

# PERCY HEDLEY EDUCATION SERVICES

## Complaint procedure

Across Education Services we have a strong commitment to working in partnership with all of our stakeholders. As busy, lively learning environments there are many interactions between students, parents, carers and staff as a part of the everyday life of the school. We believe in respecting the rights of all members of the school community. From time to time things do not go to plan and concerns need to be raised. Where any concerns are raised we aim to resolve these as quickly and efficiently as possible. Often these can be resolved quickly by open and honest communication between both parties. If a concern is not dealt with appropriately, or to the satisfaction of all parties, there is a clear transparent process for this complaint to be moved to the next level.

### The Statutory Requirement

Under section 29 of the Education Act 2002, Governing bodies are required to have in place a procedure to deal with complaints.

As a school we are concerned with meeting the needs of our pupils and all of our stakeholders. Feedback is an important part of a rigorous self-evaluation and monitoring process, aimed to raise standards. All parties should feel that any concern can be voiced and taken seriously.

Informal concerns are taken seriously and we aim to resolve these at the earliest stage to reduce the need for more formalised complaints.

Staff will always endeavour to solve problems as they arise and a complaints procedure will not negate the motivation to solve problems at an informal stage. However this option is available for problems, which cannot be solved informally.

The complaints procedure will:

- encourage resolution by informal means
- be easily accessible and publicised
- be simple to understand and use
- be impartial
- non-confrontational
- ensure a full and fair investigation
- respect confidentiality
- allow swift responses and be time limited
- address all points
- feed into the senior leadership team evaluation process

### Resolving issues and complaints

Most issues and complaints can be successfully dealt with informally and an effective complaints procedure will encourage this. However for those situations where this is not possible, we have more formal process to follow. It also enables us to respond to concerns and early as possible.

We strive for early resolution to all complaints. This is to minimise the anxiety to all involved parties and to allow all parties to move forward constructively. It may be appropriate to offer:

- an apology
- an explanation
- an admission that the situation could have been handled differently
- an assurance that the incident will not reoccur.

At any stage it may become apparent 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 fully. Some details may be shared with the complainant if appropriate
- the matter has been fully investigated and appropriate procedures have been followed, although this info can not be fully shared with the complainant.

If a complaint is received we will:

- discuss the complaint with the complainant
- clarify the details
- discover what the claimant feels would remedy the situation
- interview those involved
- approach the interview with an open mind and take notes.

Keep the complainant informed throughout the process and inform of the time scales and any necessary amendments to the time scales.

### **Timing**

It is in the interests of all parties that any concerns are raised as soon as is practicable after they occur.

It is reasonable for school to consider complaints up to either a year after the event took place, or a year after the complainant came aware; however, complaints are best dealt with as soon as possible,

Whilst there is no requirement for schools to consider complaints once a pupil has left the school, considerations should be given if a complaint procedure has started prior to the pupil leaving.

### **THE PROCEDURE**

An effective procedure will enable swift handling of the complaint with clear time scales and will ensure a full and fair investigation that respects confidentiality whilst recognising the requirements of the Data Protection Act.

Dividing the complaints process into stage enable complainants to have a clear idea of how to raise any concerns and where to turn if they are not satisfied.

Where the procedure refers to the Executive Headteacher (EHT), he/she may delegate any of these functions to a member of the Senior Leadership team. The final decision still rests with the EHT.

In exceptional circumstances the EHT may commission and independent investigator to undertake the investigation on behalf of the school.

### **Stage 1 - Informal Complaint**

Stage 1 occurs when a parent, pupil or other stakeholder contacts the school because they are not happy about something that has happened or is happening in school.

At this stage ideally the class teacher or therapist can resolve the concerns and this could be with a face-to-face meeting if the complainant wishes. It may be helpful at this point to identify what sort of outcome the complainant would like to achieve in order to tackle concerns quickly and effectively.

The response should be provided within a maximum of ten school days from the date of the receipt. The response can be verbal or in writing, as deemed most appropriate to the situation.

If we are unable to respond within the timescale, we will inform the complainant and explain any reasons for the delay.

As part of the response the complainant will be advised of the next stage if they are dissatisfied.

Should the complaint be about a class teacher, it may be prudent that the Head of Service, EHT or other member of the senior leadership team responds to the complaint.

The EHT may escalate the complaint at any time.

### **Stage 2 – Formal Complaint to the EHT**

If the complainant is not satisfied with the response from Stage 1, the complainant should be given the opportunity to take the complaint directly to Stage 2.

Stage 2 complaints should be made in writing to the EHT and should also include the complainant's desired outcome.

If the Stage 2 complaint is at the complainant's request, it must be raised within 10 school days from the response of the Stage 1 response. School will provide oral or written acknowledgement of the complaint within two school days and a target date for response. This should be within 15 school days.

If it is not possible to resolve matters in this timescale an explanation should be given, with revised dates.

Where appropriate the EHT should provide the complainant with the opportunity to meet and discuss the matter further.

The EHT should interview any relevant pupils/staff as soon as possible. Written records should be kept of all meetings, telephone calls or emails.

Complaints need to be considered and resolved as quickly and efficiently as possible. Following the completion of the investigation, the EHT will respond in writing to the complainant, with all appropriate information in relation to the complaint and information on any outcomes. The response should also inform the complainant of the next stage of the procedure in case they are not satisfied with the response.

Should the complaint concern the EHT, this complaint would be passed to the Chief Executive Officer (CEO).

### **Stage 3 Formal Complaints to Governing Body**

If the chair of the Governing body receives a complaint directly from a parent they should consult the EHT before taking any action. It is important to ensure that earlier stages of the process have been exhausted.

Complainants should be advised that complaints at this stage should usually be made in writing and addressed to the chair of the governors, no later than ten working days following receipt of a written outcome at Stage 2.

It is important that the Governor's complaint panel should be independent but also be seen to be so. Individual complaints should not be considered by the full Governing body. If the investigation leads to a disciplinary hearing it may be that it would need to be heard by a separate group of Governors. Furthermore, some Governors may have prior knowledge of the issue, which would make the proceedings unfair and potentially biased.

A Governor's complaints panel consisting of three members of the governing body should be convened. Writing confirmation should be made within three school days of receiving the complaint.

The acknowledgment letter should inform the complainant that their complaint is to be heard within 20 school days.

This should be arranged with sufficient notice to allow all parties to attend. There should be at least 5 school days notice.

At this meeting any issues around the complaint can be discussed, with everyone involved invited to put forward their case. It is likely that the panel would also need to interview other people involved in order to get a clearer picture of the story. Any parties involved should also be invited to submit any extra evidence that has not been seen during the earlier stages.

A written response to the complaint should be made as soon as possible within a maximum of 15 school days from the date of the panel.

Should a written complaint be submitted to the Governing body (a Stage 3 complaint) without a stage 1 or 2 complaint being submitted, the EHT will investigate the complaint and refer all information to the Governor's complaint panel for a final decision to be made.