



Policy Title: Complaints Procedure

Blatchington Mill School and Sixth Form College believes that complaints should be taken seriously and should be dealt with effectively and efficiently. BMS also believes that complaints are seen as a method to improve working practice

Initiated:	September 2005
Groups consulted:	Governors Staff
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Audience:	Staff Governors Members of the school community
Policy located:	School Website School offices
Policy format:	Full

Blatchington Mill School Complaints Procedure

(Adapted from the Brighton & Hove City Council Model 2005)

1 Dealing with a complaint

- 1.1 Prior to a complaint being raised initial concerns may be expressed, and if these concerns are taken seriously they can often reduce the number that develop into a formal complaint. We view complaints as an opportunity to improve our services. Concerns raised informally can be dealt with and often resolved immediately by the staff on the spot.
- 1.2 If attempts to resolve the issue are unsuccessful and the person raising the concern remains dissatisfied the matter can be taken further through the complaints procedure.
- 1.3 The Headteacher will deal with formal complaints. Where the complaint is against the Headteacher or a Governor, the Chair of Governors will deal with the complaint. A record of complaints and their resolution will be maintained and reviewed so that services can be improved.
- 1.4 Where the Chair of Governors is unable to attend to a complaint in a timely matter, the role of the Chair of Governors will be undertaken by the Vice Chair of Governors.
- 1.5 Complaints will be dealt with in an impartial and non-adversarial way within set time limits for action keeping people informed of the progress. Confidentiality should be maintained and a full and fair investigation undertaken by an independent person where necessary. The points at issue should be addressed and an effective response and appropriate redress provided.
- 1.6 If the Local Authority (LA) receives a direct complaint about a school the complainant will be referred back through the school complaints procedure.
- 1.7 In a small minority of cases complainants can become vexatious. Despite all stages of the school procedures having been followed, the complainant remains dissatisfied. In these extreme circumstances the complainant will be referred to the LA and ultimately if still not satisfied the Secretary of State.

2 Investigating and resolving a complaint

- 2.1 The person investigating a complaint should establish what has happened and who was involved. It is essential to clarify the nature of the complaint and what remains unresolved. This can be done in a meeting with the complainant or through telephone contact. Asking the complainant what would make things right is a way of clarifying what the complainant feels. Interview all concerned allowing those involved to be accompanied if they wish. Keep notes of the interviews and conduct the interview with an open mind and be prepared to question.
- 2.2 Once a complaint has been received how to resolve it should be considered at each stage. It could be an apology is made to the complainant. An admission by a school that they could have handled a situation better is not the same as an admission of negligence. An explanation of what happened and why, and an assurance that steps have been taken to ensure that it will not happen again, or an undertaking to review school policy in the light of the complaint are all possible responses.
- 2.3 Complaints need to be considered and resolved as quickly and efficiently as possible. Realistic timescales should be set for each stage of the procedure. Where further information is needed the timescales can be reset and the complainant given an explanation for the delay.

3 Stages of a formal complaint

3.1 Blatchington Mill School has a two stage process for formal complaints.

Stage 1: Throughout this procedure, if the complaint is against the Headteacher then the role of the Headteacher will be taken by the Chair of Governors.

As a first step, the complaint will be heard and resolved by the Headteacher. If it is not possible to resolve it then:

Stage2: Complaint heard by Governing Body's Complaint Appeal Panel.

3.2 An unsatisfied complainant, after the Governing Body's Complaint Appeal Panel has heard the complaint, can be referred to the Local Authority. If the complainant is, after that, still not satisfied the complaint can be referred to the Secretary of State.

4 Recording complaints

4.1 All complaints will be recorded centrally so that their progress can be monitored and the final outcome recorded. All complaints no matter how they are received should be recorded in writing, as a note of a telephone call or meeting.

4.2 The Governing Body will monitor and review complaints as part of their evaluation and further development of services and school improvement. Complaints can help to identify underlying issues that need to be addressed.

5 Publicising the complaints procedure

5.1 The complaints procedure will be published in the following ways:

- the information given to new parents when their child joins the school
- documents supplied to community users including course information and letting agreements
- a form available on which complaints can be made (see appendices)
- the school website
- available from the school offices

6 The complaints process

6.1 It is in everyone's interest that complaints are resolved at the earliest possible stage. The first contact between the complainant and the school is crucial in determining whether the complaint will escalate.

6.2 The school will respect the views of a complainant and welcome comments from parents, guardians, carers and students. If there are concerns these should, if possible, be raised with the member of staff. All comments should be recorded and reviewed by the Senior Management Team regularly.

6.3 If a member of staff feels unable to deal with the complaint, or the complainant feels unable to raise their concerns, they should complete a complaints form and mark this for the Headteacher's attention. Help should be offered if the complainant wants a verbal complaint recorded or requires assistance in completing the form.

7 Stage One: Complaint heard by Headteacher

7.1 Blatchington Mill School view plaudits and complaints as helpful in improving services. Once a complaint is received it should be logged and an investigation carried out. The Headteacher may delegate the task of collating the information to another staff member but the decision on the action to be taken must be made by the Headteacher. If the

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complainant remains dissatisfied with the way their complaint has been resolved they can be referred to the Governing Body's Complaints Appeal Panel.

8 Stage Two: Complaint Heard by Governing Body's Complaints Appeal Panel

- 8.1 The unsatisfied complainant should write to the Chair of Governors via the Clerk to the Governors, giving details of the complaint. The Chair, or a nominated governor (Vice Chair), will convene a Governing Body's Complaints Panel.
- 8.2 The governors' appeal hearing is the last school-based stage of the complaints process, and is not convened to merely rubber-stamp previous decisions.
- 8.3 The Management Group of Blatchington Mill governing body has been delegated powers to hear complaints. These include:
 - drawing up its procedures
 - hearing individual appeals
 - making recommendations on policy as a result of complaints.
- 8.4 The panel of three people will be drawn from the nominated members from the Management Group. The panel shall elect a Chair from amongst their number prior to the commencement of the hearing.

9 The remit of the Complaints Appeal Panel

- 9.1 The Panel can:
 - dismiss the complaint in whole or in part
 - uphold the complaint in whole or part
 - decide on the appropriate action to be taken to resolve the complaint; or
 - recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not recur.
- 9.2 The appeal hearing is independent and impartial and must be seen to be so. **No governor may sit on the panel if they have had prior involvement in the complaint or in the circumstances surrounding it.** The Hearing will be held in private to maintain confidentiality and the aim of the hearing will always be to resolve the complaint and achieve reconciliation between the school and the complainant. However, it has to be recognised that the complainant might not be satisfied with the outcome if the hearing does not find in their favour. It may be possible to establish the facts and make recommendations that will satisfy the complainant that his or her complaint has been taken seriously.
- 9.3 In recognition that parents often feel emotional when discussing an issue that affects their child, the panel chair will ensure that the proceedings are as welcoming as possible. The layout of the room will set the tone to be informal and not adversarial.
- 9.4 When the complainant is a child, careful consideration of the atmosphere and proceedings will ensure that the child does not feel intimidated. The panel need to be aware of the views of the child and give them equal consideration to those of adults. If the child's parent is the complainant, it would be helpful if the parent indicates to the panel which parts of the hearing, if any, the child needs to attend.

10 Roles and Responsibilities

The Role of the Clerk

- 10.1 Any panel or group of governors considering complaints should be clerked. The Clerk to Governors would be the contact point for the complainant and be required to:
- set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible
 - collate any written material and send it to the parties in advance of the hearing
 - meet and welcome the parties as they arrive at the hearing
 - record the proceedings and
 - notify all parties of the panel's decision

The Role of the Chair of the Governing Body or the Nominated Governor

The nominated Governor in the absence or prior involvement of the Chair of Governors to be the Vice Chair of Governors.

- 10.2 The nominated governor will:
- check that the correct procedure has been followed; and
 - if a hearing is appropriate, notify the clerk to arrange a panel

The Role of the Chair of the Panel

- 10.3 The Chair of the Panel will ensure that:
- the remit of the panel is explained to the parties and each party has the opportunity of putting their case without undue interruption
 - the issues are addressed
 - key findings of the facts are made
 - the complainant feels at ease
 - the hearing is conducted in an informal manner with each party treating the other with respect and courtesy
 - the panel is open minded and acting independently
 - no member of the panel has a vested interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure
 - each side is given the opportunity to state their case and ask questions; and
 - written material is seen by all parties. If a new issue arises it would be useful to give all parties the opportunity to consider and comment on it.

11 PANEL HEARING PROCESS

11.1 The panel will proceed as follows:

- The hearing is as informal as possible
- Witnesses are only required to attend for the part of the hearing in which they give their evidence
- After introductions, the complainant is invited to explain their complaint, and be followed by their witnesses
- The Headteacher may question both the complainant and the witnesses after each has spoken
- The Headteacher is then invited to explain the school's actions and be followed by the school's witnesses
- The complainant may question both the Headteacher and the witnesses after each has spoken
- The panel may ask questions at any point
- The complainant is then invited to sum up their complaint
- The Headteacher is then invited to sum up the school's actions and response to the complaint
- Both parties leave together while the panel decides on the issues
- The chair explains that both parties will hear from the panel within a set time scale
- Decision(s) from the panel hearing is communicated to all parties

12 Notification of the Panel's Decision

12.1 The chair of the panel will ensure that the complainant is notified of the panel's decision, in writing, with the panel's response within one working week. The letter will explain to the complainant if there are any further rights of appeal, and, if so, to whom they need to be addressed.

13 Appendix 1 – Relevant Law

SECTION 29 OF THE EDUCATION ACT 2002 REQUIRES THAT:

- (1) The governing body of a maintained school (including a maintained nursery school) shall –
 - (a) establish procedures for dealing with all complaints relating to the school or to the provision of facilities or services under Section 27, other than complaints failing to be dealt with in accordance with any procedures required to be established in relation to the school by virtue of a statutory provision other than this section, and
 - (b) publicise the procedures so established
- (2) In establishing or publicising procedures under subsection (1), the governing body shall have regard to any guidance given from time to time (in relation to England) by the Secretary of State.

SECTION 39 OF THE EDUCATION ACT 2002 PROVIDES THE FOLLOWING:

“maintained school” means a community, foundation or voluntary school, a community or foundation special school or a maintained nursery school;

“maintained nursery school” means a nursery school which is maintained by a local education authority and is not a special school.

14 Appendix 2 - COMPLAINT FORM

Please complete and return to Clerk to Governors who will acknowledge 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 action do you feel might resolve the problem at this stage?

Are you attaching any paperwork? If so please give details.

Signature:

Date: