

Churchill Community College

Complaints Procedure

Churchill Community College is committed to ensuring that any concern or complaint is resolved at the earliest stage. The procedure aims to reassure parents and others with an interest in the school that we aim to deal with all complaints fairly and impartially.

Where possible complaints will be dealt with informally at the least senior level possible in order to reach a speedy and satisfactory resolution.

It is recognised there will be occasions where informal resolution is not successful. In these instances a formal complaint should be made in writing to the appropriate person in school.

Where the complaint is against a member of staff, the complaint should be addressed to the Headteacher and where the complaint is against the Headteacher, the complaint should be addressed to the Chair of the Governing Body.

General complaints about the school, but not specifically against any person, would usually be addressed as complaints against the management of the school and therefore addressed as a complaint against the Headteacher.

Parents, students and members of the public who make a complaint will be expected to comply with the procedures and work with the school to seek informal resolution wherever this is possible. Where a complaint becomes formal, complainants are expected to cooperate by following the procedure, listening to expectations and wherever possible working with the school to find speedy and satisfactory resolution.

Procedure

Informal Action

Stage 1

Most parental concerns can be dealt with by the class teacher or learning co-ordinator. Depending upon what their concern is, it is always best to try to deal with it informally initially. Most complaints can be dealt with at the informal stage and resolved very quickly, which is usually the best outcome for most issues.

Complaint against a member of staff

If a member of staff approached feels too compromised to deal with a complaint, the complaint could be referred to another member of staff (eg learning co-ordinator or member of the leadership team). If this member of staff cannot help, the complainant could be referred to the Headteacher still as part of the informal stage.

If the complainant remains dissatisfied with the outcome of the informal action they should put their complaint in writing to the Headteacher – Stage 2 Formal Action. However, if the complainant remains dissatisfied with the outcome of informal action where this has been dealt with by the Headteacher, the matter should be progressed to Stage 3 Formal Action and

be heard by a panel of governors. A complaint form is attached to this procedure as an appendix. The benefit of submitting the complaint on the form is that this helps to focus on the issue and the preferred outcome. However, a letter or email detailing the complaint, what action has already been taken and the desired outcome, would be acceptable.

Complaint against the Headteacher

If a complaint is against the Headteacher it may be appropriate to refer directly to the Chair of Governors under the formal stage, i.e. Stage 2. However, if there is any possibility of informal resolution being achieved between the complainant and the Headteacher, this should be considered and sought before formal action is taken.

Formal Action

Stage 2

While the formal stage begins at this point, it is worth bearing in mind that the procedures explained throughout Stages 2 and 3 are there to ensure an equitable and fair process for all concerned, it is not a legal process.

The written complaint should be acknowledged by the Headteacher (where the complaint is against a member of staff), or Chair of the governing body (where the complaint is against the Headteacher) within five school days.

An opportunity to meet with the complainant to discuss the grounds for the complaint can be offered as part of this stage of the process. At this stage the Headteacher, (where the complaint is against a member of staff) or Chair of the governing body (where the complaint is against the Headteacher) may still seek to resolve the complaint informally.

The Headteacher, (where the complaint is against a member of staff) or Chair of the governing body (where the complaint is against the Headteacher) will investigate the complaint.

A written response will normally be issued within 25 school days of receipt of the complaint, or from the date when the complainant meets with the Headteacher (or Chair of the governing body). If this time limit needs to be extended, the complainant will be both advised of the new deadline and given an explanation.

A written response will include the decision of the Headteacher (where the complaint is against a member of staff) or Chair of the governing body (where the complaint is against the Head teacher) and reasons for the decision.

Where the school agrees to take any remedial actions, the Headteacher (or Chair of the governing body) will make those actions known to the complainant. However, it would not be an expectation that the complainant would receive detailed information as to any issue that is referred to the school's corrective procedures.

The written response from the Headteacher (where the complaint is against a member of staff), or Chair of the governing body (where the complaint is against the Headteacher) will advise the complainant of the action required if they are dissatisfied with the decision. If they wish to pursue the complaint they may ask that a review takes place with a panel of three governors.

Stage 3

Where the complainant remains dissatisfied with the outcomes of Stages 1 and 2, they may write to the Chair (or Vice Chair of the governing body if the previous Stage involved the Chair) giving details of their concerns and asking for a review of the decision or action taken.

A written notification from the complainant requesting a move to Stage 3 should be received by the designated person, i.e. clerk to governing body or Vice-Chair of the governing body, within 10 school days from receipt of the decision from Stage 2.

If written notification is not forthcoming from the complainant within the deadline the issue will be considered closed.

It may be worth making the complainant aware via documentation that is sent out to them that Stage 3 will not be a re-investigation of the complaint but will be a review of the process and conclusions made at the earlier stage.

The Chair (or Vice Chair of the Governing Body if the previous stage involved the Chair) will seek to arrange a meeting of a panel of three governors within 25 school days. That panel may or may not include the Chair/Vice Chair. If the panel considers that an extension to the time limit is required, the Chair of the panel, or their designate, should contact the complainant explaining the reasons for the delay and giving an alternative date for the panel to meet. All parties will be given at least 15 school days' notice of the review meeting.

The Headteacher (or Chair of the governing body where the complaint is against the Headteacher) should not be a member of the panel, as they will be expected to respond to the complainant at a review meeting.

The Clerk to the panel will invite all documentary information to be submitted by the complainant and the Headteacher (or the Chair of the Governing Body) by a set deadline.

This must be sufficient time for both parties to collate and submit their evidence and for the clerk to copy the evidence packs and allow all those who require the documentation to have received all of the relevant documentation at least five school days before the date of the review.

The panel will only consider reviews against complaints that have already progressed through the appropriate prior stages of this procedure.

The review is the final stage of the school's complaints procedure.

In relation to complaints against a member of staff, the Headteacher and the member of staff may consider that the member of staff's attendance would be unnecessary. In such cases, the Headteacher would present findings and rationale for any outcomes to the panel members. Likewise, in relation to complaints against the Headteacher, the Headteacher and Chair of the governing body may consider that the Headteacher's attendance would be unnecessary. In such cases, the Chair of the governing body would take the role of the Headteacher in the procedure at this stage.

If this approach is to be adopted, the complainant and the Chair of the panel should be advised no later than the point at which notification of the date of the review meeting is given to the parties, i.e. usually 15 days prior to the review meeting. It should be noted that this approach may undermine the member of staff's or the Headteacher's ability to fully present their case and may result in a less than satisfactory explanation of issues. Further advice and guidance concerning the appropriateness of the attendance of the member of staff or the Headteacher can be sought from the local authority or the appropriate Diocese.

The Chair of the panel should ensure that the complainant is notified of the panel's decision in writing within five school days. A letter summarising the reasons for the decision and, where it has been agreed action is required on behalf of the school, an indication of those actions would be good practice.

Where a panel needs to re-convene to give further consideration to the complaint, all parties should be notified of the new deadline. Consequently, a final response should be given within five school days of the reconvened meeting.

This is the end of the procedure as far as the school's complaints' procedure is concerned. The decision of the panel is final and binding.

The only recourse left to the complainant is to refer the complaint to the Secretary of State for Education. The letter notifying the complainant of the panel's decision should indicate how the complainant can have recourse to the Secretary of State.

Guidance for a review meeting

a. Witnesses

At Stage 3, both parties are entitled to invite those witnesses that they consider relevant in supporting their case. It is the responsibility of the party calling the witnesses to ensure that they are willing to attend and to make arrangements for them to be present at the appropriate time.

Each witness should bring material facts that other witnesses called by that party have not presented, to ensure that the panel has a clear understanding of the party's case. All witnesses called should be named as part of the information sent out to all parties prior to the review meeting. Any witness statements, which will be referred to as part of the

evidence, should be submitted as part of the information sent out to all parties prior to the review meeting.

Where the complaint is against a member of staff, the Headteacher may call that member of staff as a witness. Similarly, where the complaint is against the Headteacher, the Chair of the governing body may call the Headteacher as a witness if the Headteacher has decided not to present the case.

The Chair of the panel has discretion to reduce the number of witnesses where the number of witnesses is disproportionate to the issue and where witness statements indicate repetitive information. Any subsequent witnesses could only be admitted at the discretion of the Chair of the panel, although the Chair of the panel may ask either party to provide additional witnesses where further clarification is required.

b. Documentation

Once the deadline has passed for submission of documentary information to be presented to the review meeting, additional documentation may only be considered by the panel at the discretion of the Chair of that panel.

c. Action taken as a result of the complaint

The panel can:

- Dismiss the complaint in whole or in part;
- Uphold the complaint in whole or in part;
- Decide upon the appropriate action to be taken to resolve the complaint;
- Recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not recur.

Where the Head teacher, Chair of Governors, or panel of governors have decided that action may be taken against the subject of the complaint, i.e. member of staff or head teacher, this action must be in line with the school's corrective procedures.

Note: It would not be an expectation that the complainant would receive detailed information as to any issue that was considered for referral to the school's corrective procedures.

d. Format for a review meeting

A suggested format is attached as Appendix C.

e. Further recourse for the complainant

The decision of the governing body's panel hearing the review is final. However, complainants have a right of appeal to the Secretary of State for Education on the grounds that:

- The governing body is acting or proposing to act unreasonably, or
- The governing body has failed to discharge its duties under the Act.

Note: The Secretary of State would not take action until the school's complaints procedures have been completed. In most cases the Secretary of State would not be able to investigate a complaint if the child no longer goes to the school where the incident took place (www.directgov.uk). Contact details for the Secretary of State will be provided in the letter to the complainant giving the decision of the Stage 3 process.

Complaint Report Form

Name of School _____ Date _____

Name of complainant _____

Address of complainant _____

Telephone numbers : Day time _____ Evening _____

E-mail : _____

Name of child (if appropriate) _____

Complainant's relationship to Child _____

To be completed by Complainant as fully and as accurately as possible

Please give Details of your complaint (Please continue on separate sheet if necessary)

What action, if any, have you already taken to try to resolve your complaint?

(Who did you speak to and when? What was the response? Why was this not satisfactory?)

To be completed by complainant as fully and as accurately as possible

What action do you consider would resolve the matter?

Please attach further information if required.

I confirm that this is an accurate representation of my complaint.

Signed by the complainant _____ Date _____

Please return this completed form to the Head Teacher of the School, *or the Chair of the governing body if the complaint is in respect of the Headteacher*. Please mark the envelope 'private and confidential'.

The following section should be completed by/or on behalf of the Headteacher or the Chair of the governing body.

Date received _____ Date acknowledged _____

Action taken/to be taken:

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Suggested format for a review meeting

To ensure a fair hearing, the following procedure should normally be followed at the meeting. This can be adjusted if all parties are in agreement. It is the role of the Chair of the panel, however, to ensure that all parties have appropriate opportunity to present their case or question the other party.

- Both parties are invited into the meeting at the same time;
- The Chair of the panel welcomes everyone and asks those present to introduce themselves;
- The Chair of the panel explains the purpose of the meeting, the procedure and checks that all documentary evidence has been received by all parties;
- The complainant explains their complaint;
- The complainant may present witnesses;
- The Headteacher (or Chair of the governing body) may ask questions of the complainant or witnesses;
- The panel may ask questions of the complainant or witnesses;
- The Headteacher (or Chair of the governing body) makes a response to the complaint and explains the school's actions;
- The Headteacher (or Chair of the governing body) may present witnesses;
- The complainant may ask questions of the Headteacher (or Chair of the governing body) or witnesses;
- The Panel may ask questions of the Head Teacher (or Chair of the Governing Body) or witnesses;
- The Headteacher (or Chair of the governing body) summarises the school's position, highlighting evidence or any other information which has come to light through the questioning;
- The Complainant summarises their case, highlighting evidence or any other information which has come to light through the questioning;
- The Chair of the panel ensures that both parties have had sufficient opportunity for a fair hearing and reminds everyone about confidentiality;
- The Chair of the panel thanks both parties for attending and gives an indication of when and how they can expect to hear the panel's decision, e.g. in writing or verbally to be confirmed in writing;

- Everyone except for the panel members, the clerk and anyone supporting the panel, leaves the room together;
- The panel may ask both parties to remain for a short time in case any items of clarification are required. If this occurs, both parties must return together and be present for any further questions;
- The panel considers the complaint and reaches a decision (majority). Where appropriate, the panel may recommend action to resolve the complaint and/or changes in school practice to avoid similar complaints in the future;
- The decision may be relayed to both parties verbally, if that has been agreed, but a formal written decision will still be sent to both parties within the specified time limit of five school days.

Notes:

- (i) Witnesses will only attend the meeting for the part to which they are contributing.
- (ii) Witnesses will not receive documentary packs.
- (iii) A short adjournment/comfort break may be requested by either party or the panel at any time. If this occurs, both parties should leave the room together and return together.
- (iv) It may be necessary to reconvene the meeting if the panel requests further information or further witnesses. Any further information obtained should be shared with the panel and both parties.
- (v) A further meeting may be necessary if the panel has been unable to make a decision due to insufficient time. Both parties should be notified of this and advised when a decision might be shared.