

# UNITED SCHOOLS TRUST

## Kingsteignton School



### Overview

It is a requirement that all schools are 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, our policy is available on the school website. There are certain complaints which fall outside the remit of the Trust Board's complaints procedure, for example, staff grievances, allegations of abuse or disciplinary procedures. It is recommended that the Trust Board ensures that any third party providers offering community facilities or services through the school premises, or using school facilities, have their own complaints procedure in place. However, complaints are not limited to parents/carers of pupils at the school.

### Part 1: General Principles of complaints Dealing with Complaints – Informal procedures

**Initial concerns:** Schools need to be clear about the difference between a concern and a complaint. A 'concern' may be defined as 'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'. A complaint may be generally defined as 'an expression of dissatisfaction however made, about actions taken or a lack of action'. Taking informal concerns seriously at the earliest stage will reduce the numbers that develop into formal complaints. The Principal's influence will already have shaped the way complaints are handled in the school and at Kingsteignton School we aim to listen to parents' concerns and deal with them sensitively and quickly. These key messages 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 extended school provision, will receive the first approach. It would be helpful if staff were able to resolve issues on the spot, including apologising where necessary.

**Mediation:** Wherever possible, Kingsteignton School will encourage the use of impartial mediation to help resolve issues through an informal process. Mediation aims to reduce the stress of dealing with a formal process and works with the disputants to resolve issues through mutual agreement. This could take place with the support of a Trustee or the service can be bought into from Devon County Council.

**Dealing with Complaints – Formal procedures:** 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. The school has nominated a member of staff to have responsibility for the operation and management of the school complaints procedure, this will be the Deputy Principal, unless the complaint is against them.

**Framework of Principles:** An effective Complaints Procedure will:

- encourage resolution of problems by informal means wherever possible; including making use of an impartial mediation service
- 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 school's senior management team and Board of Trustees so that services can be improved.

**Investigating Complaints:** It is suggested that at each stage, the person investigating the complaint makes 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. These could later be made available to a complaints panel.

**Resolving Complaints:** At each stage in the procedure the school 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 school policies in light of the complaint.

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 school could have handled the situation better is not the same as an admission of negligence. 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.

**Persistent complaints** (sometimes referred to as vexatious complaints): Schools should do their best to be helpful to people who contact them with a complaint or concern or a request for information. However, in cases where a school is contacted repeatedly by an individual making the same points, or who asks them to reconsider their position, schools will need to act appropriately.

There will be occasions when, despite all stages of the complaint procedure having been followed, the complainant remains dissatisfied. It is important for schools to recognise when they really have done everything they can in response to a complaint. It is a poor use of schools' time and resources to reply to repeated letters, emails or telephone calls making substantially the same points. If a complainant tries to re-open the same issue, the Chair of The Board of Trustees can inform them that the procedure has been completed and that the matter is now closed.

If the complainant contacts the school again on the same issue, then the correspondence should be viewed as 'serial' or 'persistent' and the school will choose not to respond. However, schools must be careful that they do not mark a complaint as 'serial' before the complainant has completed the procedure.

Options exist for the complainant to contact –  
Ofsted (<https://contact.ofsted.gov.uk/onlinecomplaints>)

or the DfE ( <https://www.gov.uk/government/organisations/department-for-education/about/complaints-procedure> ).

**Time-Limits:** Complaints need to be considered, and resolved, as quickly and efficiently as possible. An effective complaints procedure will have realistic time limits for each action within each stage. At Kingsteignton School we aim to respond to all written complaints within 5 working 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.

## Part 2: The Formal Complaints Procedure

**The Stages of Complaints:** An efficient school complaints procedures will have well-defined stages. A flow chart of suggested stages can be found in Appendix A. At each stage it would be helpful to 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. Three school-based stages are to be followed:

- Stage one: complaint heard by staff member (though not the subject of the complaint)
- Stage two: complaint heard by the Principal

An unsatisfied complainant can always take a complaint to the next stage. If the complaint concerns the conduct of the Principal or a trustee or where a Principal or trustee has been involved in the issue previously, a panel of Trustees including a panel member who is independent of the management and running of the school and who have not previously been involved will meet with the complainant.

Stage three: “(f) where the parent is not satisfied with the response to the complaint made in accordance with sub-paragraph (e), makes provision for a hearing before a panel appointed by or on behalf of the proprietor and consisting of at least three people who were not directly involved in the matters detailed in the complaint;

(g) ensures that, where there is a panel hearing of a complaint, one panel member is independent of the management and running of the school;

(h) allows for a parent to attend and be accompanied at a panel hearing if they wish

(i) provides for the panel to make findings and recommendations and stipulates that a copy of those findings and recommendations is

- provided to the complainant and, where relevant, the person complained about; and
- available for inspection on the school premises by the proprietor and the head teacher

(j) provides for a written record to be kept of all complaints that are made in accordance with sub-paragraph (e) and

- whether they are resolved following a formal procedure, or proceed to a panel hearing; and
- action taken by the school as a result of those complaints (regardless of whether they are upheld)

(k) provides that correspondence, statements and records relating to individual complaints are to be kept confidential except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access to them.”

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### **Part 3 – Managing and Recording Complaints Recording Complaints**

Our school 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 a complaint form can be found in Appendix B, although this does not have to be used and we are aware of our duties under the Equality Act and that a complainant may have a disability which prevents them putting their complaint in writing (an advocate service such as Parent Partnership could be recommended). At the end of a meeting or telephone call, it would be helpful if the member of staff ensured that the complainant and the school 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. The complaints manager is responsible for the records and holds them centrally.

**Trust Board Review:** The Board of Trustees (BoT) 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 BoT will not name individuals. As well as addressing an individual's complaints, the process of listening to, and resolving complaints will contribute to school improvement. When individual complaints are heard, the school will identify underlying issues that need to be addressed. The monitoring and review of complaints by the school and the BoT will be a useful tool in evaluating a school's performance. **Publicising the Procedure:** There is a legal requirement for the Complaints

Procedures to be publicised. It will be included in:

- the information given to new parents when their children join the school
- the information given to the children themselves
- school newsletters
- documents supplied to community users including course information or letting agreements
- the school website.

**Complaints Panel:** The Board of Trustees will nominate a number of trustees with delegated powers to hear complaints at that stage and set out its terms of reference. These will include:

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

The procedure adopted by the panel for hearing appeals would normally be part of the school's complaints procedure. The panel can be drawn from the nominated members and may consist of three or five 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 school's systems or procedures to ensure that problems of a similar nature do not recur.

There are several points which any Trustee sitting on a complaints panel needs to remember.

- It is important that the appeal hearing is independent and impartial and that it is seen to be so. No Trustee may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it or if they are connected in any way to the complainant or complaint
- In deciding the make-up of the panel, trustees need to try and ensure that it is a cross-section of the categories of trustee and sensitive to the issues of race, gender and religious affiliation

- The aim of the hearing, which needs to be held in private, will always be to resolve the complaint and achieve reconciliation between the school 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.
- An effective 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.
- Extra care needs to be taken when the complainant is a child. Careful consideration of the atmosphere and proceedings will ensure that the child does not feel intimidated. The panel needs to be aware of the views of the child and give them equal consideration to those of adults. Where the child'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 child needs to attend.
- The trustees sitting on the panel need to be aware of the complaints procedure and to ensure it is followed correctly.

## **Roles and Responsibilities**

**The Role of the Clerk:** The Department strongly recommends that any panel or group of Trustees considering complaints be clerked. The clerk 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
- notify all parties of the panel's decision.

## **The Role of the Chair of the Board of Trustees or the Nominated Trustee:**

The nominated trustee role:

- 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 would 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 is to

take place within 3 working days. 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 school's actions and be followed by the school'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 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 3 working days (unless it is agreed that further time is needed for investigations of the complaint) .

#### **Complaint heard by staff member**

- Ensure complaints manager informed of outcome - Issue resolved / Issue not resolved

#### **Complaint heard by Principal**

- Acknowledge receipt of complaint
- Write to complainant with outcome of investigation
- Suggest mediation – contact mediation service
- Ensure complaints manager informed of outcome - Issue resolved/ Issue not resolved/ Trustee's complaints panel meeting arranged
- Issue letter inviting complainant to meeting (clerk)
- Issue letter confirming panel decision
- Ensure complaints manager informed of outcome



## Appendix A COMPLAINTS PROCEDURE

Informal	Action	Resolution
Initial concern raised	Parents/carers meet with class teacher to discuss area of concern. Actions put in place, as required to address concern	CONCERN RESOLVED
Concern remains unresolved	Parents/carers meet with class teacher and senior teacher/Principal to discuss concern further. Further actions put in place, as required, to address Concern which may include the use of mediation with an independent mediator	CONCERN RESOLVED
Concern remains unresolved		
Formal		
Stage 1	Formal complaint submitted, either verbally or written. Complaint heard by Karen West, Deputy Principal, who will then investigate the complaint Following the investigation, a report will be written and shared with parents/carers in a face-to-face meeting. This report will include a time-line of events, any actions that have been put in place to resolve the complaint and may include recommendations of further actions needed.	COMPLAINT RESOLVED
Stage 2 – Complaint remains unresolved	Complaint heard by the Principal	COMPLAINT RESOLVED
Stage 3 – Complaint remains unresolved	Complaint heard by the Board of Trustee’s Complaints Appeal Panel The panel can: <ul style="list-style-type: none"> <li>• Dismiss the complaint in whole or part;</li> <li>• Uphold the complaint in whole or part;</li> <li>• Decide on the appropriate action to be taken to resolve the complaint;</li> <li>• Recommend changes to the school’s systems or procedures to ensure that problems of a similar nature do not recur.</li> </ul> The complainant will be notified of the panel’s decision, in writing, within 3 working days. The letter will explain if there are any further rights of appeal and, if so, to whom they need to be addressed	COMPLAINT RESOLVED

## **Appendix B Complaint Form (optional use)**

Please complete and return to Dr Penny Fitch (complaints co-ordinator) who will acknowledge receipt and explain what action will be taken. In the case of a complaint against the Principal, please mark for the attention of the Chair of the Board of Trustees and pass to the school office.

Your name:

Pupil's name:

Your relationship to the pupil:

Address:

Daytime telephone number:

Evening telephone number:

Please give details of your complaint, being as specific as possible.

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?



## APPENDIX C REMIT OF COMPLAINTS

A complaints procedure should cover all complaints about any provision of facilities or services that a school provides with the exceptions listed below, for which there are separate (statutory) procedures.

Exceptions	Who to contact
<ul style="list-style-type: none"> <li>• Admissions to schools</li> <li>• Statutory assessments of Special Educational Needs (SEN)</li> <li>• Matters likely to require a Child Protection Investigation</li> </ul>	<p>Local admissions authority and/or Local Government Ombudsman</p> <p>Devon Local Education Authority or Plymouth City Council (dependent on home address)</p> <p>Relevant safeguarding Board/ Social Services</p>
<ul style="list-style-type: none"> <li>• Exclusion of children from school</li> </ul>	<p>Further information about raising concerns about exclusion can be found at: <a href="http://www.gov.uk/school-discipline-exclusions/exclusions">www.gov.uk/school-discipline-exclusions/exclusions</a>.</p>
<ul style="list-style-type: none"> <li>• Whistleblowing</li> </ul>	<p>Schools have an internal whistleblowing procedure for their employees and voluntary staff. Other concerns can be raised direct with Ofsted by telephone on: 0300 123 3155, via email at: <a href="mailto:whistleblowing@ofsted.gov.uk">whistleblowing@ofsted.gov.uk</a> or by writing to: WBHL, Ofsted Piccadilly Gate Store Street Manchester M1 2WD. The Department for Education is also a prescribed body for whistleblowing in education.</p>
<ul style="list-style-type: none"> <li>• Staff grievances and disciplinary procedures</li> </ul>	<p>These matters will invoke the school's internal grievance procedures. Complainants will not be informed of the outcome of any investigation.</p>
<ul style="list-style-type: none"> <li>• Complaints about services provided by other providers who may use school premises or facilities.</li> </ul>	<p>Contact providers directly, they should have their own procedures</p>