



# Sandbach High School

and Sixth Form College

Our Academy, Our Future

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## **COMPLAINTS POLICY**

### **PURPOSE AND SCOPE OF THE POLICY**

#### **INTRODUCTION**

1. Please note that this document does not set out to produce an exhaustive set of procedures to meet all scenarios, which is probably impossible, but to provide advice and guidance which can be adopted or adapted in most circumstances.

2. We all make mistakes. When these occur people may receive a poorer service than they expect. Some people run away from complaints, are defensive, or do the legal minimum. The present document points a way to a more positive and proactive approach, however.

3. The guidance is intended as practical advice for the Headteacher, teachers and governors.

4. The Headteacher has responsibility for the operation and management of the school complaints procedure.

#### **DEFINITION OF 'COMPLAINT'**

1. It may not be possible to provide a definition of the actual meaning of 'complaint' which is to everyone's satisfaction.

2. For the purpose of the guidance, a complaint is an expression of serious dissatisfaction. This could be, for example, something which has happened or not happened, or it could be about the way a matter was dealt with. There may be a misunderstanding, or a difference of opinion, perhaps an argument. The complaint might relate to the way a decision has been taken, or how somebody has been treated.

3. Complaints should be distinguished from 'concerns; out of which they can develop if a matter gets more serious. Taking informal concerns seriously at the earliest stage will reduce the numbers that develop into formal complaints.

#### **COMPLAINTS COVERED BY THE GUIDELINES**

It is not possible to list all the kinds of complaints about a school which the guidelines cover. However, the following list will give something of an indication of the sort of issues that may be dealt with under them:

- |   |   |
|---|---|
| <input type="checkbox"/> lack of student progress                     | <input type="checkbox"/> disciplinary matters               |
| <input type="checkbox"/> policy                                       | <input type="checkbox"/> unfair treatment                   |
| <input type="checkbox"/> misunderstandings                            | <input type="checkbox"/> lack of information or explanation |
| <input type="checkbox"/> the conduct of students                      | <input type="checkbox"/> unreasonable delay                 |
| <input type="checkbox"/> procedures not being properly followed       | <input type="checkbox"/> unequal treatment                  |
| <input type="checkbox"/> failure to take certain factors into account |   |

#### **COMPLAINTS COVERED BY SEPARATE PROCEDURES**

The following list shows which matters are outside the scope of the school's own complaints procedure and the advice in the present policy. They are covered by different regulations

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and procedures. Advice about them and how to proceed can be obtained from the LA/DfE. Some, like admissions to and exclusions from school, can involve appeals:

- pupil admissions to school
- collective worship and religious education
- statutory assessments of SEN
- complaints already heard in court, argued before an appeals tribunal, or heard by a Government Minister
- pupil exclusions from school
- child protection
- home to school transport assistance

## **DEALING WITH COMPLAINTS**

### **THE BENEFITS IN HAVING A WRITTEN COMPLAINTS POLICY AND PROCEDURE**

1. It is a sign of quality in an organisation that it is open to criticism and willing to respond positively where this is justified in order to improve itself.
2. An effective school complaints system should help to enhance the school's relationship with its local community and develop partnership.
3. A written policy and procedure will aid parental understanding.
4. Consistency of response by the staff is enabled.

### **RECORDING COMPLAINTS**

1. The school should record the progress of the complaint and the final outcome. A complaint may be made in person, by telephone, or in writing. At the end of a meeting or telephone call, it would be helpful if the member of staff ensured that the complainant and the school have the same understanding of what was discussed and agreed. A brief note of meetings and telephone calls can be kept and a copy of any written response added to the record.
2. The complaints coordinator (Clerk to the Governors) is responsible for the records and holds them centrally.

### **GOVERNING BODY REVIEW**

1. The governing body can monitor the level and nature of complaints and review the outcomes on a regular basis to ensure the effectiveness of the procedure and make changes where necessary.

Preferably, complaints information shared with the whole governing body will not name individuals.

2. As well as addressing an individual's complaints, the process of listening to and resolving complaints will contribute to school improvement. When individual complaints are heard, it may be possible to identify underlying issues that need to be addressed. The monitoring and review of complaints by the school and the governing body can be a useful tool in evaluating a school's performance.

## **ADVICE TO COMPLAINANTS**

1. It is not usually a good idea to drop into the school or classroom without warning and you should never confront a teacher in front of the students and/or parents and staff. It is strongly recommended that you make a private appointment when you both have enough time to talk things through.

2. Please stay calm. No matter how annoyed you are, this is only likely to lead to unconstructive and heated argument. Things could be said which are later regretted and could even become the subject of legal action.
3. Listen to the other side of the story and see if it is reasonable.
4. Try and work out what you think can realistically be done.
5. Please be patient. Staff will need time to follow up your complaint in the school, so they may not be able to respond immediately.

Complaints may need to be dealt with in different stages depending on how serious the matter is and whether there is a satisfactory outcome. Many complaints can easily be resolved informally through discussion and so need go no further than the informal stage. If matters are not resolved, however, the complaint can go through the formal stages, if desired. A complaint should, however, always be dealt with at the lowest appropriate level. Stages should not be missed out.

## **RESOLVING COMPLAINTS**

1. At each stage in the procedure we 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

2. An effective procedure will 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.

## **VEXATIOUS COMPLAINTS**

If properly followed a good 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 re-open 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.

## **COMPLAINTS FROM PUPILS**

Many complaints by students may be dealt with in accordance with a school's normal procedures. However in the case of more serious complaint the Headteacher should consider the desirability of consulting parents or guardians. The age, maturity, intelligence and perception of the student may be taken into account in assessing the matter and what action to take, but no complaint should be discounted merely because it comes from a student.

## **THE INFORMAL STAGE**

Concerns and complaints can often be dealt with by scheduling a meeting to discuss the issues with an appropriate person; for example, Curriculum Leader, Achievement Coordinator or member of the School's Leadership Team.

Before attending any meeting it would be helpful if the complainant wrote down what they wish to discuss:

- what it is they are concerned about
- when and where the incident[s] occurred
- who else was involved
- whether anyone saw it happen
- who you have spoken to already, and
- what you want to happen as a result of raising your concerns

The school will respond to the complainant detailing any outcome of the meeting within 10 school days.

If, after this meeting, you are not satisfied with the response the school has given, you may wish to make a formal complaint.

## **THE FORMAL STAGES**

If, having been through the informal stage of the procedure the complainant is not satisfied with the outcome, there must be an opportunity to progress to the formal stage of the procedure. This should be made in writing.

### **STAGE ONE**

The first stage of the formal process is for the complaint to be investigated and responded to by the Headteacher or Deputy Headteacher. The complainant should be asked to submit their complaint in writing to the Headteacher. If the complaint is about the Headteacher then the Stage two procedures are carried out (see below).

The Headteacher/Deputy Headteacher acknowledges the complaint and, if necessary, sets up a meeting with the complainant to discuss the matter further. It may be necessary at this stage for statements to be taken from the student[s] involved and any witnesses. The student would normally be interviewed with a parent present. If this is not possible then a member of staff who is not directly involved with the complaint can accompany the student. The Headteacher/Deputy Headteacher needs to keep written records of meetings, telephone conversations and other documentation relevant to the matter.

Following the investigation by the Headteacher/Deputy Headteacher a response should be sent to the complainant within 10 school days of the complaint being received by the school, or within 4 weeks if any part of the 10 day period falls within a school holiday.

Details of how to progress the complaint to stage two should be included in the response to the complainant.

### **STAGE TWO – Chair of Governors**

If the complainant remains unhappy he/she may ask the Chair of Governors to become involved by putting the whole situation in writing, care of the school. The Chair will then try to help resolve matters. The Chair should acknowledge receipt of the complaint. As appropriate, the Chair will carry out an investigation into the complaint and this may again include interviewing pupils and witnesses.

The Chair will respond directly to the complainant within 10 school days of the complaint being received.

Details of how to progress to stage three should be included in the response to the complainant.

### **STAGE THREE – Panel of Governors**

If the Chair of Governors has not been able to resolve the matter satisfactorily, then the complainant can ask for the matter to be considered by a Panel of Governors by writing to the Clerk to the Governing Body.

The Clerk to the Governing Body will acknowledge the complaint and arrange for a Panel of Governors to convene who have not directly been involved in the matters detailed in the complaint. This panel must consist of at least three Governors and one other person who is independent to the management and running of the school. This panel should elect a Chair.

A meeting of the Governors' Panel will be arranged by the Clerk to the Governing Body within 4 school weeks of the complaint being submitted. Where this period falls within school holidays the meeting should be arranged as soon as possible and the complainant notified of the reason for any delay.

All relevant documentation regarding the complaint should be made available to the panel as soon as possible.

The Chair of the Panel will write and inform all concerned of the date, time and place of the meeting. The notification of the complainant should also inform them of the right to be accompanied to the meeting by a friend.

The Chair of the Panel should consider whether additional witnesses need to be called or whether further investigations need to be undertaken. Only the Chair can call witnesses. The Clerk to the Governing Body or other suitable person should attend the panel to record the proceedings and the panel's decision.

After the meeting, the Panel will consider the evidence and a written decision will be sent to the complainant within 10 school days of the meeting or within 4 weeks if any part of the 10 day period falls within a school holiday.

Details of how to appeal a decision must also be enclosed with the response.

A copy of the decision should also be made available to the Headteacher, the Responsible Person, Chair of Governors and any others as the Panel think appropriate.

## **APPEALS BEYOND THE SCHOOL**

**Local Government Ombudsman** [www.lgo.org.uk](http://www.lgo.org.uk)

The LGO may investigate complaints about maladministration i.e. cases where the published complaints procedure has not been properly followed. The Ombudsman cannot investigate complaints about internal school matters and is not empowered to overturn the decision of the Governing Body Complaints Panel. The contact details for the LGO are:

Beverley House  
17 Shipton Road  
York YO30 4FZ  
Tel: 0300 061 0614 or 0845 602 1983

**DfE** [www.education.gov.uk](http://www.education.gov.uk)

The Secretary of State for Education will investigate complaints where a Governing Body has acted 'unreasonably' or illegally in coming to their decision. The Secretary of State can be contacted by writing to the DfE at:

Sanctuary Buildings  
Great Smith Street  
London SW1P 3BT  
Tel: 0870 000 2288

**Ofsted** [www.ofsted.gov.uk](http://www.ofsted.gov.uk)

Ofsted has powers to investigate complaints from parents. Examples of complaints include:

The school is not providing a good enough education  
The students are not achieving as much as they should, or their needs are not being met  
The school is not well led and managed or is not using its resources efficiently  
The students' personal development and well-being are being neglected

Ofsted will not usually consider a complaint if a complainant has not first followed the schools' complaints procedure and will not normally investigate cases to do with individual students. Contact details are:

Enquiries  
National Business Unit  
Royal Exchange Buildings  
St Ann's Square  
Manchester M2 7LA  
Tel: 0845 640 4045

## **SHARING OF INFORMATION AND DESTRUCTION OF FILES**

Throughout the process of investigating complaints it may be necessary for information relating to a complaint to be shared within the school environment with teaching, support staff, Headteacher and Governors. We will be mindful of confidentiality rules and the Data Protection Act 1998 when handling complaints and discussing issues relating to the complaint.

The school is required to keep any personal information relating to a complaint in a secure manner for a period of six years.

# Procedures for holding a Panel meeting

## The Role of the Clerk

Any panel or group of governors considering complaints should be clerked. The clerk would 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 materials 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 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 Presenting Officer may question both the complainant and the witnesses after each has spoken.
- The Presenting Officer is then invited to explain the school's actions and be followed by the school's witnesses.
- The complainant may question both the Presenting Officer 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 Presenting Officer 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.

To decide on the complaint. The panel can:

- uphold the complaint in full, or in part
- dismiss the complaint in full, or in part
- decide on the appropriate action to be taken to resolve the complaint
- recommend changes to the school's system or procedures to ensure that problems of a similar nature do not occur

## OVERVIEW OF COMPLAINTS PROCEDURE

