 Stage one of the formal process.**

Discuss their concerns with the Head teacher.

At each stage in the procedure, schools will be mindful of ways in which a concern or complaint can be resolved. It might be sufficient to acknowledge that the concern or 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 steps will be taken to ensure the event 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 should be encouraged to state what actions they consider will 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. Equally, an effective procedure will identify areas of agreement between the parties. It is important to clarify any misunderstandings which might have arisen as this can create a positive atmosphere in which to discuss any outstanding issues.

**Only where all these avenues have been tried and found unsatisfactory should the complainant take a complaint to the Chair of Governors.**

If the Head teacher considers s/he can do no more to resolve the complaint it should be stated explicitly that the complainant can write to the Chair of Governors if not satisfied. Complainants should be encouraged to take this step.

## 4. Making a Complaint to the Governing Board

### This is the second formal stage

- 4.1 Where informal attempts have been unsuccessful in resolving a complaint, the complainant should write to the Chair of Governors at the school address. The envelope should be marked 'FOR IMMEDIATE ATTENTION "PRIVATE AND CONFIDENTIAL"' and staff in the school office must ensure that the letter is forwarded without delay.
- 4.2 The complainant will be asked to complete a complaint form (appendix 1) if they have not already done so\*\*. The Chair of Governors or Clerk will offer to help an individual to complete the form if appropriate. \*\* *If the complainant has provided a detailed written letter explaining the issues surrounding their complaint the Chair may make the decision to accept this instead of asking for a complaint form to be completed and the information duplicated.*
- 4.3 On receipt of the complaint form, the Chair of Governors (or other nominated Governor) will:
- clarify the nature of the complaint and what remains unresolved
  - meet with the complainant or contact them
  - clarify what the complainant considers would resolve the matter
- 4.4 The Chair of Governors will decide whether the complaint should be referred to the Governors' Complaints Panel or whether a mediation stage should be offered.

Mediation can only proceed if the Complainant and the Head teacher are willing to undertake this course of action. Should mediation be unsuccessful, the complaint will be considered by the Governors' Complaints Panel.

### 4.5 Mediation

Mediation can be an effective means by which to resolve a complaint:

- It gives both the complainant and the Head teacher a further opportunity to hear each other's points of view (with a third party facilitating).
- It gives the third party an opportunity to help the Head teacher and Complainant identify and build on areas of agreement.
- It gives the Head teacher and the Complainant a structure within which to resolve remaining differences.
- As and when the complainant and the Head teacher emerge from the mediation satisfied, this is the best foundation for a continuing positive relationship.

- Should the complaint continue and be referred to a Governors' Panel, the issues to be considered are likely to be clearer following mediation.

4.6 Mediation may elicit one or more of the responses listed below from either party:

- an acknowledgement that the complaint is valid in whole or in part
- an apology
- an explanation
- an admission that the situation could have been managed differently or better
- an assurance that the event will not recur
- an explanation of the steps which have been taken to ensure that it will not happen again
- an undertaking to review school policies in light of the complaint

*Appendix 3 outlines Mediation Facilitator Options.*

## 5. Governors' Complaints Panel

**This is the third formal stage**

5.1 Where the complainant remains not satisfied that their complaint has been dealt with fully and properly, they may choose to take it to a Panel of Governors.

5.2 Establishing a Complaints Panel

It is best practice for a Governing Board to agree the composition of the Complaint Appeals Panel at the first meeting of the Governing Board each year.

5.3 As Governors may not be available at all times during school times Governing Boards are advised to agree the names of 4 or 5 possible Governors from whom a Panel of three may be drawn.

The decision about the membership of a particular Panel will depend on factors such as availability, whether any Governors have prior knowledge, and any vested interest. The decision as to the composition of the Panel will be made by the Chair of Governors.

5.4 When the Clerk of Governors receives a copy of the complaint form s/he will inform the Chair of the Governing Board that a complaint has been received and that it has been passed to the Panel to deal with. **No further information about the complaint should be shared with other Governors.**

Both parties should be invited to submit relevant documentation in time to be circulated seven days before any hearing or formal consideration by the Complaints Panel.

5.5 There are several points which any Governor sitting on a Complaints Panel needs to remember:

- It is important that the appeal hearing is independent, transparent and impartial.
- 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.
- The Panel Chair will ensure that the proceedings are welcoming and as informal as possible. The layout of the room will set the tone and care is needed to ensure the setting is not intimidating and not adversarial.

5.6 Remit of the panel – the Complaints 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 problems of a similar nature do not recur.

