

THE SWINTON HIGH SCHOOL



COMPLAINTS PROCEDURE

Introduction

This is the complaints procedure adopted by the full Governing Body on 11.10.06

This policy is not intended to cover those aspects of school life for which there are specific statutory requirements: in particular, arrangements under s409 of the Education Act 1996 for complaints about the delivery of the National Curriculum and the provision of collective worship and religious education. Parents who are not satisfied with an LA's decision about special needs assessments may appeal to the SEN Tribunal. Those with concerns about schools' admissions and exclusions also have specific appeal rights.

In addition allegations of child abuse, financial improprieties or other criminal activities will be dealt with through different procedures, as will complaints about contracted staff.

Some complaints about general matters of policy, such as the overall resourcing of a school and the curriculum, will also be dealt with differently.

General Principles

As part of the general home/school policy, parents and pupils are encouraged to express their views on what goes on within school, so that staff receive an early warning of potential difficulties, and many problems can be prevented from arising.

1. **Publicity.** Our policy is that Parents should always know how they can raise concerns or lodge a formal complaint. There is a legal requirement for the Complaints Procedure to be publicised and a copy of our policy can be found on the school's website www.swintonhigh.co.uk

A summary of how the school deals with complaints is also now included in the information, given to new parents when their children join the school. Parents and children are reminded of the system at regular intervals.

Our School also has leaflets available for parents explaining how problems are dealt with and how the complaints procedure works.

If parents contact the Local Authority (LA) with their concerns when the school's internal procedures have not been fully exhausted, they will be referred back to the school. However, LA leaflets can be useful in helping parents and others know about and use the procedures available. The leaflets are usually available generally in libraries and schools, as well as being given to parents who specifically ask to make a complaint.

2. **Procedures are as speedy as possible** - Each stage of the procedure has indicated time limits including the responses to complainants. Where it is not possible to meet these, information about progress, and explanations for any unavoidable delays, will be given to the complainant.
3. **Support for complainant.** As part of the general publicity about complaints procedures, it is important for parents to know where they can go for information, advice and advocacy, if they require it. Support is offered from individuals and organisations that are clearly separate from those complained against, such as Parents' Advice Centres, Citizens Advice Bureaux, Community Relations Councils, refugee support organisations and other local advice centres. However, useful help for both parties is available from LA officers (e.g. specially designated complaints officer, Education Welfare Officer, Parent Partnership Officer), especially if a complaint reaches the formal stages.

Parents raising concerns or complaints may be accompanied by a friend, a relative or a representative, at any type of meeting, at any stage of the procedure.

4. **Support for a person complained against.** Staff who may be questioned as part of a complaints procedure investigation must feel they are being treated in a fair way and that they too will have an opportunity to put their case. They should be advised of the procedure and be kept informed of progress, or of any unavoidable delays. A balance is to be maintained between supporting the individual so that his/her rights and reputation are protected, and investigating a complaint thoroughly and impartially.

The complaints procedure is distinct from formal disciplinary proceedings for staff. There may be occasions where the result of a complaint hearing may instigate disciplinary procedures.

5. **Confidentiality.** It is important to treat conversations and correspondence with discretion. It is vitally important that our parents feel confident that their complaint will not penalise their child. However, from the outset all parties to a complaint will need to be aware that some information may have to be shared with others involved in the operation of the complaints procedure. These persons will be clearly identified. However no discussions, between these individuals, concerning the details of the complaint must take place outside the investigatory interview or hearing procedures.

It is usually proper to disregard anonymous complaints unless somebody is prepared to substantiate them, but the danger in this is that they may relate to something quite serious. It will be at the Headteacher or Governing Body's discretion to decide whether the gravity of an anonymous complaint warrants an investigation.

6. **Redress.** If the outcome of the complaint procedure shows the school, or an individual associated with the school is at fault, or partially at fault, then certain recommendations may be forthcoming from such an outcome. The Governing Body will be informed as to these recommendations and the reasons for them without compromising the confidentiality of those involved. Both parties involved in the complaint will be informed, within a specified time period, in writing, of the outcome of any investigation or hearing and any recommendations being made. At the same time the complainant should also be informed, in writing, how to access the next stage of the complaints procedure should they wish to do so.

7. **Staff awareness and training.** All school staff, including non-teaching staff, will be made familiar with the procedures so that they can advise parents about their operation. Potentially a great many staff are involved in handling complaints, especially at the informal level. Their confidence in doing so depends on their having clear information about the procedures, reassurances that senior staff are committed to the procedures and some basic training in the practical interpersonal skills needed in dealing with people who are upset or angry. All school staff will have clear information about which staff, have which responsibilities at school so that parents do not get continually passed from one to another.

8. **Record keeping.** Complaints contribute to raising the quality of education and support the safeguarding agenda, as a result all complaints need to be recorded and will be monitored termly by designated senior staff and governors.

Recording will begin at the point when a concern or initial complaint has become the kind of complaint that cannot be resolved on the spot but needs investigation and/or consultation with others in the school and will require a later report back (either orally or in writing) to the parent.

Recording at the earliest stages need only be a very basic record of complaint, giving the date, name of parent and general nature of the complaint. A pro forma is to be used for this purpose.

9. The school have nominated members of staff who have responsibility for the operation and management of the school's complaint procedure. They are termed the schools 'Complaint co-ordinators'. It is important that whoever takes on this role be appropriately trained and have good customer care skills and be able to deal with all complaints in a consistent and polite manner.

Stage 1: The First Contact: Guidelines for Dealing with Concerns and Complaints Informally

- 1.1 The vast majority of concerns and complaints can be resolved informally. There are many occasions where concerns are resolved straight away through the class teacher or school secretary or Headteacher, depending on whom the parent first approached.
- 1.2 Parents must feel able to raise concerns with members of staff without any formality, either in person, by telephone or in writing. On occasion it may be appropriate for someone to act on behalf of a parent. The member of staff is to record the details of the complaint and response on the proforma supplied for this purpose.
- 1.3 At first it may be unclear whether a parent is asking a question or expressing an opinion rather than making a complaint. A parent may want a preliminary discussion about an issue to help decide whether he or she wishes to take it further. Notes of any such preliminary discussions are to be taken for future reference.
- 1.4 Parents have an opportunity for discussion of their concern with the appropriate member of staff who clarifies with the parent the nature of the concern, and reassures them that the school wants to hear about it. The member of staff may explain to the parent how the situation happened. It can be helpful to identify initially what sort of outcome the parent is looking for.
- 1.5 If the member of staff first contacted cannot immediately deal with the matter, s/he makes a clear note of the date, name, and contact address or phone number, and other contact details, of the complainant.
- 1.6 Any member of staff will know how to refer, if necessary, to the person with responsibility for the particular issue raised by the parent. S/he will check later to make sure the referral has been successful.
- 1.7 If the concern relates to the Headteacher, the parent is advised to contact the Chair of the Governing Body.
- 1.8 The staff member dealing with the concern makes sure that the parent is clear what action (if any) or monitoring of the situation has been agreed, putting this in writing only if this seems the best way of making things clear.

- 1.9 Where no satisfactory solution has been found within 10 school days, parents are asked if they wish their concern to be considered further. If so they are given clear information, both orally and in writing, about how to proceed and about any independent advice available to them.

Stage 2: Referral to the Headteacher for Investigation

- 2.1 At this stage it has become clear that the concern is a definite complaint. It is helpful for the Headteacher (or the senior person delegated to investigate) to use guidelines to ensure consistency among cases, and to make sure that nothing happens at this stage, which could make it difficult for later stages to proceed smoothly.
- 2.2 As the Headteacher has responsibility for the day-to-day running of their schools, they have responsibility for the implementation of a complaints system. One of the reasons for having various “stages” in complaints procedures is to reassure complainants that more than one person is hearing their grievance. Headteachers should make arrangements to ensure that their involvement is only at the appropriate stage of a particular complaint. For example arrangements will be made for other staff to deal with parents’ concerns at Stage 1, while the Headteacher deals with contacts with parents at Stage 2. Even at that stage the Headteacher may need to designate another member of staff to collect some of the information from the various parties involved. If for any reason the Headteachers becomes involved at Stage 1 then Stage 2 should be carried out by the Chair of the Governing body.
- 2.3 The Headteacher (or designate) is to acknowledge the complaint in writing within 3 school days of receiving a written complaint. The acknowledgement will give a brief explanation of the school's complaint procedure and a target date for providing a response to the complaint. This should normally be within 10 school days; if this is not possible, a letter is to be sent explaining the reason for the delay and giving a revised target date.
- 2.4 The Headteacher (or designate) provides an opportunity for the complainant to meet him/her to supplement any information provided previously. It is made clear to the complainant that if s/he wishes. S/he may be accompanied to any meeting by a friend, relative, representative, or advocate who can speak on his or her behalf; and that interpreting facilities will be made available if needed.
- 2.5 If necessary, the Headteacher (or designate) should interview witnesses and take statements from those involved. If the complaint centres around a pupil, the pupil should also be interviewed. Pupils would normally be interviewed with parents/guardians present. In some situations, circumstances may prevent this e.g. where this would seriously delay the investigation of a serious/urgent complaint or where particular circumstances mean that a pupil has specifically said s/he would prefer that parents or guardians were not involved. In such circumstances another member of staff, or responsible adult, such as an advocate, with whom the pupil feels comfortable should be asked to attend. If a member of staff is complained against, confidentiality and maintaining the protection of the professional integrity of that person should be borne in mind.
- 2.6 The Headteacher (or designate) keeps written records of meetings, telephone conversations, and other documentation.
- 2.7 Once all the relevant facts have been established, the Headteacher (or designate) should then produce a written response to the complaint, and may also wish to meet the complainant to discuss/resolve the matter directly.
- 2.8 A written response includes a full explanation of the actions taken, the decision and the reasons for it. Where appropriate, this includes what action the school will take to resolve the complaint. The complainant is advised that should s/he wish to take the complaint further he/she should notify the Chair of the Governing Body within 15 school days of receiving the outcome letter.

- 2.9 If a complaint is against the Headteacher, the Chair of the Governing Body should carry out all the Stage 2 procedures.

Stage 3: Formal Review by the Governing Body

- 3.1 Complaints should only rarely reach this formal level. At this stage, schools should seek advice from the relevant Local Authority Officers. This can provide a useful external perspective.
- 3.2 **It is important that any Complaints Panel hearing not only be impartial and non-prejudicial but that it be seen as so.** Therefore, individual complaints should not be considered by the full governing body as potentially pre-judicial conflicts of interest can arise; for example, in exceptional circumstances a complaint may result in consequent disciplinary action against a member of staff, and governors might be required to give a non-pre-judicial hearing to the member of staff concerned. Similarly some governors might have previous knowledge of the matter and therefore may be perceived as being unable to give fair unbiased consideration to the issue.
- 3.3 Many complaints are inevitably seen by parents as being “against” a particular member of staff and their actions. However, all complaints which reach this stage will have done so because the complainant has not been satisfied by responses at the earlier stages of the procedure, and it may be appropriate for the Governing Body to consider that the complaint also relates to existing school policies and/or procedures rather than an individual. For example an individual may have applied existing policies/procedures which are flawed in some way.

Procedure for review by the Governing Body

- 3.4 Upon receipt of a written request by the complainant for the complaint to proceed to Stage 3, the procedures outlined below should be followed.
- 3.5 The Clerk to the Governing Body will write to the complainant to acknowledge receipt of the written request for a Panel review. The acknowledgement will also inform the complainant that the complaint will be heard by three members of the school's Governing Body Complaints Panel within 20 school days of receiving the complaint, and provide alternative dates on which a hearing could take place, for the complainant to consider. The letter will also explain that the complainant has the right to submit any further documents relevant to the complaint. These must be received by the Clerk to the Governors at least 7 school days prior to the agreed hearing date.
- 3.6 The Clerk to the Governors will arrange to convene a Governors' Complaints Panel elected from those Governors previously elected onto the Panel by the Governing Body. It may be necessary for the Governing Body to appoint more than 3 Governors to this Panel to ensure that three governors are always available to carry out the task within the set time.
- 3.7 The Panel members should be Governors who have had no prior involvement with the complaint. It is not appropriate for the Headteacher to have a place on the Panel. Governors will want to bear in mind the advantages of having a parent (who is also a governor) on the Panel. Governors will also be expected to be sensitive to issues of race, gender and religious affiliation.
- 3.8 The Panel will elect a Panel Chair from amongst those available to sit at the hearing. The Chair of the Governing Body will ensure that the Panel hears the complaint within 20 school days of receiving the letter in 3.5. All relevant papers/correspondence relating to the complaint and submitted by both parties is to be provided to each Panel member at least 4 school days before the hearing is to take place.

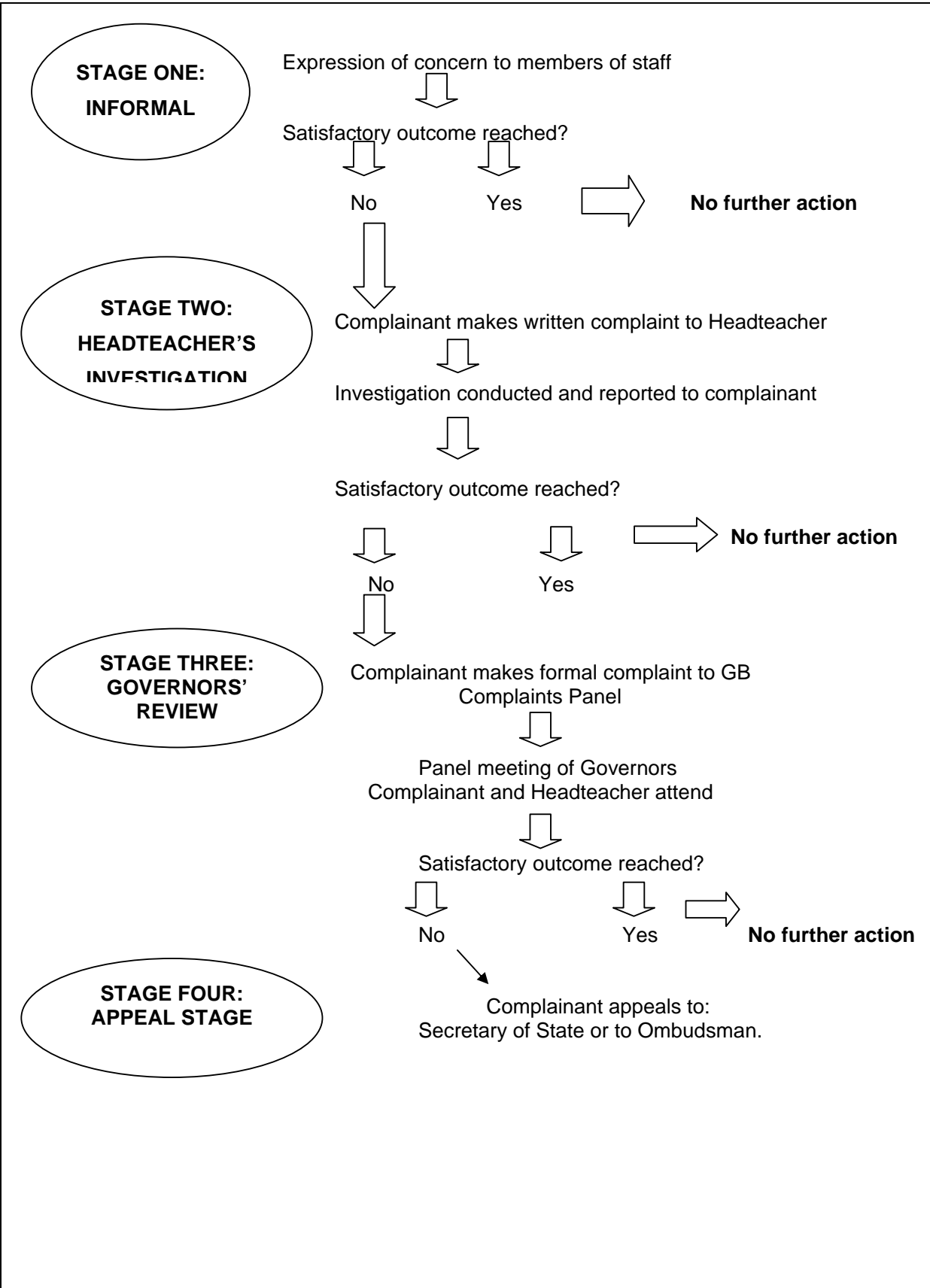
- 3.9 The Chair of Governors will ensure that the complainant, the person complained about, the Headteacher, any relevant witnesses, and members of the Panel are informed of the date, time and venue of the hearing at least 10 school days in advance. The notification to the complainant will also inform him/her of the right to be accompanied to the meeting by a friend/advocate/interpreter. The letter will also explain how the meeting will be organised and conducted and the procedure for the complainant to submit further written evidence to the Panel if required.
- 3.10 The Chair of the Governing Body should invite the Headteacher to attend the Panel meeting if appropriate. The Chair of Governors may also invite members of staff directly involved in matters raised by the complainant to respond in writing or in person to the complaint. Any such relevant documents will be sent to the Clerk to the Governing Body at least 7 school days prior to the hearing, and provided to all concerned at least 4 school days prior to the hearing.
- 3.11 The involvement of staff other than the Headteacher is subject to the discretion of the of the Panel.
- 3.12 It is the responsibility of the Chair of the Panel to ensure that the meeting is properly minuted.
- 3.13 The aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant and make any appropriate recommendations to the Governing Body.
- 3.14 The Panel will need to account for the fact that many parents are unused to dealing with groups of people in formal situations and may feel inhibited when speaking to the Panel. It is therefore recommended that the Chair of the Panel ensures that complainants are made to feel at ease as much as possible.
- 3.15 If either party wishes to introduce previously undisclosed evidence or witnesses, it is in the interests or natural justice to consider adjourning the meeting if necessary so that the other party and the Panel have time to consider and respond to the new evidence.
- 3.16 The meeting should allow for:
- The complainant to detail their complaint and the respondee to present their or the school's response.
 - The Headteacher to question the complainant about the complaint and the complainant to question the Headteacher and/or other members of staff about the school's response.
 - Panel members to have an opportunity to question both the complainant and the Headteacher.
 - Any party to have the right to call witnesses (subject to the prior approval of the Panel) and all parties having the right to question all the witnesses.
 - Final statements by both the complainant and the respondee.
- 3.17 The Chair of the Panel will explain to the complainant and the Headteacher that the Panel will now consider its decision, and a written decision will be sent to both parties within 5 school days. The complainant, Headteacher, other members of staff and witnesses will then leave. Any Local Authority Officers invited to attend in order to provide procedural advice may remain at the discretion of the Panel.
- 3.18 The Panel will then consider the complaint and all the evidence presented and (a) reach a decision on the complaint and (b) decide upon the appropriate action to be taken to resolve the complaint and (c) where appropriate, recommended changes to the school's systems or procedures to ensure that problems of a similar nature do not happen again, and/or if appropriate recommend disciplinary procedures are initiated.

- 3.19 A written statement outlining the reasons and decisions of the Panel must be sent to the complainant, Chair of Governors and Headteacher. The letter to the complainant should explain whether a further appeal, and the nature of the appeal, can be made, and if so, to whom.
- 3.20 The Clerk should ensure that a copy of all minutes/notes are kept on file for at least 6 months, when they will be destroyed.
- 3.21 For most complaints, parents cannot take their appeal further than the governing body. The LA does provide a consultancy/mediation service to help schools and the complainant to resolve complaints. Schools are encouraged to use this service if they are unable to satisfy complainants internally.
- 3.22 If the complainant feels that the school has acted unreasonably or not followed the correct procedure, they can move to Stage 4 of the procedures and contact the Secretary of State or the Local Ombudsman.

Stage 4: Formal Appeal Stage

- 4.1 **The Secretary of State:** Complaints can be taken to the Secretary of State for Education and Employment under Section 496 of the Education Act 1996, on the grounds that a Governing Body or LEA is acting or proposing to act unreasonably, or under Section 497 of the same Act, on the grounds that either the Governing Body or the LA has failed to discharge its duties under the Act. The Secretary of State may contact the Governing Body or the LA for more information in order to consider the complaint. These powers relate to County Schools and Voluntary Schools and Grant-Maintained Schools and City Technology Colleges.
- 4.2 **The Local Government Ombudsman:** Complaints about the maladministration of Local Authority Services including the way it operates any general school complaints procedure could be made to the Ombudsman. However the Ombudsman does not look at internal school management matters and usually expects that thorough attention has been given to a complaint locally before investigation by the Ombudsman.

Chart: Stages for Handling Complaints



Concerns and Complaints about Schools Guidance Notes for Parents

If you have a concern or complaint

We would like you to tell us about it. We welcome suggestions for improving our work in the school. Be assured that no matter what you want to tell us, our support and respect for you and your child in the school will not be affected in any way. Please tell us of your concern as soon as possible. It is difficult for us to investigate properly an incident or problem, which has happened some time ago.

What to do first

Most concerns and complaints can be sorted out quickly by speaking with your child's form tutor, class teacher or head of year. Any teacher or the school office staff can help you find the right member of staff. It is usually best to discuss the problem face to face. You may need an appointment to do this, and can make one by ringing or calling in to the school office. You can take a friend or relation to the appointment with you if you would like to.

All staff will make every effort to resolve your problem informally. They will make sure that they understand what you feel went wrong, and they will explain their own actions to you. They will ask what you would like the school to do to put things right. Of course, this does not mean that in every case they will come round to your point of view but it will help both you and the school to understand both sides of the question. It may also help to prevent a similar problem arising again.

What to do next

If you are dissatisfied with the teacher's response you can make a complaint to the Headteacher. This should be made in writing to Mr J. Biddlestone. Help with this is available from:

If your complaint is about an action of the Headteacher personally, then you should refer it to the Chair of Governors now. You can contact her by writing directly to the school for the attention of:

**Mrs J. Davies Chair of the Governing Body
The Swinton High School
Sefton Road
Pendlebury
Manchester
M27 6JU**

You may also find it helpful at this stage to have a copy of the full statement of the General Complaints Procedure as this explains in detail what procedures are followed. This is available from the school office.

The Headteacher will ask to meet you for a discussion of the problem. Again you may take a friend or someone else with you if you wish. The Headteacher will conduct a full investigation of the complaint and may interview any members of staff or pupils involved. You will receive a written response to your complaint.

If you are still unhappy

The problem will normally be solved by this stage. However, if you are still not satisfied you may wish to contact the Chair of the governing body to ask for referral or your complaint to a Governors' Complaints Panel. It will then be heard by a group of three governors who have no previous knowledge of the problem and so will be able to give it a fresh assessment. You will be invited to attend and speak to the panel at a meeting, which the Headteacher will also attend. The General Complaints Procedure statement explains how these meetings operate.

Further action

Complaints about school problems are almost always settled within schools but in exceptional cases it may be possible to refer the problem to an outside body such as the Local Authority or the Secretary of State for Education and Employment. Again there is more information on this in the General Complaints Procedure.