



The Manor

SCHOOL COMPLAINTS PROCEDURE

Author: Ben Slade

Principal



Introduction

The Manor school is committed to developing a strong sense of partnership with parent/carers and other members of the local community. This provides a good basis for understanding and resolution when things appear to go wrong.

The Manor school Complaints Procedure describes the procedure to be followed when complaints are made about the conduct of the School or the actions of any member of staff. It is in line with the recommendations in the DfES guidance 'School Complaints Procedures 2003'. The procedure excludes complaints relating to the School's delivery of the National Curriculum.

A complaint is an expression of dissatisfaction, however made, about the standard of service, actions, or lack of actions, by the School or its staff affecting an individual or a group.

Stages of Complaints

Stage one: Complaint heard by staff member

It is in everyone's interest that complaints are resolved at the earliest possible stage. We believe that most complaints can be resolved satisfactorily by informal discussion either over the telephone or through a meeting involving the key people involved. 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 staff is made aware of the procedures, they will know what to do when they receive a complaint.

We will normally acknowledge complaints within five working days. We will also normally provide a response or, if a lengthy investigation is involved, an update on progress, within twenty working School days. In the case of a lengthy investigation complainants will be kept informed of progress. The main aim throughout the procedure is to resolve the matter as quickly and effectively as possible, to everybody's satisfaction.

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 complaints co-ordinator can refer the complainant to another member of staff. Where the complaint concerns the Principal, the complaints co-ordinator can refer the complainant to the Chair of Governors.

Similarly, if the member of staff directly involved feels too compromised to deal with a complaint, the complaints co-ordinator 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 impartiality is crucial.

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

Stage two: Complaint heard by principal

The Principal's influence will already have shaped the way complaints are handled in 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. When they express an interest in making a formal complaint, the complainant will be given a copy of the Complaints Procedure and reminded of the twenty School working day time limits included in the process.



Formal complaints should be made in writing, should state clearly that a formal complaint is being made and will normally be investigated, in the first instance, by the Principal or designated senior manager. The Principal may delegate the task of collating the information to another staff member but not the decision on the action to be taken.

If the complaint directly concerns the Principal, however, complainants should directly contact the Chair of Governors, who will consult with the School's Assigned Inspector and then investigate the complaint.

Complainants should normally receive a response to their formal complaint within twenty School working days of the receipt of that complaint. When receiving the results of an investigation into a formal complaint carried out by/on behalf of the Chair of Governors, complainants should be informed of their right to appeal and reminded that the time limit for requesting an appeal hearing is twenty School working days from the date of receiving feedback from the investigation.

Stage three: Complaint heard by governing body complaints appeal panel

The complainant needs to write to the Chair of Governors giving details of the complaint. The Chair, or nominated governor, will convene a Governing Body complaints panel.

The governors' appeal hearing is the last School-based stage of the complaints process, and is not convened merely to rubber-stamp previous decision.

Individual complaints would not be heard by the whole Governing Body 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 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 recommendation on policy as a result of complaints.

The procedure adopted by the panel for hearing appeals would normally be part of the School'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 or resolve the complaint;
- ◆ recommend changes to the School's systems or procedure to ensure that problems of a similar nature do not recur.

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. 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.

- 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. Parent/Carers 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.
- 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 is the complainant, it would be helpful to give the parents the opportunity to say which parts of the hearing, if any, the child needs to attend.
- e. The governors sitting on the panel need to be aware of the complaints procedure.

If the business of the appeal is not completed in one session, the meeting will be adjourned and a date agreed to re-convene. A reasonable date by which the appeal process will be closed will also be agreed before adjournment.

The appeal meeting should normally take place within twenty School working days of receipt of the request. If, at any point, a complaint requests to proceed to the next stage of the complaints procedure at a time past the twenty working School day time limit, s/he will normally be told in writing that the complaint has expired.

Under this complaints procedure there is no provision for further appeal beyond Stage Three. If, at any point, the complainant, having exhausted the complaints procedure, attempts to re-open the same complaint, s/he will be informed in writing that the procedure has been exhausted and that the matter is now closed.

Roles and Responsibilities

The Role of the Clerk

The Department strongly recommends that any panel or group of governors 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;
- ◆ notify all parties of the panel's decision.

The Role of the Chair of the Governing Body or the Nominated Governor



The nominated governor will:

- ◆ 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 issues are addressed;
- ◆ key findings of fact are made;
- ◆ parent/carers and other 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 any further rights of appeal and, if so, to whom they need to be addressed.

Complaints against the Chair of Governors

In the event of a formal complaint being made against the Chair of Governors, the complaint will be heard by the Grievance Panel/Hearings Committee. The recommended procedure for Appeals Hearings will be adopted. Complainants will be informed of the limited powers of such a committee in these circumstances: if the complaint is upheld or upheld in part, the committee may make recommendations to the Chair of Governors and the Governing Body.

Complaints against Governors

A formal complaint against a governor other than the Chair should be referred to the Chair, who will investigate and then decide an appropriate action. In extreme cases this might include making a recommendation to the Governing Body about possible suspension. (See "A Governor's Guide to the Law").

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.
- ◆ After introductions, the complainant is invited to explain their complaint, and be followed by their witnesses.
- ◆ The Principal may question both the complainant and the witnesses after each has spoken.
- ◆ The Principal is then invited to explain the School's actions and be followed by the School's witnesses.

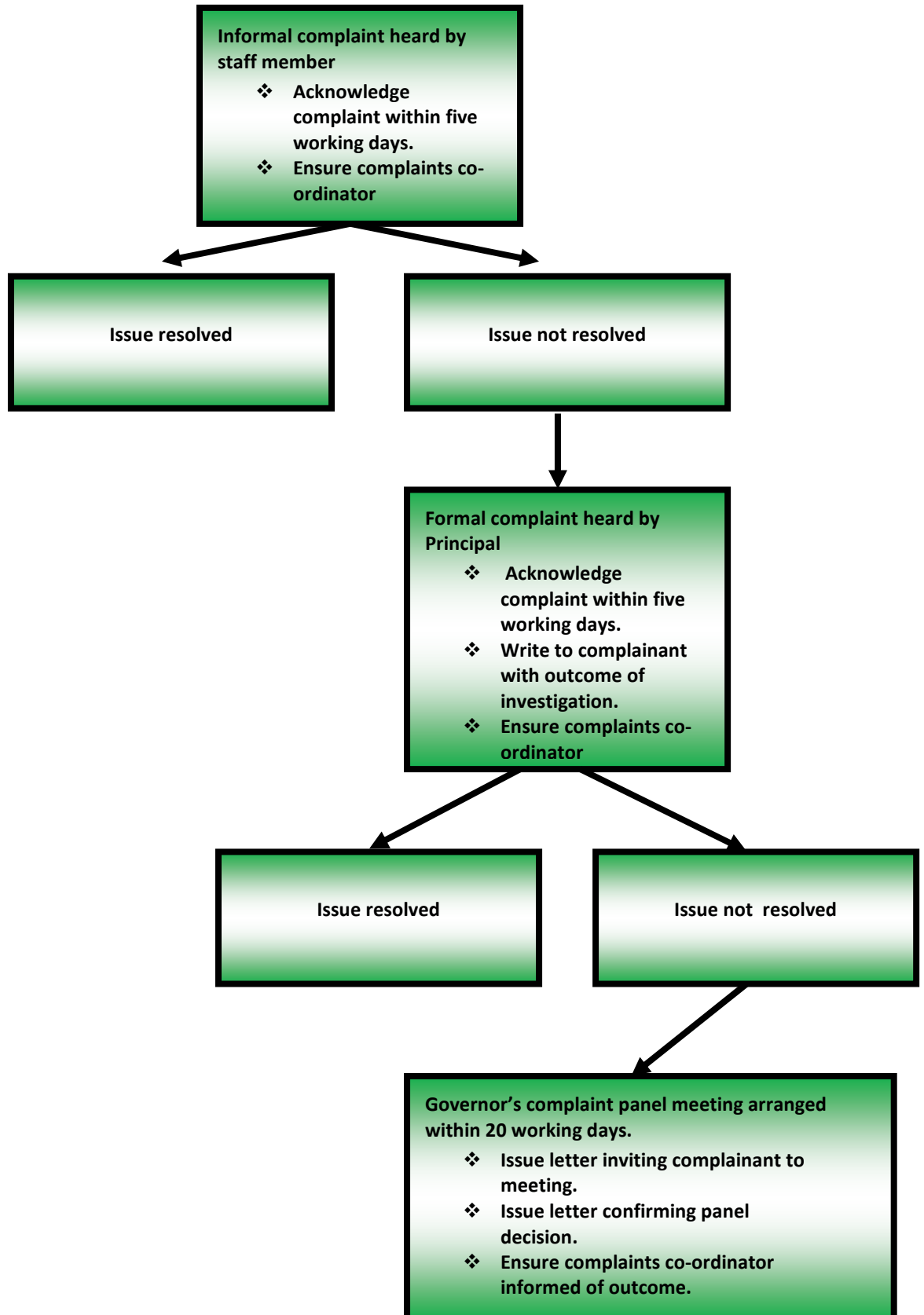


- ◆ The complainant may question both the Principal and the witnesses after each has spoken.
- ◆ The panel may ask questions at any point.
- ◆ The complainant is then invited to sum up their complaint.
- ◆ The Principal is then invited to sum up the School's actions and response to the complaint.
- ◆ 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.



The manor school Complaints Procedure Flowchart

Summary of Dealing with Complaints





Appendix 2

The manor school Complaint Form

Please complete and return to (Complaints Co-ordinator)
Who will acknowledge receipt and explain what action will be taken.

Your name:

Student's name:

Your relationship to the student:

Address:

..... Postcode:

Daytime telephone number:

Evening Telephone number:

Please give details of your complaint.

What action, if any, have you already taken to try and resolve your complaint.
(Who did you speak to and what was the response?)



What actions do you feel might resolve the problem at this stage?

Are you attaching any paperwork? If so, please give details.

Signature:

Date:

Official Use Only

Date acknowledgment sent:

By who:

Complaint referred to:

Date: