

Aylesford School

and Sixth Form College



wonder aspiration respect discipline

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Complaints Procedure

'from potential to reality'

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This procedure deals with all natures of complaints.

Dealing with Complaints – Initial concerns

It is important to be clear about the difference between a concern and a complaint. Taking an informal concern seriously at the earliest stage reduces the chance of a formal complaint developing. Whatever the issue, the important thing is to talk to someone at the school as soon as you can. This may all you need to do to resolve the problem and problems are more easily resolved if they are raised as soon as possible. If you are still unhappy after that, this document tells you how to take the matter further. It tells you who to contact and what will happen.

The policy which follows deals with complaints but the underlying principle is that concerns should to be handled, if at all possible, without the need for formal procedures. The need for a complaints procedure does not in any way undermine efforts to resolve the concern informally. In most cases the class teacher or the person dealing with the case should receive the first approach. It is helpful at this stage if the initial contact with school is able to resolve issues at the time, recognising issues and responding appropriately.

Dealing with Complaints – Formal procedures

The formal procedures will need to be invoked when initial attempts to resolve the issue have been unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further.

Framework of Principles

The Complaints Procedure:-

- encourages resolution of problems by informal means wherever possible;
- is easily accessible and publicised;
- is simple to understand and use;
- is impartial;
- is non-adversarial;
- allows swift handling within agreed time-limits for action and keeping people informed of progress;
- ensures a full and fair investigation;
- respect people's desire for confidentiality;
- addresses all the points at issue and provide an effective response and appropriate redress, where necessary;
- provides information to the school's senior management team so that services can be improved.

Investigating Complaints

At each stage, the person investigating the complaint makes sure that they:-

- establish what has happened so far, and who has been involved;
- clarifies the nature of the complaint and what remains unresolved;
- meets with the complainant or contacts them (if unsure or further information is necessary);
- clarifies what the complainant feels would put things right;
- interviews those involved in the matter and/or those complained of, allowing them to be accompanied if they wish;
- conducts the interview with an open mind and is prepared to persist in the questioning;
- keeps notes of the interview.

Resolving Complaints

At each stage in the procedure the school 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:-

- offer an apology
- offer an explanation
- offer an admission that the situation could have been handled differently or better;
- offer an assurance that the event complained of will not recur
- offer an explanation of the steps that have been taken to ensure that it will not happen again
- offer an undertaking to review relevant school policies in light of the complaint. It would be useful if complainants were 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.

Vexatious Complaints

This procedure should limit the number of complaints that become protracted. However, there are 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 Chairman of the GB or CEO is able under this policy to inform them in writing that the procedure has been exhausted and that the matter is now closed.

Time-Limits

Complaints need to be considered, and resolved, as quickly and efficiently as possible using time limits published in this policy. 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.

Stage One: Complaint Heard by Staff Member

1. 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 Academy can be crucial in determining whether the complaint will escalate. To that end, staff will be periodically made aware of the procedures so that they know what to do when they receive a complaint.

2. Parents should never feel or be made to feel that a complaint made in a reasonable and appropriate way will be taken amiss or will reflect adversely on the student or his/her opportunities at the school. The school will try to investigate and try to resolve every complaint in a positive manner and will treat every complaint as an opportunity to improve our service.

3. The school will try to respect 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 matter will be referred to the Deputy Head teacher or to the Head teacher who may, if they feel it appropriate, refer the complainant to another staff member. Alternatively they may not feel this is necessary. Where the complaint concerns the Head teacher, the complainant can be referred to the Chair of Governors. He/she will:-

- Seek to put right any matter which may have gone wrong
- Review our systems and procedures in the light of the relevant circumstances

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

5. Where the first approach is made to a governor, the next step would be to refer the complainant to the appropriate line manager. Governors should not act unilaterally 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.

6. The Line Manager will ensure that a written or oral acknowledgement is provided to the complainant within 5 working days of receiving a complaint. The acknowledgement will give a brief explanation of the Academy's complaints procedure and will give a target date for providing a response to the complaint which should normally be within 10 working days. If the target cannot be met a letter should be written within 10 working days explaining the reason for the delay and providing a revised target date.

7. The Line Manager will seek to meet or speak with all of the appropriate people in order to establish the facts relating to the complaint, if the information given on the complaints sheet necessitates this. This may include the complainant, staff and any other person.

8. Once all of the facts have been established the Line Manager will then produce a written response to the complainant, or may wish to meet the complainant to discuss/resolve the matter directly.

9. A written response should contain an outline of the complaint and a summary of the response to the complaint including the decision reached and the reasons for it. Where appropriate this should also include what response the Academy will take to resolve the complaint. This may be by way of a general description eg 'Action taken within the Disciplinary Procedure.

10. When the investigation has been concluded the complainant and the member of staff concerned will be informed in writing of the outcome. This may be to the effect that:-

- There is insufficient evidence to reach a conclusion, so the complaint cannot be upheld
- The concern was not substantiated by the evidence
- The concern was substantiated in part or in full. Some details may then be given of the action the Academy may be taking to review procedures but details of the investigation or
- of any disciplinary procedures will not be released
- The matter has been fully investigated and that appropriate procedures are being followed which may be strictly confidential (eg where staff disciplinary procedures are being followed)

11. This letter or report must be endorsed by the Head teacher. It should also inform the complainant that should he/she wish the complaint to progress to the second stage of this procedure then he/she should send a written request stating this to the Head teacher within 10 working days of receiving the response.

12. If no further communication is received from the complainant within 10 working days it will be deemed that the complaint has been resolved and should end.

Stage Two: Complaint Heard by the Head teacher

13. If the complainant is dissatisfied with the way the complaint was handled at stage one, He/she may go to Stage 2 and have the Head teacher hear the complaint. The Head teacher may delegate the task of collating the information to another staff member but not the decision on the action to be taken.

14. The same timings as in Stage 1 will apply.

Stage Three: Complaint Heard by Governing Body Complaints Appeal Panel (or by Chair of Governors if not involved in stage 2)

15. The complainant needs to write to the Clerk to the Governors or Chair of Governors as directed by the Head teacher giving details of the complaint. The Chairman, or COG, will hear the complaint and their decision is final.

16. The Clerk to the Governors should write to the complainant acknowledging receipt of the written request for the complaint to be heard. This acknowledgement must be sent within 5 working days and should inform the complainant of the arrangements for hearing the complaint within 20 working days of receiving it. The letter should explain that the complainant has the right to submit any further documents relevant to the complaint. These must be received within 5 working days of the date of the hearing to allow adequate time for the documents to be circulated.

17. No person involved should have previous involvement in the complaint.

18. The Governors' appeal hearing is the last school based stage of the complaints process, and is not convened to merely rubber-stamp previous decisions.

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

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

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

21. In the event of the Chair being available a panel can be drawn from the nominated members and may consist of three or five Governors. In this case the panel may choose their own Chairman.

22. If the complaint is about the Head teacher a hearing by the Chair of Governors becomes Stage Two. If the complainant is unhappy he/she needs to write to the Clerk of Governor whereupon a panel of three to five governors (not previously involved) will hear the complaint. Their decision will be final.

The Remit of the Complaints Appeal Panel

23. 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
of
- a similar nature do not recur.

24. There are several points which any governor 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 Governor may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it.
- 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. The panel Chairman will ensure that the proceedings are as welcoming as possible.

25. The Clerk to the Governors will write and inform the complainant, any witnesses and the panel of the date and location of the meeting 5 working days in advance. The notification to the complainant should also inform him/her of the right to be accompanied to the meeting by a friend/ interpreter. The letter should explain how the meeting will be conducted and the complainant's right to submit further written evidence to the panel. The Principal has the right to bring representation if so desired.

26. Intervention of parallel investigations relevant to the complaint by the Police or social services may cause variation to these time scales. Any such variation will be notified to the complainant.

Hearing the Complaint at the Meeting

- the aim of the meeting will be to resolve the complaint and achieve reconciliation between the Academy and the complainant
- in the interest of natural justice, the introduction of previously undisclosed evidence or witnesses would be a reason to adjourn the meeting so that the other side has time to consider and respond to the new evidence
- the recommended conduct of the meeting is as follows:-

a. The Chairman of the panel will welcome the complainant, introduce the panel members and explain the procedure.

b. The Chairman of the panel will invite the complainant to explain the complaint.

c. The Committee members may question the complainant about the complaint and the reasons why it has been made.

d. The Principal will be invited by the Chairman of the panel to question the complainant about the complaint and why it has been made.

e. The Chairman of the panel will invite the Principal to make a statement in response to the complaint. At the discretion of the Chairman of the panel the Principal may invite members of staff directly involved in the complaint to supplement his/her response.

f. The Committee members may question the Principal and/or members of staff about the response to the complaint.

g. The Chairman of the panel will allow the complainant to question the Principal and/or members of staff about the response to the complaint.

h. Any party has the right to call witnesses, subject to the approval of the Chairman of the Committee.

i. The Committee, the Principal and the complainant have the right to question any such witness.

j. The Principal will be invited by the Chairman of the panel to make a final statement.

k. The complainant will be invited by the Chairman of the panel to make a final statement.

l. The Chairman of the panel will explain to the complainant and the Principal that the decision of the panel will now be considered and a written decision will be sent to both parties within 15 working days. The Chairman of the panel will then ask all parties to leave except for members of the Committee.

m. The Committee will then consider the complaint and all the evidence presented and;

i. Reach a decision on the complaint and the reasons for it.

ii. Decide upon the appropriate action to be taken to resolve the complaint.

n. The Governors sitting on the panel need to be aware of the complaints procedure before the meeting.

Roles and Responsibilities

The Role of the Clerk

The clerk is the contact point for the complainant and is 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

The Role of the Chairman of the Panel

The Chairman 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 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.

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. Students may not appear as witnesses, but they may provide statements.
- After introductions, the complainant is invited to explain their complaint, and be followed by their witnesses.
- The Head teacher may question both the complainant and the witnesses after each has spoken.
- The Head teacher is then invited to explain the Academy's actions and be followed by the school's witnesses.
- The complainant may question both the Head teacher 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 teacher is then invited to sum up the Academy'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.

Complaint heard by Line Manager

- Acknowledge receipt of complaint
- Write to complainant with outcome of investigation
- Issue resolved Issue not resolved
- Governor's complaints Panel or COG meeting arranged
- Issue letter inviting complainant to meeting
- Issue letter confirming decision