

# **ST BARTHOLOMEW'S SCHOOL**

## **GENERAL COMPLAINTS POLICY AND PROCEDURE**

**Approved by Learning Resources Committee, Autumn 2007**

**Approved by Full Governing Body, Autumn 2007**

**To be reviewed Autumn 2011**

### **PURPOSE**

To establish a procedure for dealing with complaints relating to the school, as required by Section 29 of the Education Act 2002.

The school's values are concerned with meeting the needs of students, parents and other stakeholders. The Governing Body believes that feedback is an important ingredient in self-evaluation and raising standards. All stakeholders should feel that their concerns or complaints can be voiced and will be considered seriously.

St Bartholomew's School takes informal concerns seriously and aims to resolve them at the earliest stage in order to reduce the numbers that develop into formal complaints.

The underlying principle is that concerns will be handled, if at all possible, without the need for formal procedures. The requirement to have a complaints procedure will not in any way undermine efforts to resolve the concern informally. In most cases the class teacher, tutor or the individual delivering the service in the case of extended school provision, will receive the first approach. Staff will endeavour to resolve issues on the spot, including apologising where necessary.

Formal procedures will 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 Complaints Procedure will:

- encourage resolution of problems by informal means wherever possible;
- be easily accessible and publicised;
- 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 a desire for confidentiality;
- address all the points at issue and provide an effective response and appropriate redress, where necessary;
- provide information to the school's senior management team so that services can be improved.

This policy should be read in conjunction with all other school policies.

Parents may take a complaint against the school directly to Ofsted. Under new powers, Ofsted can investigate and respond to certain complaints from parents, including incidents of:

- the school not providing a good enough education;
- the students not achieving as much as they should, or their needs not being met;
- the school not being well led and managed, or not using its resources efficiently;

- the students' personal development and well-being being neglected.

Further information can be found from the Ofsted 'Guidance for parents' leaflet, which is available from the Governor Services pages of [www.westberks.org](http://www.westberks.org) under Complaints, or by visiting [www.ofsted.gov.uk](http://www.ofsted.gov.uk).

## **PROCEDURE**

### **Stage One: Informal**

#### **Concern/complaint heard by class teacher or relevant staff member (when not the subject of the complaint)**

Where a complainant is unhappy with an issue in school they should contact their child's class teacher or relevant staff member in the first instance. If the complainant indicates that he/she would have difficulty discussing a complaint with a particular member of staff, or the complaint relates to the staff member, the complainant may be referred to another staff member (or Headteacher). The ability to consider the complaint objectively and impartially is crucial.

Where the complaint concerns the Headteacher, the complainant should be referred to the Chair of Governors (ie proceed to Stage Three).

Complaints should not be referred to individual governors. Where the first approach is made to a governor, the complainant should be referred to the appropriate person above and advised of the procedure. Governors should not 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 Two: Informal or Formal**

#### **Concern/complaint heard by Headteacher**

If dissatisfied with the outcome at Stage One, the complainant should contact the Headteacher to discuss the issue. (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 complainant should include details which might assist the investigation, such as names of potential witnesses, dates and times of events, and copies of relevant documents. In addition the Headteacher may meet with the complainant to clarify the complaint.

The Headteacher will collect such other evidence as he/she deems necessary. Where this involves an interview with a member of staff, who is the subject of the complaint, that member of staff may be accompanied by a workplace colleague or union representative.

The investigation will begin as soon as possible and when it has been concluded, the complainant and the member of staff concerned will be informed in writing, within seven days, 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 is not substantiated by the evidence;
- the concern was substantiated in part or in full. Some details may then be given of action the school may be taking to review procedures etc... 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 are strictly confidential. ( e.g. where staff disciplinary procedures are being followed).

### **Stage Three: Formal**

#### **Complaint heard by the Governing Body's Complaints Panel (Staff Committee)**

If dissatisfied with the outcome at Stage Two, the complainant may write to the Chair of Governors giving details of the complaint within ten working days of receiving the outcome from the Headteacher. The Chair, or a nominated governor, will convene a Governing Body Complaints Panel. The Clerk will acknowledge receipt of the complaint within three working days. If it is determined that the complaint is "general" an investigation will take place as soon as possible.

The Complaints Panel is not convened to merely rubber-stamp previous decisions. It will investigate the complaint properly and impartially.

Individual complaints will 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 complainant should include details which might assist the investigation, such as names of potential witnesses, dates and times of events, copies of relevant documents etc. In addition the complainant will be invited to meet with the panel to present oral evidence or to clarify the complaint.

The panel will collect such other evidence as is deemed necessary. This may include the interviewing of witnesses and others who may provide relevant information.

The Headteacher will be provided with a copy of the complaint and any additional evidence presented by the complainant or collected by the panel. Once there has been an opportunity for the Headteacher to consider this, he/she will be invited to meet separately with the panel, in order to present written and oral evidence in response. The Headteacher may be accompanied at this meeting by a workplace colleague or union representative.

When the investigation has been concluded, the complainant and the Headteacher will be informed in writing of the outcome within ten working days. The complainant will not be informed of any disciplinary/capability action.

### **Stage Four: Formal**

#### **Complaint heard by the Governing Body's Complaints Appeals Panel**

The complainant, if unhappy with the method of investigation at Stage Three, may appeal to a Governing Body Appeals Panel. This panel will consist of different governors who have not been involved in any of the previous stages. The Clerk will acknowledge receipt of the appeal within three working days and the appeal will be held in accordance with the Procedures for Governors' Appeal Committee Hearings.

The complainant is not entitled to access to any details of the investigation except for any statements that may have been provided by their child. Any information relating to the application of disciplinary procedures is strictly confidential.

### **GENERAL GUIDANCE**

- An anonymous complaint will not be investigated under this procedure unless there are exceptional circumstances.

- To allow for a proper investigation, complaints should be brought to the attention of the school as soon as possible. Any matter raised more than three months after the event being complained of will not be considered, save in exceptional circumstances.
- Investigation of any complaint or review request will begin within five school days of receipt of the same, save in exceptional circumstances.
- Complaints will be considered and resolved as quickly and efficiently as possible. Realistic time limits will be set for each action within each stage. However, where further investigations are necessary, new time limits may need to be set and the complainant sent details of the new deadline and an explanation for the delay. Response times given refer to Monday to Friday inclusive, term time only.
- The Complaints Policy and Procedure are publicised to all stakeholders through:
  - the Handbook for Parents;
  - the Staff Handbook;
  - the information given to new parents when their children join the school;
  - Bartholomews;
  - documents supplied to community users, including course information or letting agreements;
  - the school website.

### **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;
- keep notes of any interview or meeting;
- communicate with the complainant at each stage over discussions and agreements reached.

### **Resolving Complaints:**

At each stage of the procedure, successful resolution of the complaint will take priority. If appropriate one or more of the following may be offered:

- 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;
- an undertaking to review school policies in light of the complaint.

Complainants will be encouraged to state what actions they feel might resolve the problem at any stage.

### **Vexatious Complaints:**

The decision of the Governing Body Appeals Panel is final. If a complainant remains dissatisfied and wants to reopen the same issue when all stages of the procedure have been

followed, the Chair of the Governing Body will inform them in writing that the procedure has been exhausted and that the matter is now closed. The complainant may contact the Local Authority. However, the role of the Local Authority is to satisfy itself that due procedure has been properly followed. It has no power to alter the response of the Governing Body. The complainant may contact the Local Government Ombudsman if dissatisfied with the process.

**The Remit of the Complaints Panel:**

The panel will decide on the method of investigation depending on the nature of the complaint. 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 school’s systems, policies or procedures to ensure that problems of a similar nature do not recur.

Panel members will be able to demonstrate impartiality, to be without any conflict of interest, and to have not been involved in preceding stages. If, at either Stage Two or Stage Three there are insufficient governors available meeting these criteria to form a panel, then an independent panel of governors will be sought from other schools.

The procedure will be applied fairly and consistently to all complainants regardless of gender, race, colour, marital status, nationality or ethnic origin, disability, sexual orientation, age or religion.

**MONITORING AND EVALUATION**

All documentation regarding complaints (including notes of any related meetings and telephone calls), the action taken and the final outcome will be recorded and a summary included in the Headteacher’s termly report to governors.

The Governing Body will 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.

The monitoring and review of complaints by the school and the Governing Body is a useful tool in evaluating the school’s performance and will contribute to school improvement. Any underlying issues identified will be addressed.

The policy and procedures will be reviewed every four years by the Learning Resources Committee.

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Signed by Chairman

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Date