



## Kingsdown School

### Complaints Policy

#### **Statement of Policy**

##### **Dealing with Complaints : Informal Procedures**

The School must 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.

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 necessary.

##### **Dealing with Complaints : Formal Procedures**

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.

The School's Complaints Procedure is designed to:

- encourage resolution of problems by informal means wherever possible;
- be easily accessible and publicised (the policy and procedure are available on request as outlined in the prospectus);
- be simple to understand and use;
- be impartial
- be non adversarial
- allow swift handling with established time limits for action and keeping people informed of the progress;
- ensure a full and fair investigation by an independent person where necessary;
- respect people's desire for confidentiality;
- address all the points at issue and provide an effective response and appropriate redress, where necessary; and
- provide information to the School's senior leadership team so that services can be improved.

#### **Investigating Complaints**

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

- establish what has happened so far, and who has been involved;
- clarify the nature of the complaint and what remains unresolved;
- meet with the complainant or contact them (if unsure or further information is necessary);
- 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;
- conduct the interview with an open mind and be prepared to persist in the questioning; and
- keep notes of the interview.



### **Resolving Complaints**

At each stage in the procedure the School will consider ways to resolve a complaint. 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, and
- an undertaking to review the School's policies in light of the complaint.

Complainants should be 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. It is important to clarify any misunderstandings that might have occurred in order to create a positive atmosphere in which to discuss any outstanding issues.

### **Vexatious Complaints**

If followed properly, the 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 reopen 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.

### **Time Limits**

Complaints will be considered, and resolved, as quickly and efficiently as possible. Realistic time limits for each action within each stage must be set. 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.

## **Part 2 – The Formal Complaints Procedure**

### **The Stages of Complaints**

A flow chart of the four stages of complaint is in Appendix C. There may, on occasion, be the need for some flexibility; for example, the possibility of further meetings between the complainant and the member of staff directly involved and any further investigations may be required by the Head after a meeting with the complainant.

The three stages are:

#### **Preliminary stage: complaint heard by staff member**

If the complainant is not satisfied with the initial response, they should make the Head or his/her nominated representative aware of the complaint within 10 school days of the response. This should be in writing and recorded by the School to ensure that everyone is very clear what the focus of the complaint is. If the complaint cannot be resolved within 5 school days of receipt of the complaint (at stage 1) the Head or his/her nominated representative will set a target date for any investigation to be completed.

#### **Stage 1: complaint heard by the Head or his/her nominate representative:**

The target date should be no longer than 10 school days. The response to the complaint should be in writing and the complainant reminded how to proceed to the next steps.



### **Stage 2: complaint heard by Chair of Governors**

If the complainant is not satisfied with the response at Stage 2, they should make the Chair of the Governing Body aware of the complaint within 10 school days of the response from the Head or his/her representative. The Chair of Governors and the Head will then meeting with complainant to try and resolve. If not resolved then Stage 3 should take place.

#### **At this stage**

### **Stage 3: complaint heard by the Governing Body**

If the complainant is not satisfied with the response at Stage 2, they may ask for a hearing by the governors' Complaints Panel. This should be in writing and recorded by the school to ensure that everyone is very clear what the focus of the complaint is. Parents will be invited to attend the panel hearing, if they wish, and may be accompanied by a friend or chosen representative; the hearing will be set within 20 days of receipt of the complaint.

The full Governing Body should only be informed that a complaint is being heard – details should be withheld to ensure that the remaining members of the Governing Body are available should the outcome result in any action being taken under other procedures eg disciplinary.

The Governing Body reserves the right to allow, or not, another external agency to carry out an independent appeal or review.

Complaints against the Head will be investigated by the Chair of the Governing Body. A complaint against a member of the Governing Body will be heard by a member of the Governing Body who has not been involved in the issue previously. All relevant parties, complainant, school, Head and where relevant, the person complained about, will be given a copy of any findings and recommendations.

The complaints procedure in summary form is in Appendix B.

## **Part 3 – Managing and Recording Complaints**

### **Recording Complaints**

A complaint may be made in person, by telephone, or in writing. A proforma complaint form can be found in Appendix D. At the end of the meeting or telephone call, the member of staff should ensure that the complainant and the School have the same understanding of what was discussed and agreed. A brief note of the meetings and telephone calls should be kept.

The Clerk to the Governors is responsible for holding such records securely and confidentially. All correspondence, statements and records must be held confidentially but shown to HMI, if requested, during inspection.

### **Governing Body Review**

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. Complaints information shared with the whole Governing Body will not name individuals.

As well as addressing an individual's complaint, the process of listening to, and resolving, complaints will contribute to the School's improvement. When individual complaints are heard, the School may identify underlying issues that need to be addressed. The monitoring and review of complaints by the School and the Governing Body is a useful tool in evaluating the School's performance.



### **Complaints Appeal Panel**

The panel will be drawn from the Governing Body and may consist of three or five people, one which must be independent of the management and running of the School. The panel choose their own chair. 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, and
- recommend changes to the School's systems or procedures to ensure that problems of a similar nature do not recur.

There are several points, which any Governing Body sitting on the Complaints Board needs to remember:

- a. It is important that the appeal hearing is independent and impartial and that it is seen to be so. No Governing Body member 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, Governing Body members need to be sensitive to the issues of race, gender and religious affiliation.
- b. 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.
- c. 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. Parents may be accompanied to the panel hearing if they so wish.
- d. 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. Where the child's parent/carer is the complainant, it would be helpful to give the parent/carer the opportunity to say which parts of the hearing, if any, the child needs to attend.
- e. The Governing Body members sitting on the panel need to be aware of the complaints procedure.

The Complaints Panel should be serviced by the clerk who 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 and safely archive all written records;
- notify all parties of the panel's decision and recommendation in writing; and



The Chair of the Panel has a key role, to ensure that:

- the correct procedure has been followed;
- the clerk is notified to arrange a panel if a hearing is appropriate;
- 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; and
- 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.

The Chair of the panel needs to ensure that the complainant is notified of the panel's decision, in writing, with the panel's response; this is usually within a set deadline which is publicised in the procedure, the deadline being 10 days for a response to be received. The letter needs to explain if there are any further rights of appeal and, if so, to whom they need to be addressed.



## Appendix A

### The Act

**Section 157 of the Education Act 2002** requires in terms of independent school Standards, that:

Regulations shall prescribe standards about the manner in which independent schools handle complaints.

The Education (Independent School Standards) (England) Regulations 2003 which came into force on 1<sup>st</sup> September 2003 require in paragraph 6 that:

A school shall provide to parents of pupils and prospective Students on request to others, including the Chief Inspector and the Secretary of State, details of the complaints procedure set out in accordance with paragraph 7, and the number of complaints registered under the formal procedure during the preceding school year.



## **Appendix B**

### **The Schools Complaints Procedure**

#### **Preliminary Stage – Complaint Heard by Staff Member**

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, if the staff are made aware of the procedure, they know what to do when they receive a complaint.

It would assist the procedure if the School respected 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 Clerk to the Governors can refer the complainant to another staff member. Where the complaint concerns the Head, the Clerk to the Governors should refer the complainant to the Governing Body.

Similarly, if the member of staff directly involved feels too compromised to deal with a complaint, the Clerk to the Governors may consider referring the complainant to another staff member. The member of staff may be more senior but does not have to. The ability to consider the complaint objectively and impartially is crucial.

Where the first approach is made to a Governing Body Member, the next step would be to refer the complainant to the appropriate person and advise them about the procedure. It would be useful if Governing Body Members did not unilaterally act on an individual complaint outside the formal procedure or be involved at the early stages in case they are needed to sit on a panel at a later stage of the procedure.

#### **Stage One – Complaint heard by the Headteacher**

The Headteacher's influence will already have shaped the way complaints are handled by the School. At this point, the complainant may be dissatisfied with the way the complaint was handled at stage one as well as pursuing their initial complaint. The Head may delegate the task of collating the information to another staff member, but not the decision on the action to be taken.

#### **Stage 2 - Complaint heard by Chair of Governors**

If the complainant is not satisfied with the response at Stage 2, they should make the Chair of the Governing Body aware of the complaint within 10 school days of the response from the Head or his/her representative. The Chair of Governors and the Head will then meet with complainant to try and resolve. If not resolved then Stage 3 should take place.

#### **Stage 3 – Complaint heard by Governing Body**

If the complainant is not satisfied with the response at Stage 2, they may ask for a hearing by the governors' Complaints Panel. This should be in writing and recorded by the school to ensure that everyone is very clear what the focus of the complaint is. Parents will be invited to attend the panel hearing, if they wish, and may be accompanied by a friend or chosen representative; the hearing will be set within 20 days of receipt of the complaint. The Governing Body appeal hearing is the last school based stage of the complaints process, and is not convened to merely rubber-stamp previous decisions.

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



The Governing Body Members may nominate a number of members with delegated powers to hear complaints at that stage, and set out its terms of reference. These can include:

- drawing up its procedures
- hearing individual appeals
- making recommendations on policy as a result of complaints

The procedure adopted by the panel for hearing appeals would normally be part of the Academy's complaints procedure. The panel can be drawn from the nominated members and may consist of three or five people. The panel may choose their own Chair.

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

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 Academy's systems or procedures to ensure that problems of a similar nature do not recur

There are several points which any Governing Body Member sitting on a complaints panel needs to remember.

- a. It is important that the appeal hearing is independent and impartial and that it is seen to be so. No Governing Body Member may sit on a 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, Governing Body Members need to try and ensure that it is a cross-section of the categories of Governing Body Members and sensitive to the issues of race, gender and religious affiliation.
- b. The aim of the hearing, which needs to be held in private, will always be to resolve the complaint and achieve reconciliation between the Academy 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.
- c. 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, and may choose to be accompanied. 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 as informal and not adversarial.
- d. Extra care needs to be taken when the complainant is a student. Careful consideration of the atmosphere and proceedings will ensure that the student does not feel intimidated. The panel needs to be aware of the views of the student and give them equal considerations to those of adults. Where the student's parent is the complainant, it would be helpful to give the parent the opportunity to say which parts of the hearing, if any, the student needs to attend.

Governing Body Members sitting on the panel need to be aware of the complainant's procedure.



## **Roles and Responsibilities**

### **The Role of the Clerk**

It is strongly recommended that any panel or group of Governing Body Members considering complaints 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 and safely archive all written records
- notify all parties of the panel's decision and recommendations in writing
- ensure confidentiality of process and written materials

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

The Nominated Governing Body Member:

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

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

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 key 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.

### **Notification of the Panel's Decision**

The Chair of the Panel needs to ensure that the complainant is notified of the panel's decision, in writing, with the panel's response; this is usually within a set deadline which is publicised in the procedure. The letter needs to explain if there are any further rights of appeal and, if so, to whom they may need to be addressed.




### Checklist for the Panel

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 Head may question both the complainant and the witnesses after each has spoken
- the Head is then invited to explain the School's actions and be followed by the School's witnesses
- the complainant may question both the Head 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 Head is then invited to sum up the School's actions and response to the complaint
- both parties leave together while the panel decide on the issues
- the Chair explains that both parties will hear from the panel within a set time scale

  
30/4/2012

  
30/4/12.



## Appendix C

### How to make a complaint

We want to give parents/carers, students and the local community the best possible service, but we know that we can't get it right all of the time. This sheet explains what to do if things go wrong and you wish to complain.

**1. Contact the member of staff or head of department in the first instance.**

It is in everyone's interest that the complaint is resolved as quickly as possible. If you think that someone at the School has made a mistake or let standards slip, please contact the person responsible and they will try to sort out the problem straight away.

**2. If you are not satisfied, you can make an official complaint**

If you have made a complaint but are unhappy with the way it has been dealt with or you are not happy with the outcome, you can make an official complaint to the Head. You can contact the Head using any of the methods described below. Your complaint will be investigated and you will be contacted within 10 school days with a response. If your complaint is complicated our investigations may take longer than 10 school days, but we will write to you and let you know when we will be able to give you a full response.

You can make a complaint in writing, by fax, by email, by telephone or in person (by appointment only). If you are writing, faxing or emailing your complaint please provide your telephone number if a response by telephone would be convenient. If you are emailing, please state if a reply by email is required and, if not, please provide a full postal address.

For postal complaints please mark your envelope "FAO Headteacher – Grievance".

The Headteacher can be reached at :

Kingsdown School

Hyde Road

Stratton St Margaret,

Swindon

SN2 7SH

Telephone : 01793 822284

Fax : 0793 820235

Email [head@kingsdownschool.co.uk](mailto:head@kingsdownschool.co.uk)

If the complaint concerns the Head, the Clerk to the Governors can refer you to the Chair of the Governing Body.

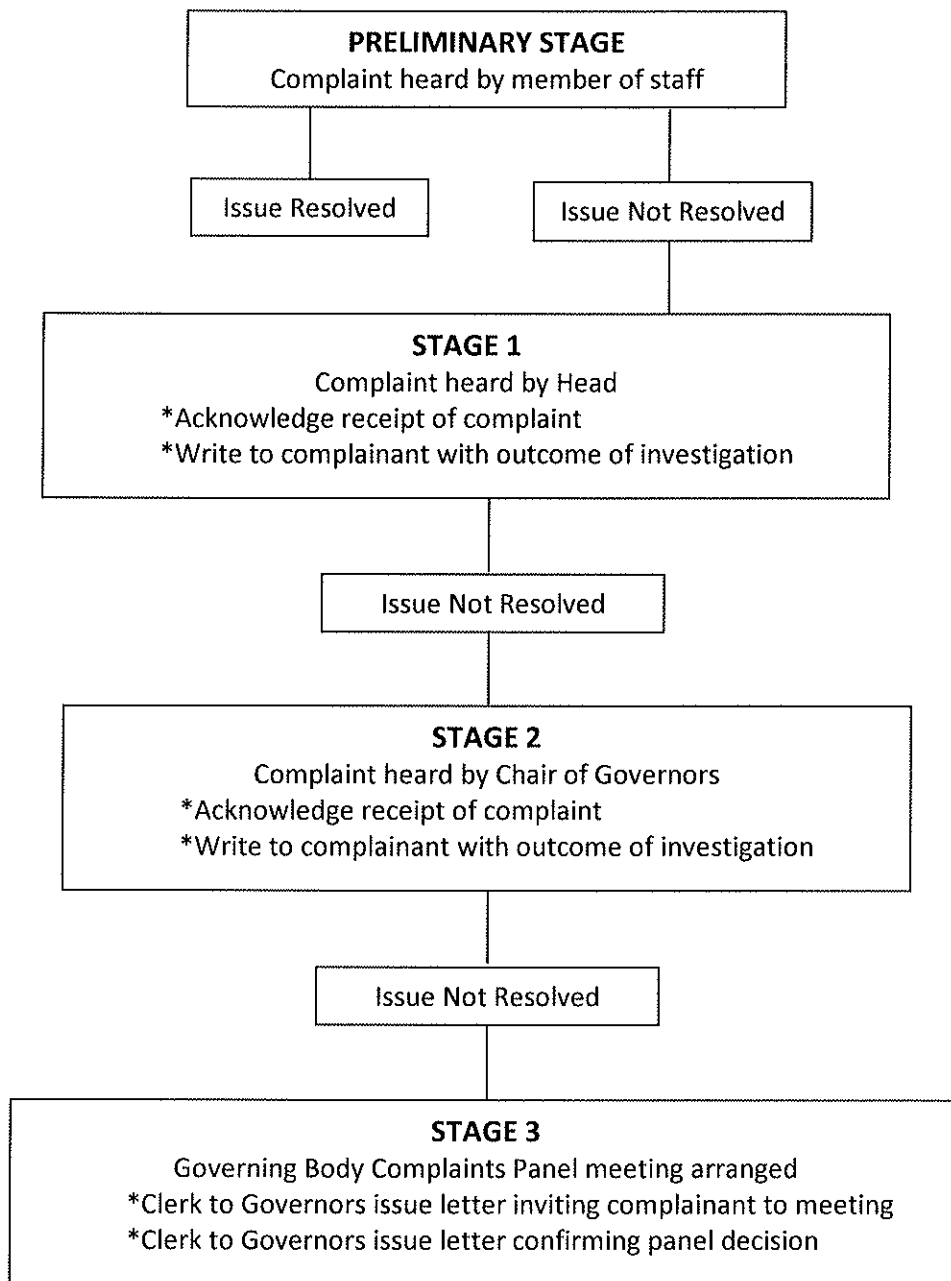
**3. If you are still not satisfied, you can contact the Governing Body**

When we have fully investigated your complaint, and if you are still not satisfied, you can contact the Chair of the Governing Body, via the Clerk to the Governors, who will convene an independent Governing Body Complaints Panel to look into your complaint, and notify you of the result and whether there is any further right of appeal.



### Flowchart

#### Summary of Dealing with Complaint





Appendix E

**Kingsdown School Complaint Form**

Please complete and return to the Clerk to the Governors (Kingsdown School, Hyde Road, Stratton St Margaret, Swindon SN2 7SH). The Clerk to the Governors will acknowledge receipt of the complaint.

Your Name	:	_____
Student's Name (if applicable)	:	_____
Your relationship to the student	:	_____
Address	:	_____
		_____
		_____
		_____
		_____ Post Code : _____
Day time telephone number	:	_____
Evening telephone number	:	_____
<b>Please give details of your complaint (continue on a separate sheet if more space required)</b>		
<b>What action, if any, have you already taken to try and resolve your complaint?</b> (who did you speak to and what was the response)		
<b>What actions do you feel might resolve the problem at this stage?</b>		
<b>Are you attaching any paperwork? If so, please give details</b>		
Signature :		Date :

