

## **SWAKELEYS SCHOOL FOR GIRLS COMPLAINTS POLICY**

### **I) POLICY & PROCEDURE FOR DEALING WITH COMPLAINTS AGAINST THE SCHOOL OR SCHOOL STAFF**

#### **1. Rationale**

The Governors and staff of Swakeleys School for Girls have a shared intention that the service provided to its pupils, their parents and the local community shall be such that cause for complaint arises very rarely. However, we need this policy to ensure that there is a procedure to deal with complaints against the school or school staff in a formal manner and have it dealt with fairly and efficiently. This policy is available on request to parents of current and prospective pupils.

#### **2. Objectives**

- To clearly state the scope of the complaints procedure.
- To clearly state the stages of the complaints procedure.
- To clearly set out the time scales for the management of the complaint.

#### **3. Success Criteria**

If a complaint is made, we will follow this policy accordingly. The person/s making the complaint will be made aware of this policy and feel sure that it has been followed correctly by all concerned. Complainants will be involved at each stage of the procedure and all parties will be kept informed of progress, outcomes and necessary actions taken. Urgent complaints will be given priority. Under no circumstances will any employee knowingly act in a way that will cause any pupil associated with a complainant to suffer negative repercussions as a result of his/her association with a complainant. A written record of all complaints will be kept, along with relevant actions and stages of action. It will also show whether the complaint was settled at the preliminary stage or proceeded to a panel hearing. Throughout all stages of the process, all parties concerned will be informed of proceedings.

The procedure covers all school activities including such aspects as the condition of the premises, discipline, lunch arrangements, after-school activities etc. However it does not cover matters for which separate appeals procedures have been established as required by the School's Instrument and Articles of Government. These include such matters as a decision by the Pastoral and Admissions Committee not to offer a place to a child whose parents have applied for one, or to permanently to exclude a pupil from the School.

#### **4. Methodology**

All complaints will be investigated fully and fairly with due regard for the following principles:

- i. The right of a complainant to have a complaint heard, investigated and acted on quickly, efficiently and without fear of repercussion.
- ii. Where a complaint concerns an employee of the school, the right of the employee to have a complaint dealt with fairly, quickly efficiently and confidentially.

The Governors expect that any concerns experienced by parents and others will be raised with the appropriate person<sup>1</sup> and will be dealt with according to the procedures outlined.

Should an employee other than the appropriate person receive a complaint, the following procedures will be followed:

- Verbal complaint

Should an employee receive a verbal complaint that requires action outside his/her area of responsibility, or a verbal complaint about a member of staff for whom they do not have management responsibility, the employee should advise the complainant to put the complaint in writing to the appropriate person. If in doubt about the appropriate person, the complainant should be advised to address his/her letter to the Headteacher. In the interests of confidentiality an employee who receives a verbal complaint of this type should not discuss it with any one else, other than to seek line management advice to identify the appropriate person to deal with the matter.

- Written complaint

Should an employee receive a written complaint that requires action outside his/her area of responsibility, or a written complaint about a member of staff for whom they do not have management responsibility, the employee should pass the written complaint to the appropriate person. If in doubt about the appropriate person, the written complaint should be passed to the Headteacher. In the interests of confidentiality the employee who receives a written complaint of this type should not discuss it with any one else, other than to seek line management advice to identify the appropriate person to deal with the matter. The receipt of a written complaint will be acknowledged within 24 hours and the complainant will be informed who is dealing with the complaint and when s/he may expect a response.

Should the Headteacher receive a written complaint s/he will identify the appropriate person to deal with the complaint and will pass the complaint to that person.

- On receipt of complaint

On receiving a complaint the appropriate person will decide what action to take to investigate the complaint. Should the complaint involve an employee, the member of staff concerned will be informed of the complaint, provided with a copy of any correspondence concerned and given the opportunity to comment on the complaint. The employee will be provided with a copy of the school's reply to the complaint. Should the investigation of the complaint involve consultation with persons other than the employee concerned, the employee will be informed of this and all parties will act with due regard for the principle of confidentiality.

- Disciplinary action

If, in the course of the consideration of a complaint, it is decided by the school that capability or disciplinary proceedings should be initiated, separate action will be taken under the appropriate procedures. The confidential nature of the capability and disciplinary procedures will be taken into account in any communication with a complainant in response to a complaint.

<sup>1</sup> The appropriate person is defined as the employee against whom the complaint is made or the employee who holds management responsibility for the matter under complaint. Depending on the nature of the complaint the "appropriate person" may be the person against whom a complaint is made or their Head of Department, a Year Learning Coordinator, an Assistant Head, a Deputy Head, or the Headteacher. The Governors expect that complainants will take reasonable action to identify the appropriate person to address the complaint to and that if in doubt the complaint will be addressed to the Headteacher.

- Representation

The complainant and any other party involved in a complaint may make his or her representations at each stage of the procedure in person, accompanied by a friend if so desired. Should the complainant wish to be accompanied by a legal representative, this will be at the discretion of the Headteacher and by written request to the Headteacher only. The letter should outline the subject of the meeting, the matters for discussion and the reason for the presence of a legal representative. In this event, the Headteacher reserves the right to seek independent advice and also to be accompanied by a legal representative if so advised.

- EAL provision

Where appropriate, steps will be taken to ensure that information is available to complainants in languages other than English and arrangements made for an interpreter to be present during any oral representations.

#### **4.1 Implementation:**

##### **STAGE ONE: INFORMAL DISCUSSION**

- The Governors expect that any concerns experienced by parents and others will be dealt with by means of informal discussion with teachers and/or the appropriate manager in the first instance within 24 hours of the complaint being lodged.
- The Governors anticipate that all but a very few matters will be efficiently and fairly resolved by these means and they encourage complainants to seek informal discussion at an early stage and with the expectation of a successful outcome.
- Where a resolution of the matter is achieved at this stage no further action will be required.
- If the complaint is not resolved at this stage, the complainant will be advised of the next stage of the complaints procedure.

##### **STAGE TWO: FORMAL COMPLAINT TO THE HEADTEACHER**

- If the complainant is not satisfied with the outcome of the first stage the person concerned may then submit a formal complaint to the Headteacher.
- The formal complaint must be made in writing, and within a time limit of three months from the cause of complaint, making clear that it is a formal complaint and specifying its nature as precisely as possible.
- If in his/her view the complaint falls outside the scope of the procedures the Headteacher will advise the complainant of any other recourse he or she may have.
- The Headteacher will consider urgent complaints as quickly as possible. If it is clear that investigation of a relevant complaint will take some time, the Headteacher will notify the complainant of the fact and of progress during consideration of the complaint.
- Following that consideration the Headteacher will inform the complainant of:
  - i. the decision s/he has reached and the reason for it;
  - ii. any action taken or proposed, including details of any request made to those complained against to take particular actions to resolve the complaint.

- If the complaint is not resolved at this stage, the complainant will be provided with a copy of the Complaints Policy and Procedure and will be advised on how to take the matter further to Stage 3.

### **STAGE 3: FORMAL COMPLAINT TO THE GOVERNING BODY**

- If the complainant is dissatisfied with the Headteacher's response, the complainant may submit a formal complaint about the Headteacher's actions to the Chair of Governing Body who will decide, if appropriate, to convene a sub committee of the Governing body to consider the complaint. This formal complaint must be submitted in writing to the Clerk to the Governing Body.
- If the complaint appears to be urgent, the Clerk will convene a meeting of the sub committee to consider the complaint within 12 days of its receipt being days on which the school is normally in session ("school days"). If the complaint is not urgent, the Clerk will convene a meeting to consider the complaint within 20 school days. The subcommittee must include at least three people who are not directly involved in the matter detailed in the complaint and must include at least one person independent of the management and running of the school.
- The Clerk will give the complainant and all other parties concerned a minimum of 7 working days notice of the date, time and place of the meeting. Any reasonable request made by the complainant for an alternative date should result in an alternative date being set at the earliest possible time. If the complainant does not wish to attend the meeting, he or she may present the complaint in writing to the sub committee. The complainant must submit any such material to the Clerk no later than 2 school days before the meeting.
- The Headteacher and/or other member/s of staff involved in the matter shall be present at any meeting of the sub committee to consider a complaint, accompanied by a friend or representative if he/she so wishes, but shall not be a member of the committee.
- Where the complainant chooses to attend in person, he/she may be accompanied by a friend/representative. The order of proceedings shall be as follows:
  - i. The Chairman of the sub committee will welcome and introduce those present.
  - ii. The complainant may restate the nature of the complaint and may call witnesses.
  - iii. The complainant and witnesses may be asked questions by the sub committee/Headteacher.
  - iv. The Headteacher will be asked to make a statement to the sub-committee regarding the matter complained of and may call witnesses.
  - v. The Headteacher and any witnesses may be asked questions by the sub committee/ complainant.
  - vi. The complainant may, if s/he so chooses, summarise the complaint.
  - vii. At this point all except the sub committee members and Clerk shall withdraw.
  - viii. The sub committee shall consider the complaint at the meeting and any relevant information, evidence or factors.

The sub committee may decide to:

- a. reject the complaint in total or in part;
- b. uphold the complaint;
- c. investigate the complaint further.

- The Clerk shall inform the complainant, the Headteacher and where relevant, the person being complained about in writing within five school days:
  - i. of the decision reached by the sub committee and the reason for the decision - if the sub committee decides that the complaint falls outside the scope of this policy, the Clerk will inform the complainant of any other recourse s/he may have;
  - ii. if the complaint was upheld, of any action taken or proposed including details of any request to those complained against to take particular action to resolve the complaint;
  - iii. the grounds on which an appeal can be made.
- Where the sub committee decides to investigate the complaint further, the clerk shall inform the complainant of the steps to be taken and of the progress made. Any subsequent meeting of the sub committee shall be subject to the provisions described above in so far as they are relevant.
- The Clerk will ensure that the report of any complaint is available on the school premises for inspection by the Headteacher and that written records are kept of all complaints and whether they were resolved at the preliminary stage or proceeded to a panel hearing.

#### **STAGE 4: REFERENCE TO AN APPEALS COMMITTEE OF THE GOVERNING BODY**

- If either of the parties disagrees with the decision of the sub committee at Stage 3, either party may request in writing that the Clerk to the Governors refers the matter to a meeting of an Appeals Committee of the Governing Body. This written request must be received by within 28 days of the meeting held at Stage 3; otherwise the decision taken by the sub committee at Stage 3 will become final.
- The only grounds for appeal against the rejection of the complaint by the sub committee shall be that:
  - i. the sub-committee has acted in breach of its published procedure;
  - ii. there are substantial indications that information given to the sub committee was incorrect;
  - iii. additional information material to the matter concerned, and not available to the original sub committee, has become available.
- The proceedings of the Appeal meeting shall be those set out in Stage 3 of this policy, except that:
  - i. reference to “the sub committee” shall be replaced by “Appeals Committee”;
  - ii. no member of the sub committee which heard the complaint at Stage 3 shall be a member of the Appeals Committee which hears the appeal but members of that sub committee may be called to give information or answer question at the appeal meeting.
- The Appeals Committee may decide to:
  - i. reject the appeal;
  - ii. uphold the appeal on one or more of the grounds specified and/or require the sub committee to reconsider the complaint in the light of the direction of the Appeals Committee on specific points. Any such further meetings of the sub committee shall be subject to the provision described insofar as they are applicable.
- The decision of the Appeals Committee is final.

If the matter is still not resolved to the satisfaction of those involved, a written statement can be sent to the Secretary of State for Education, Department of Education, Elizabeth House, York Road, London SE1 7PH asking that the matter be examined further.

At the end of all stages of the procedures you will be informed in writing of:

- (a) The decision taken and the reason for it;
- (b) Any action to be taken to resolve the complaint;
- (c) The further steps available to you if the problem has not been resolved satisfactorily.

**5. Evaluation:**

The policy will be evaluated annually as part of the school cycle of self evaluation, lead by the Headteacher.

**6. Review:**

The policy will be reviewed by the Personnel Committee of the Governing Body annually, who have ultimate responsibility for this policy. They will review the policy as part of their cycle of reviews for which they are responsible. The log of complaints will be reviewed termly.

Please note that the regulations require that information about complaints may, from time to time, be published without reference to any named individuals. This will be done to the Secretary of State or body conducting an inspection under Section 162a of 2002 Act as amended.

**Reviewed May 2017**

**APPENDIX I**

