



COMPLAINTS PROCEDURE

SUMMARY STATEMENT FOR GENERAL PUBLICATION:

Complaints Procedure

Our aim at Rawlins is to resolve complaints, without recourse to a formal procedure, through informal but open and frank discussion. If we discover that we have acted in an unsatisfactory manner, we will apologise and take any necessary steps to remedy the situation.

Parents, students or community users are welcome initially to raise concerns directly with the relevant staff. If worries persist, they should be addressed to the Principal, who will acknowledge the complaint immediately and aim to respond within seven days.

If the complainant is dissatisfied with the Principal's response, he/she should contact the Chair of Governors. As a final resort, the complaint can be taken to the Director of Education of Leicestershire LA. The LA also employs an officer to advise and support parents who feel at odds with the college.

When these procedures are exhausted, parents also have the right to complain to the Secretary of State for Education and Skills (as detailed within this policy). Parents also have the right to complain to Ofsted in specific circumstances outlined in the full College policy.

The full version of the college's Complaint's Procedure is available from the Principal's PA.

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Overview

1. From 1 September 2003 Governing Bodies (GBs) of all maintained schools and maintained nursery schools in England are required, under Section 29 of the Education Act 2002, summarised in Annex A, to have in place a procedure to deal with complaints relating to the school and to any community facilities or services that the school provides. The law also requires the procedure to be publicised.
2. A framework of principles can be found at paragraph 8. LEAs are already required to set up a procedure for dealing with certain types of complaints, for example, complaints about the curriculum or collective worship in a school. The GB's complaints procedure does not replace the arrangements made for those types of complaint. In addition, there are certain complaints which fall outside the remit of the GB's complaints procedure, for example, staff grievances or disciplinary procedures. The governing body will also encourage any third party providers offering community facilities or services through the college premises, or using college facilities [even if it's hiring it out for a wedding reception!], to have their own complaints procedure in place.

Part 1: General Principles of complaints

Dealing with Complaints – Initial concerns

3. The College makes a distinction between a concern and a complaint. Taking informal concerns seriously at the earliest stage will reduce the numbers that develop into formal complaints.
4. These procedures deal with complaints but the underlying principle is that concerns ought to be handled, if at all possible, without the need for formal procedures. The requirement to have a complaints procedure need not in any way undermine efforts to resolve the concern informally. In most cases the class teacher or the individual delivering the service in the case of community provision, will receive the first approach. It will be helpful if staff are able to resolve issues on the spot, including apologising where necessary.

Dealing with Complaints – Formal procedures

5. The formal procedures will need to be invoked when initial attempts to resolve the issue are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further.
6. The College will nominate a member of staff to have responsibility for the operation and management of its complaints procedure. In the case of school complaints, this will be the Principal's PA; in the case of complaints concerning community provision, this will be the Assistant Principal [Extended Services].

Framework of Principles

7. Our Complaints Procedure will:
 - encourage resolution of problems by **informal** means wherever possible;
 - be easily **accessible** and **publicised**;
 - be **simple** to understand and use;
 - be **impartial**;
 - be **non-adversarial**;
 - allow **swift** handling with established **time-limits** for action and keeping people informed of the progress;
 - ensure a full and **fair** investigation by an independent person where necessary;
 - respect people's desire for **confidentiality**;
 - address all the points at issue and provide an **effective** response and **appropriate** redress, where necessary;
 - provide **information** to the college management team so that services can be improved.

Investigating Complaints

8. At each stage, the person investigating the complaint will make sure that they:
 - 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 or contact them (if unsure or further information is necessary);

- clarify what the complainant feels would put things right;
- interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish;
- conduct the interview with an open mind and be prepared to persist in the questioning;
- keep notes of the interview.

Resolving Complaints

9. At each stage in the procedure the college will keep in mind ways in which a complaint can be resolved. It might be sufficient to acknowledge that the complaint is valid in whole or in part. In addition, it may be appropriate to offer one or more of the following:
 - an apology;
 - an explanation;
 - an admission that the situation could have been handled differently or better;
 - an assurance that the event complained of will not recur;
 - an explanation of the steps that have been taken to ensure that it will not happen again;
 - an undertaking to review college policies in light of the complaint.
10. It would be useful if complainants were encouraged to state what actions they feel might resolve the problem at any stage. An admission that the college could have handled the situation better is not the same as an admission of negligence.
11. An effective procedure will identify areas of agreement between the parties. It is also of equal importance to clarify any misunderstandings that might have occurred as this can create a positive atmosphere in which to discuss any outstanding issues.

Vexatious Complaints

12. If properly followed, a good complaints procedure will limit the number of complaints that become protracted. However, there will be occasions when, despite all stages of the procedures having been followed, the complainant remains dissatisfied. If the complainant tries to reopen the same issue, the chair of the GB is able to inform them in writing that the procedure has been exhausted and that the matter is now closed.

Time-Limits

13. Complaints need to be considered, and resolved, as quickly and efficiently as possible. The person receiving the initial complaint will respond immediately to acknowledge the complaint and aim to respond fully within seven days. However, where further investigations are necessary, new time limits can be set and the complainant sent details of the new deadline and an explanation for the delay.

Complaints against Outside Users / Affiliated Groups

14. The Governors will recommend that all Affiliated Group users of College facilities establish their own complaints procedure so that any complaints received about their activities can be referred to the organisers.

Part 2: The Formal Complaints Procedure

The Stages of Complaints

15. The college complaints procedures has well-defined stages which can be found in Annex C. At each stage we will clarify exactly who will be involved, what will happen, and how long it will take. There may, on occasion, be the need for some flexibility; for example, the possibility of further meetings between the complainant and the member of staff directly involved and further investigations may be required by the Principal after a meeting with the complainant.
16. There are three college-based stages:
 - Stage one: complaint heard by staff member
 - Stage two: complaint heard by Principal;
 - Stage three: complaint heard by GB's complaints appeal panel;
17. Regardless of the number of stages, an unsatisfied complainant can always take a complaint to the next stage. There is also an additional stage insofar as the LEA, and the Diocese Body (DB) provides an independent appeal or review.
18. Where these stages have been exhausted, parents may ask the Secretary of State for Education and Skills to intervene following the completion of a Governors complaints procedure (but only where it is alleged that Governors have acted unreasonably or failed to comply with a statutory requirement.
19. In certain circumstances, parents also have a right to complain to Ofsted (see Annex E).

Part 3: Managing and Recording Complaints

Recording Complaints

20. The college will record the progress of the complaint and the final outcome. A complaint may be made in person, by telephone, or in writing. An example of the complaint form can be found in Annex D. At the end of a meeting or telephone call, the member of staff will ensure that the complainant and the college have the same understanding of what was discussed and agreed. A brief note of meetings and telephone calls will be kept and a copy of any written response added to the record.
21. The complaints co-ordinator will be responsible for the records and hold them centrally.

Governing Body Review

22. The GB will monitor the level and nature of complaints and review the outcomes on a regular basis to ensure the effectiveness of the procedure and make changes where necessary. Complaints information shared with the whole GB will not name individuals.

23. As well as addressing an individual's complaints, the process of listening to, and resolving complaints will contribute to college improvement. When individual complaints are heard, the college may identify underlying issues that need to be addressed. The monitoring and review of complaints by the college and the GB can be a useful tool in evaluating a college's performance.

Publicising the Procedure

24. There is a legal requirement for the Complaints Procedures to be publicised. Either the summary version or the full version will be incorporated in:
- the school prospectus;
 - the annual community programme;
 - the governors' report to parents;
 - the information given to new parents when their children join the school;
 - the information given to the students themselves;
 - documents supplied to community students and users including course information or letting agreements;
 - posters displayed in areas of the college that will be used by the public, such as reception or the main entrance;
 - the college website.

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 falling 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;

Rawlins Community College Complaints Procedure

Stage One: Complaint Heard by Staff Member

It is in everyone's interest that complaints are resolved at the earliest possible stage. The experience of the first contact between the complainant and the college can be crucial in determining whether the complaint will escalate. To that end, staff are made aware of the procedures so that they know what to do when they receive a complaint.

To assist the procedure, the college will respect the views of a complainant who indicates that he/she would have difficulty discussing a complaint with a particular member of staff. In these cases, the complaints co-ordinator can refer the complainant to another staff member. Where the complaint concerns the Principal, the complaints co-ordinator can refer the complainant to the chair of governors.

Similarly, if the member of staff directly involved feels too compromised to deal with a complaint, the complaints co-ordinator may consider referring the complainant to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the complaint objectively and impartially is crucial.

Where the first approach is made to a governor, the next step would be to refer the complainant to the appropriate person and advise them about the procedure. It would be useful if governors did not act unilaterally on an individual complaint outside the formal procedure or be involved at the early stages in case they are needed to sit on a panel at a later stage of the procedure.

Stage Two: Complaint Heard by Principal

The Principal's influence will already have shaped the way complaints are handled in the college. At this point, the complainant may be dissatisfied with the way the complaint was handled at stage one as well as pursuing their initial complaint. The Principal may delegate the task of collating the information to another staff member but not the decision on the action to be taken. The Principal will acknowledge the complaint immediately, and where possible, respond fully within seven days.

Stage Three: Complaint Heard by Governing Body Complaints Appeal Panel

The complainant needs to write to the Chair of Governors giving details of the complaint. The Chair, or a nominated governor, will convene a GB complaints panel within 10 school days.

The governors' appeal hearing is the last college-based stage of the complaints process, and is not convened to merely rubber-stamp previous decisions.

Individual complaints will not be heard by the whole GB at any stage, as this could compromise the impartiality of any panel set up for a disciplinary hearing against a member of staff following a serious complaint.

The governing body may nominate a number of members with delegated powers to hear complaints at this stage, and set out its terms of reference. These include:

- drawing up procedures;
- hearing individual appeals;
- making recommendations on policy as a result of complaints.

The procedure adopted by the panel for hearing appeals is part of the school's complaints procedure. The panel can be drawn from the nominated members and will consist of three people. The panel will choose their own chair.

The Remit of The Complaints Appeal Panel

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 college's systems or procedures to ensure that problems of a similar nature do not recur.

There are several points which any governor sitting on a complaints panel needs to remember:

- a. It is important that the appeal hearing is independent and impartial and that it is seen to be so. No governor may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it. In deciding the make-up of the panel, governors need to try and ensure that it is a cross-section of the categories of governor and sensitive to the issues of race, gender and religious affiliation.
- b. The aim of the hearing, which needs to be held in private, will always be to resolve the complaint and achieve reconciliation between the college and the complainant. However, it has to be recognised the complainant might not be satisfied with the outcome if the hearing does not find in their favour. It may only be possible to establish the facts and make recommendations which will satisfy the complainant that his or her complaint has been taken seriously.
- c. The panel will acknowledge that many complainants feel nervous and inhibited in a formal setting. 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 and care is needed to ensure the setting is informal and not adversarial.
- d. Extra care needs to be taken when the complainant is a student. Careful consideration of the atmosphere and proceedings will ensure that the student does not feel intimidated. The panel needs to be aware of the views of the student and give them equal consideration to those of adults. Where the student's parent is the complainant, it would be helpful to give the parent the opportunity to say which parts of the hearing, if any, the student needs to attend.
- e. The governors sitting on the panel need to be aware of the complaints procedure.

Roles and Responsibilities

The Role of the Clerk

The panel of governors considering complaints will be clerked. The clerk will be the contact point for the complainant and is 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;
- notify all parties of the panel's decision.

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

The nominated governor role will be to:

- check that the correct procedure has been followed;
- if a hearing is appropriate, notify the clerk to arrange the panel.

The Role of the Chair of the Panel

The Chair of the Panel has a key role, ensuring 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 fact are made;
- parents and others who may not be used to speaking at such a hearing are put 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;
- written material is seen by all parties. If a new issue arises it will be useful to give all parties the opportunity to consider and comment on it.

Notification of the Panel's Decision

The chair of the panel needs to ensure that the complainant is notified of the panel's decision, in writing, with the panel's response; this will be within three school days of the meeting. The letter needs to explain if there are any further rights of appeal and, if so, to whom they need to be addressed.

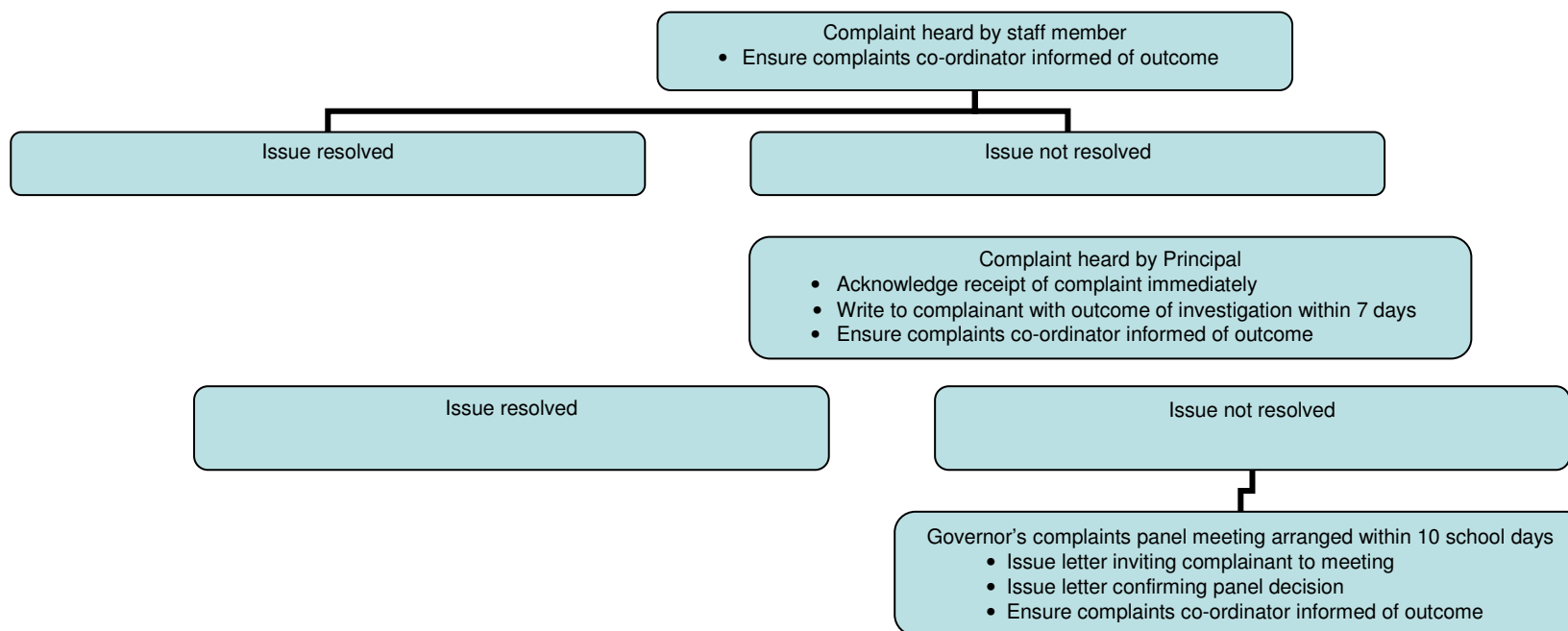
Checklist for a Panel Hearing

The panel needs to take the following points into account:

- 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 Principal may question both the complainant and the witnesses after each has spoken.
- The Principal is then invited to explain the college's actions and be followed by the college's witnesses.
- The complainant may question both the Principal 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 Principal is then invited to sum up the college'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 three school days.

Flowchart

Summary of Dealing with Complaints



Rawlins Community College complaint form

**Please complete and return to(complaints co-ordinator)
who will acknowledge receipt and explain what action will be taken.**

Your name:

Student's name [if applicable]:

Your relationship to the student if applicable]:

Address:

Postcode:

Day time 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 who:

Complaint referred to:

Date:

Education and Inspections Act 2006: Complaints to Ofsted by parents about provision in their children's school

Section 160 of the Education and Inspections Act 2006 allows Ofsted to investigate complaints from parents. Regulation 3 defines the complaints which Ofsted can consider:

- a) The quality of the education provided in the schools;
- b) How far the education provided in the school meets the needs of a range of pupils at the school;
- c) The educational standards achieved in the school;
- d) The quality of the leadership in and management of the school, including whether the financial resources made available to the school are managed effectively;
- e) The spiritual, moral, social and cultural development of the pupils at the school;
- f) The contribution made by the school to the well-being of those pupils.

Section 160 of the Act provides for investigations by Ofsted for the purpose of deciding whether to inspect a school rather than resolving a complaint itself. Inspection enables the matter complained about to be investigated and judgements to be made about the school's effectiveness. Neither Section 160 nor the regulations prevent a complaint about provision for an individual child from qualifying for investigation. This is because it is envisaged that many parents are likely to describe their initial concerns primarily in relation to their own child's experiences.