

OUSEDALE SCHOOL

COMPLAINTS POLICY AND PROCEDURE

1.0 Purpose

- 1.1 We want all students and their families to be happy with the education we offer and the policies and procedures we follow. Most queries or concerns can be resolved satisfactorily through discussion or by providing clarification or further information. Parents or carers share day to day concerns about particular aspects of school life through informal conversations with staff. However, when a more serious concern is raised, the school has adopted a procedure that explains how to complain and what to expect in response.
- 1.2 The purpose of this procedure is to ensure, for all parties, a fair and consistent approach to dealing with complaints.

2.0 Scope

- 2.1 Separate arrangements apply in relation to safeguarding, student admissions and exclusions. If a complaint is made about statutory provision in relation to special educational needs, you should contact Milton Keynes Council if you are not satisfied with the school's response.
- 2.2 The Complaints Procedure provides a supportive framework for dealing with all matters relating to the conduct and actions of staff and the application of school procedures as they affect individual students. Some complaints may be outside the remit of this policy and will be dealt with through the grievance or disciplinary policies
- 2.3 The procedure may be used by a parent, carer, local resident or any person within the community who has a genuine interest in the school. An anonymous complaint will not be investigated under the procedure unless there are exceptional circumstances.
- 2.4 All complaints will be investigated by an appropriate person; this may be a teacher, a senior member of staff, the Headteacher or an appropriate governing body committee depending on the nature of the complaint. Complaints sent direct to the Governing Body Chair will be passed to an appropriate member of staff or committee to deal with in the first instance. All parties will try to resolve complaints informally. If this does not resolve the complaint the complainant should write to the Chair of the Governing Body who will seek to resolve it formally. The final course of action is for a Governing Body appeal panel to hear the complaint.

2.5 As part of any investigation, all relevant parties will be given an opportunity to comment.

3.0 Principles

3.1 We will do our best to ensure:

- informal resolution of the complaint wherever possible;
- it is dealt with fairly; nobody will be victimised, staff or the complainant, as a result of a complaint being made;
- there is a timescale which is kept to;
- it is dealt with efficiently and helpfully.

4.0 Timescales

4.1 Complaints should be raised as soon as possible. Any complaint raised more than one month after the incident has occurred will not be considered, unless there are exceptional circumstances.

4.2 The designated timescales apply during term time and additional time will be required over school holiday periods.

4.3 Where the Headteacher or Chair of Governors is unable to comply with the timescales for reasons beyond their control, such as the complexity of the complaint or the availability of witnesses, either will inform the complainant, within seven working days of receipt of the complaint, when the outcome will be communicated.

5.0 Procedure

5.1 Complaint relating to a member of staff, other than the Headteacher

5.1.1 Stage 1 - Informal Stage

Many areas of concern can be dealt with quickly and harmoniously through discussion. Any concerns or complaints should be referred initially to the member of staff concerned and this may be by letter, by email, by telephone or in person by an appointment made at a mutually convenient time.

5.1.2 The person dealing with the matter will make every effort to resolve it and bring about a speedy resolution that is satisfactory to all parties. In the case of more serious concerns, it may be appropriate to discuss these with a senior member of staff or directly with the Headteacher, who will normally be able to resolve the matter and take any necessary actions to put matters right.

5.1.3 At Stage 1, the member of staff will respond to the complainant within seven working days of receipt of the complaint.

5.1.4 **Stage 2 - Formal Stage**

If the complaint is not resolved at the informal stage, the complainant must write to the Headteacher within fourteen working days of receiving the outcome of the Stage 1 complaint. The Headteacher will provide a copy of the complaint to an appropriate member of staff to investigate it. Complainants will be asked to complete a Complaint Form and suggest a preferred resolution to their concerns. This form is attached as Appendix 1. Members of staff will be advised to record their recollection of the event for future reference.

5.1.5 The complainant, and staff member, should include details that might assist the investigation, such as names of potential witnesses, dates and times of events, and copies of relevant documents. In addition, the Headteacher may meet with the complainant, who may be accompanied by a friend, to clarify the complaint.

5.1.6 The Headteacher will be responsible for collecting such other evidence, as deemed necessary. Where this involves an interview with a member of staff, who is the subject of the complaint, the employee may be accompanied by a work colleague or trade union representative. In addition to receiving a copy of the complaint, the member of staff will be provided with any additional evidence presented by the complainant or collected by the Headteacher.

5.1.7 The investigation will be undertaken as soon as possible and will be completed within fourteen working days of receipt of the formal complaint. The Headteacher will inform the complainant and the member of staff concerned, in writing, of the outcome. This may be to the effect that:

- the concern is not substantiated by the evidence;
- the concern is substantiated in part or in full and an explanation and/or an apology given. Some details may then be given of action the Headteacher and governing body may be taking to put matters right or an assurance, where appropriate, that the same thing will not happen again. However, details of the investigation or of any disciplinary procedures will not be released;
- there is insufficient evidence to reach a conclusion, so the complaint cannot be upheld.

5.1.8 The Headteacher will confirm that consideration of the complaint is now concluded.

5.1.9 If the complainant is not satisfied that the procedure has been followed correctly, the complainant may request that the governing body reviews the Headteacher's handling of the complaint. Any such request must be made in writing within fourteen working days of receiving notice of the outcome from the Headteacher, and should include a statement specifying clearly any perceived failures. The procedure described in 5.2.2 will be followed.

5.2 Complaint relating to the Headteacher

5.2.1 Stage 1 - Informal stage

Most areas of concern can be dealt with quickly and harmoniously through discussion. Any concerns or complaints should be referred initially to the Headteacher and this may be by letter, by email, by telephone or in person by an appointment made at a mutually convenient time.

5.2.2 The Headteacher will make every effort to resolve the issue and bring about a speedy resolution that is satisfactory to both parties.

5.2.3 Many concerns can be resolved by simple clarification or by providing further information and it is anticipated that most complaints will be resolved by this informal stage. The matter may be resolved by involving the Chair of Governors.

At Stage 1, the Headteacher will respond to the complainant as soon as possible and within seven working days of receipt of the complaint.

5.2.4 Stage 2 - Formal Stage

If the complaint is not resolved at the informal stage, the complainant must write to the Chair of Governors within fourteen working days of receiving the outcome of the Stage 1 complaint. The chair of governors will provide a copy of the complaint to the Headteacher and will investigate the complaint. Complainants will be asked to complete a Complaint Form and suggest a preferred resolution to their concerns. The Headteacher will be advised to record their recollection of the events for future reference.

5.2.5 The complainant, and Headteacher, should include details that will assist the investigation, such as names of potential witnesses, dates and times of events, and copies of relevant documents. In addition, the Chair of Governors will invite the complainant to a meeting opportunity to present oral evidence or to clarify the complaint. The complainant may be accompanied by a friend. The Chair of Governors will provide a note taker for the meeting to record the details of the complaint and a copy of the notes will be provided to the complainant and the Headteacher.

5.2.6 The Chair of Governors will collect such other evidence as is deemed necessary. This may include the interviewing of witnesses and others who may provide relevant information.

5.2.7 In addition to receiving a copy of the complaint, the Headteacher will be provided with any additional evidence presented by the complainant or collected by the Chair of Governors. Once there has been an opportunity for the Headteacher to consider the evidence, a meeting will be held with the Chair of Governors, in order to present written and oral evidence in response. The Headteacher may be accompanied at this meeting by a work colleague or trade union representative.

