

THE JAMES HORNSBY SCHOOL

COMPLAINTS PROCEDURES



Updated November 2012

Adopted by the Governing Body on 10th December 2012

Our procedures for dealing with general concerns

The majority of concerns from parents, carers and others are handled under the following general procedures.

The procedure is divided into three stages:

Stage 1 aims to resolve the concern through informal contact at the appropriate level in school (as described on pages 2 and 3 of this guidance).

Stage 2 is the first formal stage at which written complaints are considered by the headteacher or the designated governor, who has special responsibility for dealing with complaints.

Stage 3 is the next stage once Stage 2 has been worked through. It involves a complaints review panel of governors.

How each of these stages operates is explained below:

Stage 1 – Your initial contact with the school

1. Many concerns will be dealt with informally when you make them known to us. The first point of contact should be your child's form tutor, a subject teacher or the Head of Year.
2. We will see you, or contact you by telephone or in writing, as soon as possible after your concern is made known to us. All members of staff know how to refer, if necessary, to the appropriate person with responsibility for particular issues raised by you. He or she will make a clear note of the details and will check later to make sure that the matter has been followed up.
3. We will ensure that you are clear what action or monitoring of the situation, if any, has been agreed. We will confirm this in writing to you.
4. We will ensure that we speak directly to all appropriate persons who may be able to assist us with our enquiries into your concern.
5. We will discuss with you (normally within ten working days) the progress of our enquiries. You will have the opportunity of asking for the matter to be considered further, once we have responded to your concern.
6. If you are still dissatisfied following this informal approach, your concern will become a formal complaint and we will deal with it at the next stage.

Stage 2 - Formal consideration of your complaint

This stage in our procedures deals with written complaints. It applies where you are not happy with the informal approach to dealing with your concern, as outlined under Stage 1 above.

1. Normally, your written complaint should be addressed to the headteacher. If, however, your complaint concerns the headteacher personally, it should be sent to the school marked "For the attention of the Chair of Governors".

2. We will acknowledge your complaint in writing as soon as possible after receiving it. This will be within three working days.
3. We will enclose a copy of these procedures with the acknowledgement.
4. Normally we would expect to respond in full within ten working days but if this is not possible we will write to explain the reason for the delay and let you know when we hope to be able to provide a full response.
5. As part of our consideration of your complaint, we may invite you to a meeting to discuss the complaint and fill in any details required. If you wish, you can ask someone to accompany you to help you explain the reasons for your complaint.
6. The headteacher, or chair of governors may also be accompanied by a suitable person if they wish.
7. Following the meeting, the headteacher or chair of governors will, where necessary, talk to witnesses and take statements from others involved. If the complaint centres on a student, we will talk to the student concerned and, where appropriate, others present at the time of the incident in question.
8. We will normally talk to students with a parent or carer present, unless this would delay the investigation of a serious or urgent complaint, or where a student has specifically said that he or she would prefer the parent or carer not to be involved. In such circumstances, we will ensure that another member of staff, with whom the student feels comfortable, is present.
9. If the complaint is against a member of staff, it will be dealt with under the school's internal confidential procedures, as required by law.
10. The headteacher or chair of governors will keep written/typed, signed and dated records of all meetings and telephone conversations, and other related documentation.
11. Once we have established all the relevant facts, we will send you a written response to your complaint. This will give a full explanation of the headteacher's / chair of governors' decision and the reasons for it. If follow-up action is needed, we will indicate what we are proposing to do. We may invite you to a meeting to discuss the outcome as part of our commitment to building and maintaining good relations with you.
12. The person investigating your complaint may decide that we have done all we can to resolve the complaint, in which case we may use our discretion to close the complaint at this point. Please see the next page for further information about this process.
13. If we do not close the complaint after Stage 2, you may wish to proceed to Stage 3, as described below.

Closure of complaints

- Very occasionally, a school will feel that it needs, regretfully, to close an complaint where the complainant is still dissatisfied.
- We will do all we can to help to resolve a complaint against the school but sometimes it is not possible to meet all of the complainant's wishes. Sometimes it is simply a case of "agreeing to disagree".
- If a complainant persists in making representations to the school – to the headteacher, designated governor, chair of governors or anyone else - this can be extremely time-consuming and can detract from our responsibility to look after the interests of all the children in our care.

- For this reason, we are entitled to close correspondence (including personal approaches, as well as letters and telephone calls) on a complaint where we feel that we have taken all reasonable action to resolve the complaint.
- In exceptional circumstances, closure may occur before a complaint has reached Stage 3 of the procedures described in this document. This is because a complaints panel takes considerable time and effort to set up and we must be confident that it is likely to assist the process of investigating the complaint.
- The Chair of Governors may decide, therefore, that every reasonable action has been undertaken to resolve the complaint and that a complaints review panel would not help to move things forward.
- **This does not, of course, prevent you from referring your complaint to the Secretary of State for Education, as described below.**

Stage 3 - Consideration by a complaints review panel

- If your concern has already been through Stages 1 and 2 and you are not happy with the outcome, we may agree to set up a complaints review panel to consider it. This is a formal process, and your ultimate recourse at school level. The Chair of Governors has discretion to agree to this form of meeting where he or she feels it would be helpful in resolving the complaint.
- The purpose of this arrangement is to give your complaint a hearing in front of a panel of governors who have no prior knowledge of the details of the complaint and who can, therefore, consider it without prejudice.
- The aim of a complaints review panel is to resolve the complaint and to achieve reconciliation between the school and the parent. We recognise, however, that it may sometimes only be possible to establish facts and make recommendations which will reassure you that we have taken your complaint seriously.

The complaints review panel operates according to the following formal procedures:

1. The clerk to the governing body will aim to arrange for the panel meeting to take place within **20 working days**.
2. The clerk will ask you whether you wish to provide any **further written documentation** in support of your complaint. You can include witness statements, or ask witnesses to give evidence in person, if you wish.
3. The headteacher will be asked to prepare a **written report** for the panel. Other members of staff directly involved in matters raised in your complaint will also be asked to prepare reports or statements.
4. The clerk will inform you, the headteacher, any relevant witnesses and members of the panel by letter, at least **five working days** in advance, of the date, time and place of the meeting. We hope that you will feel comfortable with the meeting taking place in the school; but we will do what we can to make alternative arrangements if you prefer.

5. With the letter, the clerk will send you all relevant correspondence, reports and documentation about the complaint and ask whether you wish to submit **further written evidence** to the panel.
6. The letter will explain what will happen at the panel meeting and the clerk will also inform you that **you are entitled to be accompanied** to the meeting. The choice of person to accompany you is your own, but it is usually best to involve someone in whom you have confidence but who is not directly connected with the school. They are there to give you support but also to witness the proceedings and to speak on your behalf if you wish.
7. With the agreement of the chair of the panel, the headteacher may invite **members of staff** directly involved in matters raised by you to attend the meeting,
8. The chair of the panel will bear in mind that the formal nature of the meeting can be intimidating for you and will do his or her best to **put you at your ease**.
9. As a general rule, no evidence or witnesses **previously undisclosed** should be introduced into the meeting by any of the participants. If either party wishes to do so, the meeting will be adjourned so that the other party has a fair opportunity to consider and respond to the new evidence.
10. The chair of the panel will ensure that the meeting is properly **minuted**. Please understand that any decision to share the minutes with you, the complainant, is a matter for the panel's discretion and you do not have an automatic right to see or receive a copy. Since such minutes usually name individuals, they are understandably of a sensitive and, therefore, confidential nature.
11. Normally, the written outcome of the panel meeting, which will be sent to you, should give you all the information you require. If, however, you feel that you would like to have a **copy of the minutes** it would be helpful if you could indicate this in advance. If the panel is happy for the minutes to be copied to you, the clerk can then be asked maintain confidentiality in the minutes.
12. During the meeting, you can expect there to be opportunities for:
 - you to explain your complaint;
 - you to hear the school's response from the headteacher;
 - you to question the headteacher about the complaint;
 - you to be questioned by the headteacher about the complaint;
 - the panel members to be able to question you and the headteacher;
 - any party to have the right to call witnesses (subject to the chair's approval) and all parties to have the right to question all witnesses;
 - you and the headteacher to make a final statement.
13. In closing the meeting, the chair will explain that the panel will now consider its decision and that written notice of the decision will be sent to the headteacher and yourself **within two weeks**. All participants other than the panel and the clerk will then leave.
14. The panel will then consider the complaint and all the evidence presented in order to:
 - reach a unanimous, or at least a majority, decision on the complaint;
 - decide on the appropriate action to be taken to resolve the complaint;

- recommend, where appropriate, to the governing body changes to the school's systems or procedures to ensure that similar problems do not happen again.
15. The clerk will send you and the headteacher a written statement outlining the decision of the panel **within two weeks**. The letter will explain what further recourse, beyond the governing body, is available to you.
 16. We will keep a copy of all correspondence and notes on file in the school's records but separate from students' personal records.

Further Action

If you are still not satisfied you have the right to take your complaint to the Secretary of State for Education at EFA and information on how to do this can be accessed on the following site:
<http://www.education.gov.uk/aboutdfe/complaintsprocedure/b00212240/making-complaint-school>

This policy is based on an Essex County Council model policy.

COMPLAINTS FORM

Please complete and return to
(Headteacher/Chair of Governors) who will acknowledge receipt and explain what action will be taken

Name:

Student's name (if relevant):

Your relationship to the student:

Address:

Daytime telephone number:

Evening telephone number:

Please give details of your complaint.

What action, if any, have you already taken to try to resolve your complaint? Who have you spoken to and what was the response?

continued/

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

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

Signature:

Date:

Official use

Date acknowledgement sent:

By whom:

Complaint referred to:

Date:

Final Action agreed/taken:

Signature:

Job Title: