



## **Complaints Policy**

**The Governors of Bournebrook Church of England (Voluntary Controlled) Primary School has adopted the following policy to deal with formal complaints from members of the school community or general public.**

### **Dealing with concerns at the earliest opportunity.**

If parents, pupils or members of the public have concerns they should:

1. Discuss their concerns with the member of staff most directly involved and then, if not satisfied;
2. Discuss their concerns with the Headteacher. This is the first stage of the formal process.

At each stage in the procedure, schools will want to keep in mind ways in which a concern or complaint can be resolved. It might be sufficient to acknowledge that the concern or complaint is valid in whole or in part. In addition, it may be appropriate to offer one or more of the following:

- An appropriate 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;  A commitment to review school policies in light of the complaint.

Complainants should be encouraged to state what actions they feel might resolve the problem at any stage. An admission that the school could have handled the situation better is not the same as an admission of negligence. Equally, an effective procedure will identify areas of agreement between the parties. It is also of importance to clarify any misunderstandings that might have occurred as this can create a positive atmosphere in which to discuss any outstanding issues.

**Only where all these avenues have been tried and found unsatisfactory should the complainant take a complaint to the Chair of Governors or Clerk to the Governing Body.**

Principles informing our complaints procedure This procedure is designed to:

- Be well publicised and easily accessible
- 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
- Allow a mediation process if agreed by the complainant
- Allow for a hearing of a panel of Governors, where appropriate
- Respect people's desire for confidentiality, wherever possible
- Address all points of issue, provide an effective response and appropriate redress where necessary
- Provide information to the school's Senior Management Team so that services can be improved
- Ensure a full and fair investigation by an independent person where necessary

### **Making a complaint to the Governing Body – the second formal stage**

Where informal attempts have been unsuccessful in resolving a complaint, the complainant should write or email the Chair of Governors or Clerk to the Governing Body at the school address or the email address [bournebrookgovernor@gmail.com](mailto:bournebrookgovernor@gmail.com). The written envelope should be marked 'FOR IMMEDIATE ACTION' 'PRIVATE AND CONFIDENTIAL' and staff in the school office must ensure that the letter is forwarded without delay. At this point the Chair of Governors will confirm acceptance of either email or letter and direct the complainant to the school complaints form, which can be found on the school website <https://onedrive.live.com/view.aspx?cid=43ab844731f811dd&page=view&resid=43AB844731F811DD!725&parId=43AB844731F811DD!332&app=WordPdf>

The complainant will be asked to complete a complaint form if they have not already done so. The Chair of Governors or Clerk will offer to help an individual to complete the form if appropriate.

Upon receipt of the complaint form the Chair of Governors will:

- 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.
- At this point the Chair of Governors will decide whether the complaint should go straight to the governors' complaints panel or whether a mediation stage should be offered. Mediation can only proceed if the complainant and the Headteacher are willing for it to be tried. If mediation is not successful, the complaint will be considered by the governors' complaints panel.

### **Mediation**

Mediation can be a good way to resolve a complaint because:

- It gives both complainant and Headteacher another opportunity to hear each other's points of view (with a third party facilitating).

- It gives the third party an opportunity to help Headteacher and complainant identify and build on areas of agreement.
- It gives Headteacher and complainant a structure within which they can resolve remaining differences.
- If both complainant and Headteacher emerge from the mediation satisfied, that is the best foundation for a continuing positive relationship between them.
- Even if the complaint continues to a governors' panel, the issues to be considered are likely to be much clearer following the mediation.

Mediation may elicit one or more of the responses listed below from either party:

- An acknowledgement that the complaint is valid in whole or in part;
- An appropriate 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 acceptance that the complaint needs to go further;
- A commitment to review school policies in light of the complaint.

Recourse to mediation must be with the agreement of both parties and is intended to help arrive at a mutually agreeable solution, it is not possible to impose this on either party. Nor does it prevent a complainant having recourse to formal appeals procedures as detailed.

## **In-house mediation**

Many Chairs of Governors and other governors already have the skills or can acquire the skills to conduct a mediation process between their Headteacher and a complainant. The skills and attributes include:

- Ability to listen impartially to both sides
- Ability to control a dialogue so that both sides listen to each other
- Ability to summarise the arguments and focus the dialogue
- Ability to identify areas of agreement that might form a basis for resolving one or more of the issues relating to the complaint
- Understanding that solutions cannot be imposed and that both parties need to be satisfied with whatever is resolved.
- Understanding that mediation does not always work and there is a further step available to complainants.

## **If the Governing Body requires outside help**

Governor Services offers a mediation service where a trained clerk, governor or adviser acts as mediation. The mediation 'package' consists of the following elements;

- Familiarisation with the background and nature of the complaint (including the reading of supporting documentation and interviews with complainant, staff and governors as appropriate. These may be 'face to face' or by telephone);
- A mediation meeting between the complainant and a representative of the school;
- A written summary of the mediation meeting including, where appropriate, recommendations in relation to school policies, procedures and actions.

Mediation will be undertaken by a trained clerk, governor or adviser not directly linked to the school in order to ensure complete impartiality. This service can be accessed on a consultancy basis. The standard cost of the above package is a half day unit. Where the process of familiarisation with the background to the complaint indicates that a half day of consultancy is likely to be inadequate, the school will be advised of this fact before proceeding further.

Where the complainant is still not satisfied that their complaint has been dealt with fully and properly, they may choose to take it to a panel of Governors.

## **Establishing a complaints panel**

The Governing Body should agree the composition of the complaints panel at the first meeting of the Governing Body each year.

As governors may not be available at all times governing bodies are advised to agree the names of four or five possible governors from whom a panel of three may be drawn. The decision about the membership of a particular panel will depend on factors such as availability, whether any governors have prior knowledge or have a conflict etc. and the decision will be made by the Chair of Governors.

When the clerk of governors receives a copy of the complaint form he or she will inform the governing body that a complaint has been received and that it has been passed to the panel to deal with. No further information about the complaint should be shared with other governors.

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

1. 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.

2. The aim of a hearing, which needs to be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant.

3. 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 not intimidating and not adversarial.

The Chair of the Panel will be nominated by the Chair of Governors and is responsible for ensuring that both complainant and Headteacher are given a fair hearing and that the panel arrives at its judgement without fear or favour.

## **Remit of the panel: the complaints 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 systems or procedures to ensure problems of a similar nature do not recur.

It may:

- Consider and, if appropriate, criticise the way in which an operational decision was communicated – but cannot overturn the decision itself.
- Consider the thoroughness with which the Headteacher investigated a complaint about a member of staff – but cannot expect the Headteacher to provide details about confidential discussions with that staff member.
- Consider the manner in which a complaint about any decision was addressed and ask for the decision to be reviewed – but cannot expect the Headteacher to have changed the decision.
- Consider and, if appropriate, identify limitations in a policy or procedures – but cannot make changes to the policy. (It can, however, recommend that the policy be reviewed by the governing body to ensure that problems of a similar nature do not recur, and individual panel members can subsequently play their part in improving the policy).
- Consider whether it should recommend that the governing body offer appropriate redress.

## **Format of a Panel Hearing**

1. Complainant and Headteacher will enter the room where the hearing is taking place together.
2. The Chair will introduce the panel members and the clerk and outline the process.
3. The complainant is invited to explain the complaint.
4. The Headteacher may question the complainant.
5. The panel will question the complainant.
6. The Headteacher is then invited to explain the school's actions.
7. The complainant may question the Headteacher.
8. The panel will question the Headteacher.
9. The complainant is then invited to sum up their complaint.
10. The Headteacher is then invited to sum up the school's actions and response to the complaint.
11. The Chair explains that both parties will hear from the panel within five working days.

12. Both parties leave together while the panel decides on the issues.

13. The clerk will remain with the panel to clarify the issues.

## Notes

The hearing should be made as unthreatening as possible to all parties.

The panel may ask questions at any point. Panel members must find ways to ask probing questions while maintaining impartiality.

The Headteacher must have no contact with members of the governors' complaints panel except when the complainant is present to preserve the principle of neutrality. This means that Headteacher and complainant enter and leave the room where the hearing is held together.

The Chair of the panel should discourage the introduction of fresh documentary evidence at the hearing – there should be every encouragement to produce the evidence in advance so that both sides have time to study it. However, if new and relevant evidence is accepted by the chair, the chair will adjourn the hearing for a few minutes to allow everyone to read the document. Both parties must leave the hearing room during the adjournment.

## **Some notes on exceptional circumstances**

For the sake of clarity, the description above does not cover exceptional circumstances which might include:

The Chair of Governors may not be able to find three governors who have no prior knowledge of the case.

If a case has become a major talking point around the community, the chair can nominate three governors with minimal prior knowledge.

If there are still insufficient governors able to sit on a panel, the governing body in consultation with the local authority or diocese will put in place an alternative fair process.

A complaint to the governors' complaints panel will never be against a junior member of staff. (It may be against the way the Headteacher handled a complaint against a junior member of staff) but it is conceivable that a senior manager will appropriately stand in for the Headteacher. That would need to be considered very carefully but if agreed the senior manager would be 'the Headteacher for the purpose of the panel.

There may be exceptional circumstances in which the complaint is against the Chair of Governors, for refusing to deal with a complaint. In those circumstances the procedure above would be adapted and every reference to 'Headteacher' would be read as 'Chair of Governors'.

## **Writing the decision letter**

The clerk should ensure that she or he has clear wording stating the panel decision about each of the issues that the panel considered before the panel is allowed to finish. The clerk will use that wording to draft the decision letter. This should be sent to all members of the panel for checking. Once approved by all three panel members, it should be sent to the complainant with a copy to the Headteacher.

The letter should clearly express how seriously the panel considered the complaint.

The clerk should be careful that the letter sticks to the facts and gives no hint of partiality.

The clerk should ensure that the letter reaches the complainant and the Headteacher by the deadline stated in your policy and or in a statement by the Chair at the end of the hearing, usually five working days.

## **Monitoring Complaints**

As well as addressing an individual's complaint, the process of listening to and resolving complaints would contribute to school improvements. When individual complaints are heard, schools can identify issues that need to be addressed. The monitoring and review of complaints by the school and Governing Body can be useful to evaluating the school's performance.

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