5.2.8 The investigation will be undertaken as soon as possible and will be completed within twenty one calendar days of receipt of the formal complaint. The chair of governors will inform the complainant and the Headteacher in writing, of the outcome. This may be to the effect that:

- the concern is not substantiated by the evidence;
- the concern is substantiated in part or in full and an explanation and/or an apology given. Some details may then be given of action the Headteacher and governing body may be taking to put matters right or an assurance, where appropriate, that the same thing will not happen again. However, details of the investigation or any disciplinary procedures will not be released;
- there is insufficient evidence to reach a conclusion, so the complaint cannot be upheld;

5.2.9 The complainant will be told that consideration of his/her complaint by the Chair of Governors is now concluded.

5.2.10 If the complainant is not satisfied that the procedure has been followed correctly or that his/her complaint has been addressed appropriately, s/he may request that the governing body reviews the Chair of Governors' handling of the complaint. Any such request must be made in writing within fourteen calendar days of receiving notice of the outcome from the chair of governors, and should include a statement specifying clearly any perceived failures. The procedure described in 5.3 will be followed.

5.3 Review Process

5.3.1 A governing body appeal panel will undertake any review of the process undertaken by the Headteacher or the Chair of Governors if requested by the complainant.

5.3.2 The review will normally be conducted through a consideration of written submissions, but reasonable requests to make oral representations will be considered sympathetically.

5.3.3 The committee will invite the complainant and Headteacher/Chair of Governors to submit written evidence. The committee may also have access to the records kept by the Headteacher or Chair of Governors as appropriate of the details of the original complaint.

5.3.4 The committee will meet within twenty one working days of receipt of the request for the review to consider the evidence and decide:

- whether the complaint should be upheld or denied;
- the reasons for their decision;
- any action to be taken;
- any recommendation they wish to make to the Headteacher or Chair of Governors.

5.3.5 The chair of the committee will send a letter to the complainant and the Headteacher or Chair of Governors within five working days, notifying them of the outcome.

5.3.6 This may be to the effect that:

- the complaint is not substantiated by the evidence;
- the complaint is substantiated in part or in full but the procedural failure did not affect the outcome significantly and therefore the matter is now closed;
- the complaint is substantiated in part or in full and the governing body will take steps to rectify the situation (where this is practicable) or to prevent a recurrence;
- there is insufficient evidence to reach a conclusion, so the complaint cannot be upheld.

5.3.7 The committee itself does not have any power to take remedial action. If it reaches a conclusion that disciplinary action may be appropriate, it can only recommend such action to the appropriate person.

5.3.8 If the committee wishes to make a recommendation regarding a change to the school's policy or procedures, this will be referred to the governing body for consideration.

5.3.9 This effectively ends the complaints procedure. There is no appeal stage beyond the governing body, although the complainant may pursue the matter.

6.0 Vexatious complainants

6.1 There may be rare occasions when the complainant is deemed to be "vexatious". This could be because it is clear that the complainant has insufficient grounds for complaint and is seeking to annoy, or evidence has been fabricated or that a complaint has been investigated and is found not to be justified, but the complainant persistently engages in making further accusations relating to the same issues.

6.2 Any such case will be dealt with on an individual basis but the Headteacher and Chair of Governors reserve the right to close the complaint if the complainant is deemed to be "vexatious", and to determine that the matter is now concluded. It is vital that full notes of the reasons for this are made.

7.0 The Role of the Chair of the Panel

7.1 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.

7.2 Notification of the Panel's Decision

7.2.1 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 5 working days. The format for the panel hearing is contained in Appendix 2.

8.0 Where next?

8.1 If the complainant is not satisfied with the School's response at this stage he/she may complain to the The Education Funding Agency¹ (EFA). They will normally only consider a complaint about an Academy after the Academy's own complaints procedure has been exhausted. The EFA cannot review or overturn decisions about complaints made by Academies. They can only investigate whether the Academy considered the complaint appropriately. If the EFA finds that an Academy did not consider a complaint appropriately it can request the Academy to re-consider the complaint.

Complaints should be sent:

- By email to academyquestions@efa.education.gov.uk
- By post to Academies Central Unit (Academy Complaints), Education Funding Agency, Earlsdon Park, 53-55 Butts Road, Coventry, CV1 3BH

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APPENDIX 1: COMPLAINT FORM

Please complete and return to Headteacher's PA who will acknowledge receipt.

Your name:

Student's name:

Your relationship to the student:

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:

APPENDIX 2: 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.