5.7 It may:

- Consider and criticise the way in which an operational decision was communicated – **but cannot overturn the decision itself.**
- Consider the thoroughness with which the Head teacher investigated a complaint about a member of staff – **but cannot expect the Head teacher to provide details about confidential discussions with the staff member.**
- Consider the manner in which a complaint about any decision was addressed.
- Consider and identify limitations in a policy or procedures – but cannot make or improve policy. It can, however, recommend that the policy be reviewed by the Governing Board.
- Consider whether it should recommend that the Governing Board offer appropriate redress.

5.8 Format of a Panel Hearing

- The Complainant (and friend) and Head teacher (and representative) will enter the room where the hearing is taking place together.

- The chair will introduce the panel members and the clerk and outline the process.
- The complainant is invited to explain the complaint.
- The Head teacher may question the complainant.
- The panel will question the complainant.
- The Head teacher is then invited to explain the school's actions.
- The complainant may question the Head teacher.
- The panel will question the Head teacher.
- The complainant is then invited to sum up their complaint.
- The Head teacher is then invited to sum up the school's actions and response to the complaint.
- The chair explains that both parties will hear from the panel within three working days.
- Both parties leave together while the panel decides on the issues.
- The clerk will remain with the panel to clarify any issues.

5.9 The hearing should be made as unthreatening as possible to all parties.

The panel may ask questions at any point. Panel members must find ways to ask probing questions while maintaining impartiality.

The Head teacher must have no contact with members of the governors' complaints panel except when the complainant is present to preserve the principle of neutrality. This means that Head teacher and complainant enter and leave the room where the hearing is held together.

The chair of the panel should discourage the introduction of fresh documentary evidence at the hearing — there should be every encouragement to produce the evidence in advance so that both sides have time to study it.

However, if new and relevant evidence is accepted by the chair, the chair will adjourn the hearing for a few minutes to allow everyone to read the document. Both parties must leave the hearing room during the adjournment.

5.10 Some notes on exceptional circumstances

For the sake of clarity, the description above does not cover exceptional circumstances which might include:



The chair of governors may not be able to find three governors who have no prior knowledge of the case

If a case has become a major talking point around the community, the chair can nominate three governors with minimal prior knowledge

If there are still insufficient governors able to sit on a panel, the Governing Board in consultation with the Local Authority will put in place an alternative fair process.

A complaint to the governors' complaints panel will never be against a junior member of staff (it may be against the way the Head teacher handled a complaint against a junior member of staff) but it is conceivable that a senior manager will appropriately stand in for the Head teacher. That would need to be considered very carefully but if agreed the senior manager would be 'the Head teacher' for the purpose of the panel.

There may be exceptional circumstances in which the complaint is against the chair of governors — e.g. for refusing to deal with a complaint. In those circumstances the procedure above would be adapted and every reference to 'Head teacher' would be read as 'chair of governors'.

If both the head teacher / governing board and the parent / guardian agree then any stage in this complaints procedure may be bypassed when it is deemed appropriate.

#### 5.11 Outcome of the hearing

Following the end of the hearing the Clerk will ensure that the Panel's decision regarding each of the issues is clearly communicated to all parties in a letter. This will be sent within 5 working days of the end of the hearing. The letter will set out the reasons for the decision(s) made by the Panel.

The Clerk will ensure that the letter adheres to the facts and demonstrates impartiality.

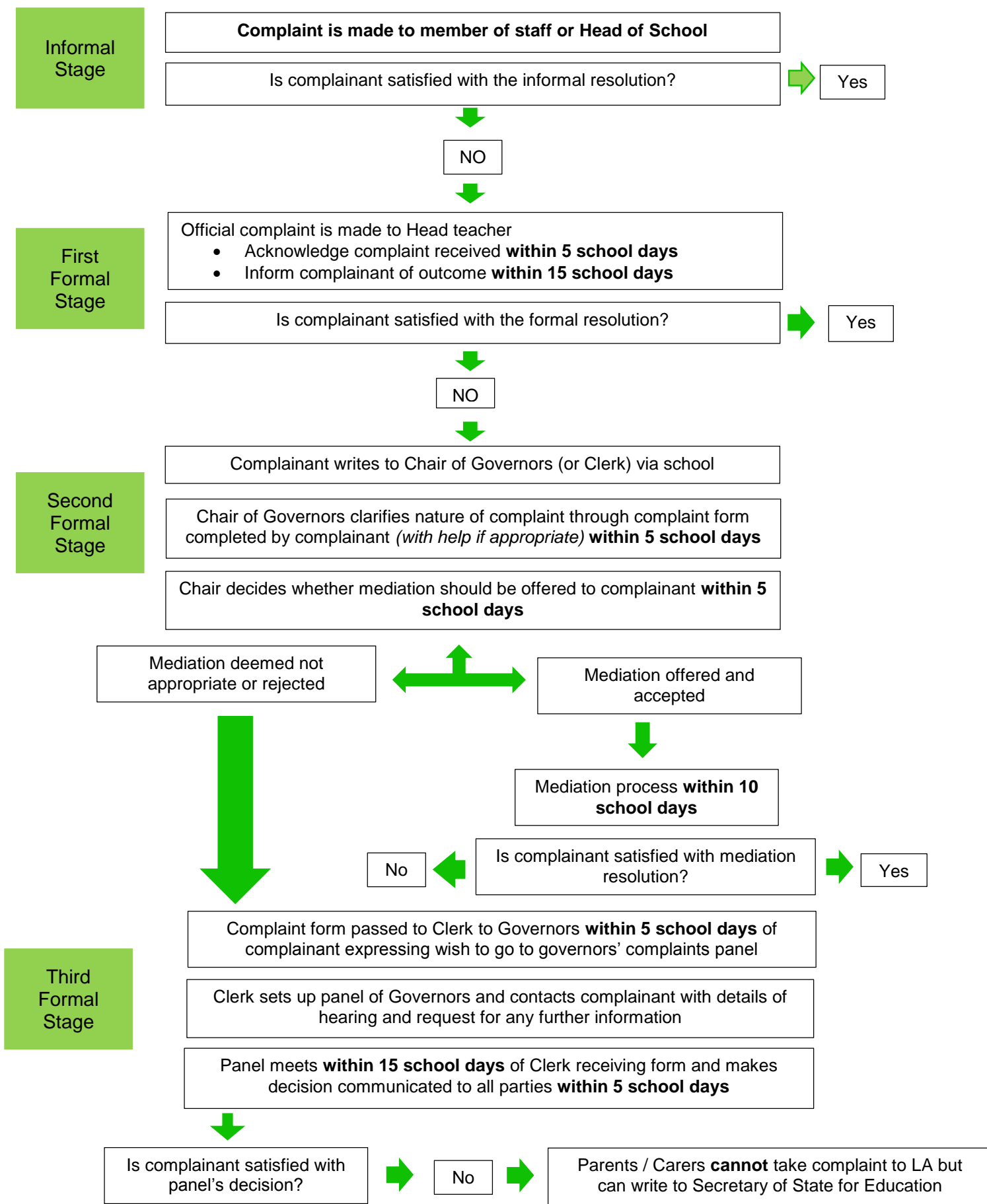
## **6 Monitoring Complaints**

As well as addressing an individual's complaint, the process of listening to and resolving complaints would contribute to school improvement. When individual complaints are heard, schools may identify issues that need to be addressed.

The monitoring and review of complaints by the School and Governing Board can be useful in evaluating the school's performance. Any discussion of complaints by the Governing Board or others in the school community should not name or be able to identify individuals.

The flowchart on the next page summarises the complaints process.

## Complaints Process from Start to Finish



## **Appendix 1: Complaint Form**

The Complaint Form must be used by any person making a complaint about the operation of the school which is not covered by an alternative specific procedure. Complaints will most often come from parents or carers but may also come from pupils / students or members of the public, e.g. school neighbours.

Anyone receiving this form should be advised verbally that help in completing it is available from the school. A member of school staff who is familiar with the process should be nominated to give help.



## Kenilworth School and Sixth Form

### Complaint Form

*(Please complete and return to Head teacher who will acknowledge receipt and explain what action will be taken).*

Your Name: .....

Address: .....

.....

Postcode: .....

Daytime telephone number: .....

Evening telephone number: .....

If applicable, name of child(ren) at school: .....

.....

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?)

.....

.....

Your relationship to the school, e.g. parent, carer, neighbour, member of the public:

.....

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 of acknowledgement sent: .....

By whom: .....

Complaint referred to: .....

Date of referral: .....

## **Appendix 2:           Sharing your concerns about your child's education**

### **School Logo**

### **Kenilworth School and Sixth Form**

### **A Parents' Guide**

Kenilworth School and Sixth Form recognises that at times things can go wrong. The guidance will help you understand how to resolve concerns you may have about your child's education.

The school has procedures for dealing with concerns or complaints and we value any feedback about our services, including compliments and suggestions. If you are concerned about any aspect of your child's education you should contact The Head teacher at the school.

The School's Governing Board has overall responsibility for the school and for ensuring the well-being of pupils and that all pupils receive an appropriate and high standard of education.

The Head teacher is responsible for making decisions on a daily basis about the school's internal management and organisation. You should contact the school if you are concerned about an issue such as:

- your child's academic progress
- special education needs provision
- your child's welfare
- bullying
- an incident involving your child which has happened in school

### **How do I complain to the school?**

First, we hope you will speak to the relevant member of staff as soon as you have a concern. This will be the class teacher (primary). This will be the form tutor, subject teacher, or head of year (secondary). This informal approach is nearly always the quickest and most effective way of resolving your concerns.

Should you consider that your concern has not been resolved, it is important to speak to or write to the Head teacher who will look into your concern.

Should you remain unhappy with the Head teacher's response you need to write with your complaint to the Chair of Governors/Clerk to the Governing Board at the school address.

Mark your envelope **'FOR IMMEDIATE ATTENTION'** and **'PRIVATE AND CONFIDENTIAL'**.

## **This is how your complaint will be handled:**

**Within 5 working days** the Chair of Governors will clarify the nature of your complaint by asking you to submit this in writing

**Within 5 working days of receiving the form** the Chair will decide whether mediation should be offered to help you and the Head teacher explore possible resolution. If mediation is agreed, the Chair of Governors will endeavour to set up the meeting **within 10 working days**. Should that timescale not be possible you will be told the reason.

Should mediation be not deemed appropriate or unsuccessful, the Chair of Governors or Clerk will set up a panel of Governors to meet **within 15 working days** to consider your complaint. The Clerk will provide details of the hearing and will request any further information you may wish to provide.

The Complaints Panel will consist of three Governors who (as far as possible) will have no prior knowledge of the events. The Panel will be supported by a Clerk who will take notes during the hearing and will stay with the Panel while they make their decision in case Governors need to be reminded about responses to a particular question. The Panel will hear the complaint impartially and make their decision.

**Five working days** before the hearing the Clerk will send to you, the complainant, the Head teacher and the three Panel members, copies of all papers submitted by both sides so that there is sufficient time to read the evidence before the hearing.

### **At the hearing**

1. You and the Head teacher will be invited into the room where the panel is being held at the same time.

After introductions, you, the complainant will be invited to explain your complaint,

2. The Head teacher may question you
3. The panel will question you
4. The Head teacher will be invited to explain the school's actions
5. You, the complainant may question the Head teacher
6. The panel will question the Head teacher
7. The panel may ask questions at any point.
8. You, the complainant will then be invited to sum up your complaint.
9. The Head teacher will then be invited to sum up the school's actions and response to the complaint.

10. The chair will explain that you and the Head teacher will hear from the panel within **five working days**.
11. Both you and the Head teacher will leave together while the panel decides on the issues.
12. The clerk will remain with the panel.

### **Can I take my complaint further?**

For most complaints, you **cannot** take your complaint to the Local Authority. The Local Authority cannot investigate school matters on a parent's behalf, nor can it review how the school has dealt with your complaint.

However, if you feel that the school has acted unreasonably or not followed the correct procedure, you can write to the Secretary of State for Education:  
<http://www.education.gov.uk/help/contactus/dfes>



### **Appendix 3: The Benefits of Mediation**

Mediation can be an effective way to resolve a complaint:

- It gives both complainant and Head teacher another opportunity to hear each other's points of view (with a third party facilitating).
- It gives the third party an opportunity to help Head teacher and complainant explore and build on areas of agreement.
- It gives Head teacher and complainant a structure within which they can resolve remaining differences.
- If both complainant and Head teacher emerge from the mediation satisfied, that is the best foundation for a continuing positive relationship between them.
- Even if the complaint continues to a Governors' Panel, the issues to be considered should be much clearer.

Mediation may elicit one or more of the responses listed below from either party:

- an acknowledgement that the complaint is valid in whole or in part.
- 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 it will not happen again;
- an undertaking to review school policies in light of the complaint.

Recourse to mediation must be with the agreement of both parties and is intended to help arrive at a mutually agreeable solution – it is not possible to impose this on either party. Nor does it prevent a complainant having recourse to formal appeals procedures as detailed in paragraphs 6, 7 and 8.

#### **In - house mediation**

Many Chairs of Governors and other Governors already have the skills – or can acquire the skills – to conduct a mediation process between their Head teacher and a complainant. The skills and attributes include:

- ability to listen impartially to both sides
- ability to control a dialogue so that both sides listen to each other
- ability to summarise the arguments and focus the dialogue
- ability to identify areas of agreement that might form a basis for resolving one or more of the issues relating to the complaint
- understanding that solutions cannot be imposed and that both parties need to be satisfied with whatever is resolved
- understanding that mediation does not always work and there is a further step available to complainants
-

## **If the Governing Board requires outside help**

Governor Services offers a chargeable mediation service where a trained Clerk, Governor or Adviser acts as a mediator.

The mediation 'package' consists of the following elements:

- Familiarisation with the background and nature of the complaint (including the reading of supporting documentation and interviews with the complainant, staff and Governors as appropriate. These may be 'face to face' or by telephone);
- A mediation meeting between the complainant and a representative of the school;
- A written summary of the mediation meeting including, where appropriate, recommendations in relation to school policies, procedures and actions.

Mediation will be undertaken by a trained Clerk, Governor or Adviser not directly linked to the school in order to ensure complete impartiality.

This service can be accessed on a consultancy basis.

Where the process of familiarisation with the background to the complaint indicates that a half day of consultancy is likely to be inadequate, the school will be advised of this fact before proceeding further.

**To access the mediation service contact:**

**Governors Services on 01926 745120; email: [governors@warwickshire.gov.uk](mailto:governors@warwickshire.gov.uk)**

## Appendix 4: Complaints not in scope of the procedure

The complaints procedure should cover all complaints about any provision of facilities or services that a school provides with the **exceptions** listed below, for which there are separate (statutory) procedures.

Exceptions	Who to contact
<p>Admissions to schools</p> <p>Statutory assessments of Special Educational Needs (SEN)</p> <p>School re-organisation proposals</p> <p>Matters likely to require a Child Protection Investigation</p>	<p>Concerns should be raised direct with local authorities (LA).</p> <p>For <a href="#">school admissions</a>, it will depend on who is the admission authority (either the school or the LA).</p> <p>Complaints about admission appeals for maintained schools are dealt with by the Local Government Ombudsman.</p>
<p>Exclusion of children from school</p>	<p>Further information about raising concerns about exclusion can be found at: <a href="http://www.gov.uk/school-discipline-exclusions/exclusions">www.gov.uk/school-discipline-exclusions/exclusions</a>.</p>
<p>Whistleblowing</p>	<p>Schools have an internal whistleblowing procedure for their employees and voluntary staff. Other concerns can be raised direct with Ofsted by telephone on: 0300 123 3155, via email at: <a href="mailto:whistleblowing@ofsted.gov.uk">whistleblowing@ofsted.gov.uk</a> or by writing to:</p> <p>WBHL, Ofsted Piccadilly Gate Store Street Manchester M1 2WD.</p> <p>The Department for Education is also a prescribed body for whistleblowing in education.</p>
<p>Staff grievances and disciplinary procedures</p>	<p>These matters will invoke the school's internal grievance procedures. Complainants will not be informed of the outcome of any investigation.</p>
<p>Complaints about services provided by other providers who may use school premises or facilities.</p>	<p>Providers should have their own complaints procedure to deal with complaints about service. They should be contacted direct.</p>

## **Appendix 5: The Role of the DfE School Complaints Unit**

If a complaint has completed the local procedures and the complainant remains dissatisfied, they have the right to refer their complaint to the Secretary of State for Education. The Secretary of State has a duty to consider all complaints raised but will only intervene where the governing body has acted unlawfully or unreasonably and where it is expedient or practical to do so.

The School Complaints Unit (SCU) considers complaints relating to local authority maintained schools in England on behalf of the Secretary of State. The SCU will look at whether the complaints policy and any other relevant statutory policies were adhered to. The SCU also looks at whether statutory policies adhere to education legislation. However, the SCU will not normally re-investigate the substance of the complaint. This remains the responsibility of schools.

The SCU will not overturn a school's decision about a complaint except in exceptional circumstances where it is clear the school has acted unlawfully or unreasonably. If the SCU finds that the school has not handled a complaint in accordance with its procedure, we may request that the complaint is looked at again.

If legislative or policy breaches are found, the SCU will report them to the school and the complainant, and where necessary, ask for corrective action to be taken. The SCU normally also seeks written assurances as to future conduct. Failure to carry out remedial actions or provide written assurances could ultimately result in a formal Direction being issued by the Secretary of State in accordance with her powers under sections 496 and 497 of the Education Act 1996.

Schools may wish to contact the SCU for advice on whether they have acted reasonably; for example: in closing down a complaint from a serial complainant before the local procedure has been completed. However, the SCU will not be able to advise on how to resolve the complaint.

Further information can be obtained from the SCU by calling the National Helpline on 0370 000 2288 or going online at: [www.education.gov.uk/help/contactus](http://www.education.gov.uk/help/contactus) or by writing to:

Department for Education  
School Complaints Unit  
2nd Floor, Piccadilly Gate  
Store Street  
Manchester  
M1 2WD