



## COMPLAINTS POLICY

Last Review:	July 2018
Committee:	FGB
Date Ratified:	16/07/2016
Next Review:	July 2020

### 1. Rationale

- 1.1. Oldfield School is a large and complex organisation. We strive constantly to fulfil our strategic commitment, purpose and intent and do our best for all the young people in our care and for the adults on our staff.
- 1.2. In the course of every day there are thousands of interactions between staff and students, staff and parents and carers and between students. We always try to communicate effectively and implement all processes and procedures fairly – but, as with any human organisation, sometimes things go wrong, communication fails, or we make a mistake.
- 1.3. In these circumstances we are very willing to listen to criticism and challenge and we hope to respond in a positive spirit in order to bring about improvement or redress.

### 2. Aims

- 2.1. The aims of our complaints procedure are:
  - to enable complainants to express their dissatisfaction;
  - to ensure that anyone making a complaint about the School, or between persons within or connected with the School, is dealt with sympathetically and courteously. (Students will be dealt with in accordance with the Behaviour for Learning Policy);
  - to take complaints seriously and investigate them fairly and thoroughly;
  - to ensure that where errors or faults on our part are demonstrated, they are remedied as far as is possible, to the satisfaction of the complainant;
  - to learn from complaints in order to make improvements to our practice and procedure.
- 2.2. At each stage in the procedure the School will want to keep in mind ways in which the complaint might be positively resolved through:
  - an apology;

- an explanation;
- an admission that the situation could have been handled differently or better;
- an explanation of the steps that have been taken to ensure that every effort will be made to prevent a similar situation arising;
- an undertaking to review School policies in the light of the complaint

2.3. The Complaints Policy will be available at the School and published on the School website.

2.4. This procedure is designed to give parents and carers of registered students at the School a means of making complaints within six school weeks of an alleged incident which they can be confident will be addressed properly.

2.5. A complaint may result in disciplinary action by the School against a member of staff which would be confidential between that member of staff and the school but otherwise parents should be kept fully informed of the handling of any complaint. Any complaint will be kept confidential unless it is necessary to involve other parties and will be dealt with as quickly as possible.

### **3. Practice**

#### How do you make a complaint against the School?

3.1. Think clearly about the complaint you wish to make and what you want to achieve. If your complaint concerns an incident, please be ready to tell the School where, when and how you think it happened and who was involved. Your complaint might be about a difference of opinion, a matter of School policy or practice or a matter that needs clarifying. The outcome you wish may be an apology, an explanation or a review of practice or policy in the School (as outlined above).

#### How do I complain?

3.2. The School staff with designated responsibilities, the Headteacher and the Governing Board are variously responsible for handling complaints about the School. In the first instance you must take your complaint straight to the School. Complaints can pass through several stages, described as follows. If you are unsure who is the most appropriate person to take your complaint to, contact the School and ask – giving an indication of the nature of your complaint.

#### Informal Stage 1

3.3. In the first instance, contact the School and find out who would be the most appropriate person to talk to.

3.4. Arrange to speak to that person, either on the phone or by making an appointment to speak to them in person or fax, e-mail or write to them at the School.

3.5. Their response will be by phone, e-mail or in writing within 15 working days.

3.6. Most complaints are resolved satisfactorily at this stage and are brought to a close. If you are not satisfied your complaint moves on to Formal Stage 1.

#### Informal Complaints Log

3.7. This is kept by the Executive Assistant to Headteacher. The file records complaints made by parents which have required a written response to a complaint from a member of middle leadership (Leader of Learning / Head of Subject or Head of Year).

3.8. Each entry should record:

- 3.8.1. the name of the person making the complaint;
- 3.8.2. the date of the complaint;

- 3.8.3. the nature of the complaint and the name of all those involved;
  - 3.8.4. if the complaint was resolved and how;
  - 3.8.5. if it was not resolved, to whom it was referred and why;
- 3.9. The Headteacher will review the informal complaints file on a regular basis and will report on its contents on a termly basis to the Chair of Governors.

#### Formal Stage 1

- 3.10. Contact the Headteacher in writing (letter or email), describing your complaint and/or the reason you remain dissatisfied with the School's response.
- 3.11. It would be most helpful if you could state what you wish to achieve – an apology, an explanation, a change to School practice etc. Please do not forget to give your full name and contact details and, where applicable, the student's name, year and tutor group.
- 3.12. The Headteacher or designated member of staff will investigate the matter and will let you know in writing the outcome and any action to be taken. Please note that it can take some time for a School to complete an investigation. Teachers spend most of their time teaching and the Headteacher has many planned commitments. Therefore it can take time to discuss matters with all those who may be involved. The School will respond to you within 15 working days.
- 3.13. If the complaint is about areas of the Headteacher's or Governing Body's responsibility then the complaint will be investigated by the Chair of Governors or a designated Governor.
- 3.14. If you are not satisfied that the situation is resolved after the Headteacher's response, you may contact the Chair of Governors via the Clerk to the Governors. This must be done in writing to the School within 15 working days of the completion of Stage 1. This moves the complaint to Formal Stage 2.

#### Formal Stage 2 - Reference to the Chair of Governors

- 3.15. The Chair will investigate your complaint and, in most cases, seek to resolve the matter through discussion with yourself and the Headteacher. At the end of this stage the Chair will provide you with a written response. This will normally be within 10 School days, but you will be kept informed if more time is needed. The chair can be contacted through the Clerk to the Governing Board; whose email address is on the school website.
- 3.16. If you are not satisfied with the Chair's response, the complaint can be referred to the Governing Body by writing to the Clerk to the Governing Board for reference to the Complaints Panel.

#### Formal Stage 3 - Reference to the Complaints Panel

- 3.17. A request to convene a Complaints Panel will only be considered if the complainant has completed all the procedures at earlier stages and made a request in writing within 7 School days of receiving the decision from the Chair of Governors.
- 3.18. When writing to the Clerk to the Governing Board, complainants must ensure to include copies of all the relevant paperwork, and clearly state what outcome they desire. All correspondence relating to a complaint will be kept confidential whenever possible. The Clerk must be provided with the complainant's full contact details.
- 3.19. The Governing Body will convene a small panel (usually two governors and one person independent of the running and management of the School) to consider the process to date and the outstanding concerns and dissatisfactions.
- 3.20. The Complaints Panel will meet, usually within 15 School days of the request.

- 3.21. The panel will select a chair from among themselves.
- 3.22. The Governors will ask the complainant and the Headteacher to submit a written statement.
- 3.23. A date and time will be set for the panel to meet. You will be invited to attend so that you may present your views in person. If you wish, you may be accompanied by a friend or representative who can also speak for you to the panel will consider the views of both sides. They will come to a conclusion or a decision. This will be communicated in writing to both parties within 10 working days.
- 3.24. The decision of the panel is final. If you still feel that the School has acted unreasonably or not followed the correct procedures, you may wish to put your complaint in writing to the Secretary of State for Education.

#### **4. Establishing a Complaints Panel**

- 4.1. There are several points which any governor sitting on a complaints panel needs to remember:
  - It is important that the 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 need to try and ensure that it is a cross-section of the categories of governor and sensitive to the issues of race, gender and religious affiliation.
  - 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 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.
  - 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.
  - 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 give them equal consideration to those of adults.

#### **5. Remit of the Complaints Panel**

- 5.1. The panel needs to consider whether the complaint:
  - 5.1.1. relates to a decision taken by the Headteacher, member of staff or the Governing Body;
  - 5.1.2. is about the way a complaint or concern was handled.
- 5.2. If the complaint was in relation to a decision taken by the Headteacher or member of staff, the panel will need to consider whether:
  - 5.2.1. it was a decision within the Headteacher's responsibility or
  - 5.2.2. an area where the Governing Body has responsibility, or share responsibility but have delegated this to the Headteacher.
- 5.3. If the complaint relates to 5.2.1, the panel can:
  - consider the manner in which the complaint was addressed but not consider an alternative outcome.
  - recommend changes to the School's systems or procedures to ensure that problems of a similar nature do not recur.

## **6. The Role of the Clerk to the Complaints Panel**

6.1. Any panel or group of governors considering complaints must 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 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.

## **7. The Role of the Chair of the Governing Body or the Nominated Governor**

7.1. The Chair of the Governing Body or nominated governor should:

- check that the correct procedure has been followed;
- if a hearing is appropriate, notify the Clerk to the Panel to arrange the panel.

## **8. The Role of the Chair of the Panel**

8.1. The Chair of the Panel has a key role, ensuring that:

- 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;
- 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 acts independently;
- 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;
- ensure that everyone except the panel withdraw while a decision is made.

## **9. The Formal Complaints File**

9.1. This is kept by the Executive Assistant to Headteacher. The file records complaints made by parents.

9.2. Each entry should record:

- the name of the person making the complaint;
- the date of the complaint;
- the nature of the complaint and the name of all those involved;
- if the complaint was resolved and how;
- if it was not resolved, to whom it was referred and why;
- the report of the incident will have attached any supporting witness statements or other evidence.

9.3. The Headteacher will review the formal complaints file on a regular basis and will reported on its contents on a termly basis to the Chair of Governors.

## **10. Complaints Between Persons Within the School**

- 10.1. Oldfield School will operate the complaints procedure for complaints between adults within the School. As with complaints outlined previously, it is assumed that procedures should be systematic and transparent. The School will aim to deal with most complaints before they reach the formal stages of the procedure outlined below.

#### Formal staff complaints procedure

- 10.2. When a member of staff feels that they have been subjected to inappropriate behaviour or language from an adult within the School they should report this in writing to the senior member of staff, with a copy to their immediate line manager.
- 10.3. When a member of staff feels that they have been subjected to inappropriate behaviour or language from the Headteacher they should report this in writing to Chair of Governors and the Chair of the Personnel Committee.

#### Stage 1

- 10.4. Following discussion between the member of staff, their line manager and the senior member of staff, an appropriate course of action will be decided on. The other party will be contacted by the member of staff concerned, the line manager or the senior member of staff. In most cases the matter will be satisfactorily resolved at this stage and no further action need to be taken.

#### Stage 2

- 10.5. If the matter is considered to be too serious to be dealt with under Stage One then the Headteacher (or in his absence the Deputy Headteacher), will decide on a further response, following all relevant School policies as appropriate. If the complaint is against the Headteacher then the matter should be referred by the complainant to the Chair of Governors and the Chair of the Personnel Committee.
- 10.6. If more formal action is required, the Headteacher will consult with the Chair of Governors. If more formal action is required and the complaint is against the Headteacher then the Chair of Governors or the Chair of the Personnel Committee will consult with external personnel advisers.