

Batley Girls' High School - Visual Arts College

Policy Document

Complaints

Produced by: WJB

Date: November 2014

Date of review: December 2015

Date of next review: December 2018

Background

The Education Act 2002 requires governing bodies to:

- Have in place a formal written procedure to deal with complaints relating to the school.
- Keep a written record of all complaints and at which stage they are resolved.
- Allow for a complaint to be made and considered initially on an informal basis.
- Make the policy/procedure available to parents of students.
- Set out a clear time scale to the management of a complaint.
- Make provision, where a complainant is not satisfied with the response to a complaint, for a hearing before a panel of at least three people who were not directly involved in the matters detailed in the complaint.
- Ensure that at least one member of that panel is independent of the management and running of the school.
- Permit the complainant to be accompanied at a panel hearing if they wish.
- Provide that the findings and recommendations of the panel are:
 - Sent by electronic mail or otherwise to the complainant and the person complained about (where relevant).
 - Are available for inspection on the school premises by the Co-Heads.
- All documentation relating to individual complaints should be retained and kept confidential (except where Ofsted or the Education Secretary requests them. Ofsted inspectors will make a judgment of the complaints procedure statement that the school issues and information from any upheld complaints about the school from parents to Ofsted.)

The school has accordingly adopted a complaints procedure in accordance with the following principles.

Any complaint relating to a child protection matter should immediately be raised with the local authority (LA) for them to handle, whatever the status of the school.

This policy does not include dealing with any of the matters listed below, all of which are addressed in separate policies and procedures:

- Staff grievances.
- Internal disciplinary matters relating to staff or pupils.
- Curriculum complaints.
- Admissions appeals.

- SEN appeals.
- Appeals to the staff dismissal committee.
- Whistle blowing (matters of impropriety eg a breach of law, school procedures or ethics. These complaints should be directed to any of the prescribed people or bodies recommended in the government publication 'Blowing the whistle to a prescribed person: a list of prescribed people and bodies' available from www.gov.uk).
- Discrimination.

If the complainant is still not satisfied after all the processes of the school's complaints procedure have been undertaken, the complaint may be taken to the Education Funding Agency (EFA).

- Neither the DFE nor the EFA will consider complaints from unsatisfied complainants who have not exhausted the school's procedures.
- The process for complaining to the DFE or the EFA is to use the on-line school complaints form available at:
 - https://form.education.gov.uk/fillform.php?self=1&form_id=cCCNJ1xSfBE&type=form&ShowMsg=1&form_name=Contact+the+Department+for+Education&noRegister=false&ret=%2Fmodule%2Fservices&noLoginPrompt=1

Definition of a Complaint

A complaint is any expression of dissatisfaction about the school and any community facilities or services that the school provides.

Principles of the Procedure

Informal resolution – If possible, complaints will be resolved through informal discussion and negotiation.

The procedure will be easy to understand and to use – the language will be simple and can be made available in different languages and formats where necessary.

Impartiality and confidentiality – all complaints will be dealt with impartially and subject to the need to investigate the matter fully, in confidence.

Time limits – complaints will be dealt with within clear time limits and everyone will be kept fully informed.

Support – complainants will be encouraged to be supported by a friend or adviser, who may provide support but not formal participation.

Full and fair investigation –

- a. the complaint will be fully investigated;

- b. if necessary and at the discretion of the Chair of the Governing Body an independent person will be appointed by the Chair to conduct the investigation;
- c. the principles of fairness and impartiality will be fully observed at all times.
- d. If the complaint is justified appropriate redress will be offered.

Addressing any problems – any issues identified through the investigation of the complaint as requiring action will be addressed.

Support for staff – staff will be given the same level of support as the complainant.

Anonymous complaints – Will be investigated but only insofar as it is possible and practicable.

Vexatious complaints – will be assessed to decide whether any new issues have been raised. If so then these will be investigated in accordance with the Complaints Procedure.

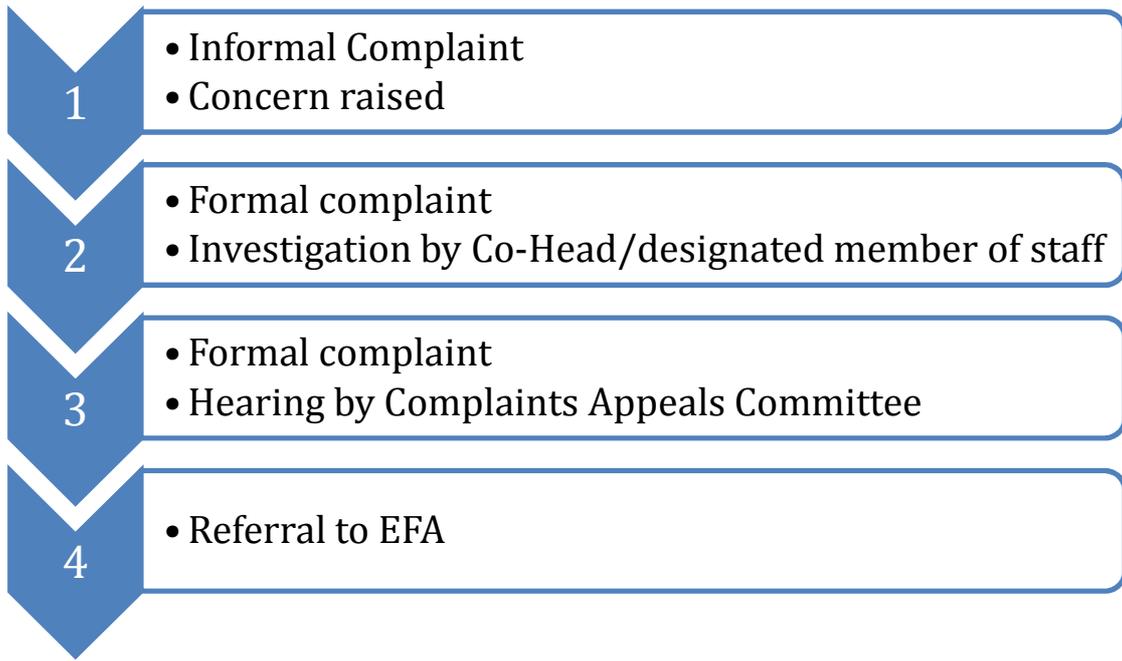
Training – all staff will be briefed in handling complaints to seek to ensure that a consistent approach is taken to all complaints received.

Persistent complainants – complaints will be thoroughly investigated but will not be re-opened unless relevant new issues are brought forward.

Review

This Policy shall be reviewed by the Governing Body every three years.

PROCEDURE



a) Informal Complaint – Stage One

- Anyone with a concern about any aspect of the school is encouraged to raise their concern, either personally or through someone else, with their child's pastoral manager, a senior member of staff or with the Co-Heads. Everything possible should be done at this stage to resolve the matter.
- If the concern cannot be resolved by informal means then the person expressing the concern will be told of the option of pursuing a formal complaint and be provided with information on this procedure.

b) Formal Complaint – Stage Two – Investigation by a designated member of staff/Co-Head

- Formal complaints must be detailed in writing (a complaints form is attached for this purpose). To ensure that the complaint is properly investigated it must be as clear as possible. If necessary clarification will be sought from the complainant about any aspect of the complaint which is unclear;
- If a complainant requires help to put their complaint in writing then they will be offered the opportunity to meet with the designated member of staff/Co-Head who will make a written note of the complaint and agree it with the complainant;
- The designated member of staff/Co-Head will send an acknowledgement within 5 working days of receiving the written complaint;
- The complaint will be recorded;

- The designated member of staff/Co-Head will investigate the complaint in accordance with the principles of the Complaints Policy and may find it appropriate to ask for written statements from staff or pupils and to call for any relevant documentation. If the complaint is against a member of staff, that member of staff has a right to be given details of the complaint and the opportunity to make representation about it. The person investigating the incident will take these details into account.
- The designated member of staff/Co-Head will write to the complainant within 20 days of receipt of the complaint (or by date given in the acknowledgement letter) and advise him/her of the outcome of the investigations.
- If the complaint is upheld the complainant will be informed accordingly and given an indication of the steps that will be taken to put matters right. If, on the basis of the information available, it is not possible to arrive at a definitive decision on the complaint the complainant will be informed accordingly with the reasons why.
- The complainant will also be informed that if they are dissatisfied with the outcome of the investigation then they have the right to appeal against the outcome to the Chair of the Governing Body and how to do it.

Note: If a complaint concerns the conduct of either Co-Head or a Governor, or where the Co-Head or Governor has been involved in the issue previously, then the matter will be referred to a senior member of staff or member of the Governing Board not previously involved. In some circumstances, the school reserves the right to refer the matter to an external body.

c) Formal Complaint – Stage Three – Complaints Appeals Committee Hearing

When the clerk to the Governors receives the request for the Governors' complaints appeal panel to meet:

- The complainant/parent will be informed by the clerk of the new timescale for the investigation and written report to be provided – within 14 working days.
- A Governors' complaints appeal panel will be assembled comprising three or five members, none of whom have any previous connection to the complaint, and one of whom will act as Chair for the meeting. The meeting will additionally have a clerk in attendance. One of the members of the panel will be independent of the school.
- The clerk will write to the complainant, the Co-Heads, the chair of Governors and appeal panel members giving details of the meeting, requesting copies of any documents to be put before the meeting and the names of any witnesses that either party may wish to attend.
- The clerk will inform the complainant of the right to be accompanied by a friend, to provide support but not formal participation.

The hearing will be on reasonable notice and be held as soon as practicable after receipt of the referral. The procedure at the hearing will be sensitive and appropriate for the circumstances and is at the discretion of the Chair of the Governors' complaints appeal panel.

After the hearing the clerk will offer copies of the minutes of the meeting to all parties involved in the panel hearing and provide an opportunity for the minutes to be agreed and, if necessary, challenged within 5 school days so that no additional complaints will arise because of the record of the meeting.

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 procedures to ensure that similar problems do not recur.

The Governors' appeal panel's decision is final.

d) Referral to the EFA

A copy of the findings and recommendations of the panel will be sent by letter (electronic mail is acceptable) to the complainant and, where relevant, to the person complained about, and will be available for inspection on the school premises by the Co-Heads.

If, despite following appropriate procedures, the complainant remains dissatisfied, or tries to reopen the same issue, the Chair of Governors will inform them in writing that the procedure has been exhausted and that the matter is now closed, and if they wish to take the complaint further they must complete the form available at:

https://form.education.gov.uk/fillform.php?self=1&form_id=cCCNJ1xSfBE&type=form&ShowMsg=1&form_name=Contact+the+Department+for+Education&noRegister=false&ret=%2Fmodule%2Fservices&noLoginPrompt=1

and the complaint will be directed to the Education Funding Agency who will not overturn the decision about the complaint but will check whether:

- There has been undue delay in the proceedings.
- That the procedures in the school's policy and other relevant policies were followed correctly.
- That the school has complied with its funding agreement with the Education Secretary.
- That the policy meets all legal requirements.

Complaints to the DFE may also be sent to:

The School Complaints Unit (SCU)
Department for Education
2nd Floor, Piccadilly Gate
Manchester
M1 2WD

Complaints to the EFA may also be sent to:
Providers, Standards and Intervention
Education Funding Agency
Earlsdon Park
53–55 Butts Road
Coventry
CV1 3BH

COMPLAINTS FORM

Please complete and return to Mrs S Cook, PA to the SLT 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

Date acknowledgement sent:

By whom:

Complaint referred to:

Date: