



COMPLAINTS POLICY AND PROCEDURE

1. Introduction

This procedure has been produced by the governors of Central Foundation Boys' School. It sets out the way in which this school will deal with complaints.

It is in the interest of everyone that all parties involved in any complaint conduct themselves in a professional, courteous and respectful manner at all times.

It is in the interest of everyone that complaints and responses are dealt with promptly, at all stages.

The vast majority of complaints and concerns can be resolved informally.

2. Definition of a Complaint

A complaint is an expression of dissatisfaction, however made, by a person or persons with a legitimate interest in the school about the practices or policies of the school, the conduct, action or omissions of members of staff employed at the school or its governors, or about the standard of teaching.

The complainant must feel able to raise concerns and complaints with members of staff without formality, either in person, by telephone or in writing.

At first it may be unclear whether a complainant is asking a question or expressing an opinion rather than making a complaint. A complainant may want a preliminary discussion about an issue to help decide whether he or she wishes to take it further.

A concern or unresolved problem becomes a complaint only when the complainant asserts that the school has acted wrongly in some significant decision, action or failure to take action.

Even when a complaint has been made it can be resolved or withdrawn at any stage.

3. Dealing with concerns informally

The complainant should be given an opportunity to discuss their concern with the member of staff to which the initial concern was expressed. The member of staff involved may need to refer the concern onto another member of staff if they are in a more appropriate position to deal with it. An appointment may need to be made. The complainant should be able to bring a friend to any discussion.

The member of staff dealing with the concern should make sure that the complainant is clear what action (if any) or monitoring of the situation has been agreed as an outcome of the meeting.

This stage should be completed speedily and any actions agreed put in writing with appropriate detail. Where possible all complaints should be dealt with through informal discussion and negotiation.

However, it is recognised that not all concerns can be resolved in this manner. Where no satisfactory

solution has been possible the complainant should be informed by the member of staff involve s/he will need to consider making a formal complaint to the Headteacher.

Where the Headteacher receives an expression of concern in writing, where an informal resolution has not been sought, they may refer the matter to a more appropriate member of staff to deal with the matter informally.

4. Making a Formal Complaint – Stage 1 - Referral to the Headteacher for investigation

- 4.1 Where a complainant remains dissatisfied by the response of the school to their informal expression of concern, they should make a formal complaint to the Headteacher in writing.
- 4.2 The Headteacher should acknowledge any complaint received in writing. In some cases the Headteacher will have already been involved in looking at the matter; in others it will be his/her first involvement.
- 4.3 The Headteacher should consider providing an opportunity to meet with the complainant to supplement any information previously provided.
- 4.4 If the complaint is against a member of staff the Headteacher should talk to the staff member against whom the complaint has been made.
- 4.5 If necessary, the Headteacher should interview witnesses and take statements from those involved.
- 4.6 The Headteacher should keep reasonable written records of meetings, telephone conversations and other communications.
- 4.7 Once all the relevant facts have been established, the Headteacher should produce a written response to the complainant. The Headteacher may wish to meet the complainant to discuss/resolve the matter before confirming the outcome in writing.
- 4.8 The written response should include a full explanation of the decision and the reasons for it. Where appropriate, it should include what action the school will take to resolve the complaint.
- 4.9 Stage 1 should be completed in 15 school days. However, it is recognised that where the case is complex, it may prove difficult to meet this timetable. In such cases, the Headteacher should write to the complainant giving a revised target date.
- 4.10 The formal stage 1 response should also advise the complainant that if s/he is not satisfied with the response and wishes to take the matter further, s/he should write to the Chair of the Governing Body within 15 school days of receiving the outcome letter. The outcome letter should set out the name of the Chair of the Governing Body and the address to which the complainant can send the letter.
- 4.11 **Complaints against the Headteacher** - If the complaint is wholly or mainly about the Headteacher, it should be sent to the Chair of the Governing Body in writing. Complaints of this nature should be handled by the Chair of the Governing Body. The Chair of the Governing Body may seek to facilitate a meeting between the complainant and the Headteacher to secure an informal resolution to the complaint. If no such meeting is considered appropriate, the Headteacher will be invited to respond to the complainant in writing within ten school days. The Headteacher's response will be sent to the complainant who will be asked to indicate within five

school days of receipt of the response whether s/he is satisfied with the response.

- 4.12 If the complainant is not satisfied with the response the Chair of Governors will initiate an investigation in accordance with stage 1 of this procedure. It will be for the Chair of the Governing Body to determine how the complaint should be investigated. The Chair of the Governing Body should, following their investigation, write to the complainant setting out their determination in respect of the complaint. The outcome letter should set out the name of the Chair of the Governing Body and the address to which the complainant can send the letter. In the event that the complainant is not satisfied with the outcomes of the investigation by the Chair of Governors, s/he should write to the Clerk of the Governing Body within 15 school days of receiving the outcome letter. Stage 2 should then commence as described in paragraph 5.1 below.

5. Making a Formal Complaint – Stage 2 – Consideration by a Complaints Appeal Panel of the Governing Body

- 5.1 If the complainant decides to take the matter further, they should write to the Clerk of the Governing Body within five days to state that they are not satisfied with the response. The Clerk should write to the complainant to acknowledge the request to take the matter further within five school days of receipt. A copy of the acknowledgement should be sent to the Headteacher and the Chair to the Governing Body. (A standard letter is attached to this document which the Clerk may wish to use).
- 5.2 The Governing Body should establish a Complaints Appeal Panel (CAP) drawing on three governors with no prior, direct involvement with the complaint.
- 5.3 The Headteacher should not serve on the CAP. If the Chair of the governing body has had any prior involvement in the complaint then the Chair **must not** sit on the CAP.
- 5.4 The CAP should consider the complaint on the basis of the written evidence and set up a meeting with both parties. The date and time of the meeting should be convenient to the complainant and Headteacher, within reason. The CAP should reconsider the issues raised in the original complaint and not confine themselves to consideration of procedural issues.
- 5.5 The Clerk to the Governing Body should write to the complainant to explain how the review will be conducted. The letter should be copied to the Headteacher.
- 5.6 The Clerk should confirm the date of the meeting with the other governors on the CAP.
- 5.7 The complainant and Headteacher should be invited to attend the meeting. The notification should inform the complainant of his/her right to be accompanied to the meeting by a friend/representative. It should also explain how the meeting will be conducted and of the complainant's right to submit further written evidence to the CAP.
- 5.8 The Headteacher should also be invited to prepare a written report for the CAP in response to the complaint.
- 5.9 All relevant correspondence regarding the complaint should be circulated to the CAP; the complainant and the Headteacher in advance of the meeting.
- 5.10 If the Headteacher and/or the complainant wish to call other individuals to be questioned by the CAP on matters of fact, the agreement of the Chair of the CAP should be obtained in advance of the meeting. If other individuals are to attend the Headteacher and the complainant should be

notified before the meeting.

- 5.11 It is the responsibility of the Chair of the CAP to ensure that the meeting is properly conducted. However, the proceedings should be as informal as possible. The Chair of the CAP shall determine all matters of procedure, subject to the terms of this document.
- 5.12 The aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant. However, at the end of the meeting the CAP will need to issue a finding in writing either upholding or not upholding the complaint or upholding some parts and not others.
- 5.13 If either party wishes to introduce previously undisclosed evidence, it may be in the interest of natural justice to adjourn the meeting so that the other side has time to respond to the new evidence. The Chair of the CAP has the authority to determine if this is the case.
- 5.14 The meeting should allow for:-
- the complainant to explain his or her complaint and the Headteacher to explain the reasons for his or her decision;
 - the Headteacher to question the complainant about the complaint and the complainant to question the Headteacher;
 - the CAP to have an opportunity to question both the complainant and the Headteacher;
 - all parties having the right to question any individual attending the meeting at the request of the complainant or the Headteacher; and
 - a final statement by the Headteacher and complainant.
- 5.15 The Chair of the CAP should explain to the complainant and the Headteacher that the CAP will consider its decision, and a written response will be sent to both parties as soon as possible. The complainant, Headteacher and anyone else present will then leave.
- 5.16 The CAP will consider the complaint and all the evidence presented and to come a unanimous, or at least a majority, decision on the complaint. Where appropriate the CAP can decide on the action to be taken to resolve the complaint and/or suggest recommended changes to the school's system or procedures to ensure that problems of a similar nature do not happen again.
- 5.17 The Clerk will send a written statement outlining the decision with reasons to both the complainant and the Headteacher.
- 5.18 The complainant should be advised that if s/he is dissatisfied with the response s/he has the right take the matter further by complaining to the Secretary of State, Department for Education.
- 5.19 Stage 2 should be completed in 15 school days. However, it is recognised that this timetable is likely to be impossible for complaints which are complex. In such cases the Chair of the CAP should write to the complainant and Headteacher giving a revised target date.

Termination of Procedure

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

Unreasonable Complaints

Central Foundation Boys' School is committed to dealing with all complaints fairly and impartially, and to providing a high-quality service to those who complain. We will not normally limit the contact complainants have with the school. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

Central Foundation Boys' School defines unreasonable complainants as those who, because of the frequency or nature of their contacts with the school, hinder our consideration of their or other people's complaints. A complaint may be considered unreasonable when the person making the complaint:

- refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance;
- refuses to co-operate with the complaints investigation process while still wishing their complaint to be resolved;
- refuses to accept that certain issues are not within the scope of a complaints procedure;
- insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice;
- introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on, or raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales;
- makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced;
- changes the basis of the complaint as the investigation proceeds;
- repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed);
- refuses to accept the findings of the investigation into that complaint where the school's complaint procedure has been fully and properly implemented and completed including referral to the Department for Education;
- seeks an unrealistic outcome;
- makes excessive demands on school time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with.

Whenever possible, the Headteacher or Chair of Governors will discuss any concerns with the complainant informally before determining it as unreasonable.

Monitoring –

The Head teacher will keep records of all formal complaints and will report to the Governing Body on a regular basis.*

Review –

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

* Reporting will be for monitoring purposes only and will present an overview of the types of complaints and data in terms of numbers etc. No details should be given in respect of names or other identifying features. Reporting will be done annually as part of the Summative Complaints report.