

General (Non Statutory) Complaints Procedure For Ramsbury School

Policy Reviewed: March 2008

Next Review: March 2010

Purpose:

This document sets out a procedure for dealing with complaints relating to the School, as required by section 29(1)(a) of the Education Act 2002.

Scope:

All matters relating to the School and any community facility or service it provides except matters relating to the curriculum and collective worship which are drawn up by the LA.

Staff disciplinary and grievance complaints also fall outside this procedure.

Other organisations that use the School's premises must have their own complaints procedure.

General Principles:

- The procedure must be fair to all parties and simple to understand and operate.
- The procedure must be publicised and understood by parents and staff and accessible to both.
- It is in everyone's interests that concerns are resolved at the earliest possible stage and, if possible, without the need for formal procedures.
- 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. The investigation will be completed as soon as reasonably practicable.
- Written records will be kept of all formal meetings and, where appropriate, informal meetings.

The Governing Body will monitor complaints received by the School to determine whether there are any underlying issues that need to be addressed

Part A - A Complaint about a Member of Staff other than the Head Teacher

1) Informal Concern

The complainant is normally expected to arrange to communicate directly with the member of staff concerned. This may be by letter, by telephone or in person by appointment.

In the case of a serious concern, it may be appropriate to address it directly to the Head Teacher.

Many concerns can be resolved by simple clarification or the provision of information and it is anticipated that most concerns will be resolved at this informal stage.

An unreasonable refusal by a complainant to attempt an informal resolution may result in the procedure being terminated.

2) Formal complaint

If the concern is not resolved at the informal stage, the complainant must put the complaint in writing and pass it to the Head Teacher, who will be responsible for its investigation. 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.

The Head Teacher will:

- 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 to clarify the complaint, allowing him/her to be accompanied by a friend or representative if wished.
- Clarify what the complainant feels would put things right.
- Interview those involved and any witnesses.
- Provide the member of staff with a copy of the complaint and any additional evidence presented by the complainant or witnesses.
- Interview the member of staff and hear his/her response to the complaint, allowing him/her to be accompanied by a friend or representative if wished.
- Conduct all interviews with an open mind and be prepared to persist in the questioning.
- Keep records of the interviews.

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 of the outcome within five school days. This may be to the effect that:

- There is insufficient evidence to reach a conclusion, so the complaint cannot be upheld.
- The complaint is not substantiated by the evidence and is dismissed.
- The complaint was substantiated in part or in full. Some details may then be given of action the school may be taking to review procedures, but details of the investigation or of any disciplinary procedures are strictly confidential and will not be released.

It may also be appropriate to offer an apology and/or admit that the situation could have been handled differently or better.

The complainant will be told that consideration of the complaint by the Head Teacher is now concluded.

If the complainant is not satisfied with the manner in which the procedure has been carried out, the complainant may request that the Governing Body review the procedure followed by the Head Teacher in handling the complaint. Any such request must be made in writing within two weeks of receiving notice of the outcome from the Head Teacher, and include a statement specifying any perceived failures to follow the procedure. The procedure described in Part C will then be followed.

If the complainant considers that the decision of the Head Teacher is perverse, or that the Head Teacher has acted unreasonably in considering the complaint, then the complainant may bring a complaint against the Head Teacher under Part B of this procedure.

Part B - A Complaint about the Head Teacher

1) Informal concern

The complainant is normally expected to arrange to speak directly with the Head Teacher. This may be by letter, by telephone or in person by appointment

In the case of a serious concern, it may be appropriate to address it directly to the Chair of Governors.

Many concerns can be resolved by simple clarification or the provision of information and it is anticipated that most concerns will be resolved at this informal stage.

An unreasonable refusal by a complainant to attempt an informal resolution may result in the procedure being terminated.

Where the complainant has raised the concern with the Head Teacher informally, but is not satisfied with the outcome, before instigating the formal procedure, the complainant may wish to make an informal complaint to the Chair of Governors.

The Chair of the Governing Body may investigate the informal complaint him/herself, but may judge it more appropriate that a panel of up to three Governors is set up to consider the informal complaint.

2) Formal Complaint

If the concern/complaint is not resolved at the informal stage, the complainant must put the complaint in writing and pass it to the Chair of Governors. 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.

The Chair of Governors may investigate the complaint him/herself or nominate another Governor to carry out the investigation.

The Chair of Governors/nominated Governor will:

- 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 to clarify the complaint, allowing him/her to be accompanied by a friend or representative if wished.
- Clarify what the complainant feels would put things right.
- Interview those involved and any witnesses.
- Provide the Head Teacher with a copy of the complaint and any additional evidence presented by the complainant or witnesses.
- Interview the Head Teacher and hear his/her response to the complaint allowing him/her to be accompanied by a friend or representative if wished.
- Conduct all interviews with an open mind and be prepared to persist in the questioning.
- Keep notes of the interviews.

The investigation will begin as soon as possible and, when it has been concluded, the complainant and the Head Teacher will be informed in writing of the outcome within five school days. This may be to the effect that:

- There is insufficient evidence to reach a conclusion, so the complaint cannot be upheld.
- The complaint is not substantiated by the evidence and is dismissed.

- The complaint was substantiated in part or in full. Some details may then be given of action the school may be taking to review procedures, but details of the investigation or of any disciplinary procedures are strictly confidential and will not be released.

It may also be appropriate to offer an apology and/or admit that the situation could have been handled differently or better.

The complainant will be told that consideration of the complaint by the Chair or nominated Governor is now concluded.

If the complainant is not satisfied with the manner in which the process has been followed, or considers that the decision of the Chair or nominated Governor is perverse, or that the Chair or nominated Governor has acted unreasonably in considering the complaint, then the complainant may request that the Governing Body review the handling of the complaint by the Chair or nominated Governor. Any such request must be made in writing within two weeks of receiving notice of the outcome from the Chair or nominated Governor, and include a statement specifying any perceived failures to follow the procedure. The procedure described in Part C will then be followed.

Part C - Review Process - Governing Body Complaints Appeal Panel

Any review of the process followed by the Head Teacher or the Chair or nominated Governor shall be conducted by a Governing Body Complaints Appeal Panel.

The Panel is the last school-based stage of the complaints process. Its aim is to resolve the complaint and achieve reconciliation between the School and the complainant. It is important that the Panel is independent and impartial and that it is seen to be so.

The Panel will consist of three members of the Governing Body who have had no prior involvement in the complaint or in the circumstances surrounding it.

The Chair of the Complaints Appeal Panel will:

- Set the date, time and venue of the appeal hearing, ensuring that the date is convenient to all parties.
- Ensure that all relevant written material is sent to the parties in advance of the meeting.
- Ensure that the hearing is as informal as possible.
- The complainant is invited to explain their complaint and be followed by their witnesses.
- The Head Teacher or the Chair/nominated Governor may question both the complainant and witnesses.
- The Head Teacher/Chair/nominated Governor is then invited to explain the School's actions and be followed by the School's witnesses.
- The complainant may question both the Head Teacher/Chair/nominated Governor and the School's witnesses.
- The Panel may ask questions at any point.
- The complainant is then invited to sum up their complaint.
- The Head Teacher/Chair/nominated Governor is then invited to sum up the School's actions and response to the complaint.
- Both parties leave together.

The complainant, and the Head Teacher or the Chair/nominated Governor, as appropriate, will be informed in writing of the outcome within five school days. 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 resolve the complaint.
- Recommend changes to the School's systems or procedures to ensure that problems of a similar nature do not recur. However the complainant is not entitled to any information relating to the application of disciplinary procedures.

If, despite all stages of the procedure having been followed, the complainant remains dissatisfied and tries to reopen the same issue, the Chair of Governors will inform the complainant in writing that the procedure has been exhausted and that the matter is now closed.

If the complainant believes that the Governing Body has acted illegally or arbitrarily in handling the complaint, then the complainant may make representations to the Secretary of State for Education and Skills.

Date: March 2008