

Westlands School - Curriculum Complaints Policy

Rationale

Our Complaints Policy is set to reflect the philosophy that every member of the School should have a right of access to a high quality of education. As part of this process individuals must have their right of complaint recognised. It should be read in conjunction with Torbay Council's complaints procedure and the School's complaints procedure.

Purposes

1. To ensure that the right of the individual to complain is upheld.
2. To enable the School to listen and take constructive note of any comments made to it.

Broad Guidelines

1. Complaints concerning the operation of the School should be made to the Headteacher, in writing, stating in as much detail as possible the nature of the complaint, when it occurred and who is making it.
2. On receipt of the complaint the Headteacher or his representative will investigate it fairly and fully.
3. When the full investigation has been completed the investigator will take the necessary action which will include informing the complainant of the outcome of the investigation.
4. The formal procedure for complaints may be enacted at any time and this is laid down in accordance with the Authority's guidelines.
5. Complaints that are made by individual employees of the School against other members of staff must be made in accordance with the School's agreed procedure and will be processed accordingly.
6. Complaints against the Headteacher should be made in writing to the Vice Chair of Governors who will take such action as necessary.

Aims

1. To facilitate the speedy and just handling of any complaint.
2. To provide the facility to parents, pupils or staff to have a complaint heard sympathetically

Conclusions

Westlands, as a school, wishes to develop its performance and as such constructive criticism is always useful and welcome. However, formal complaints will always be investigated and action taken that is appropriate to the individual situation. This policy does not prejudice the rights of any individual to approach any member of the Governing Body. However, it should be recognised that in doing this the Governor initially approached may not be able to take any further part in the processing of the complaint.

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WESTLANDS SCHOOL



COMPLAINTS PROCEDURE POLICY to amplify and support the School Policy on Complaints

RATIONALE

Complaints against schools can take many forms. They may be to do with the Policies of the Governing Body, actions of school staff, or other matters. Whatever the nature of the complaint it should be dealt with in a clear, precise and straightforward way.

It is therefore important that Westlands School is to have a published procedure on how complaints will be dealt with. These procedures should be made in conjunction with the LEA procedures and Westlands Complaints Policy.

PURPOSE

An effective complaints procedure is designed to:

- encourage resolution of problems by informal means wherever possible
- be easily accessible and well-publicised
- be simple to understand and to use
- allow the procedure to be handled swiftly, with established time limits for action, keeping the concerned parties informed of the progress
- ensure a full and fair investigation
- respect people's desire for confidentiality
- address the key points at issue and provide an effective response and appropriate redress

It is important that **complaints** are able to:

- attend the meetings to hear the complaint and be accompanied by a friend and, if desired, an interpreter
- receive a copy of any of the papers provided by the School, LEA if appropriate
- receive adequate notice of, not less than five days, the time, date and place of all formal meetings
- receive a written report of all decisions, the reasons for them and any action it is proposed to take, including details of any requests made to those complained about to take particular actions to resolve the complaint
- be informed of the progress of the complaint.

CONCLUSION

It is important for the school to know when people are concerned. Therefore, the results of any complaints procedure should be that it provides the School Management with information so that services can be improved and confirm good working relationships between all people involved with the School.

INTRODUCTION

The Role of the Governing Body

The School Governors must determine how they wish to deal with complaints and are therefore free to set up their own procedures, except in relation to the following areas where the LEA has the lead role:

complaints about the curriculum under Section 23 of the 1998 Education Reform Act

complaints about admission to the School

complaints about failure to assess a child's Special Educational Needs

the exclusion of students.

Set procedures have to be followed for each of the above.

In dealing with all other complaints received, the School has the primary responsibility in law for dealing with them.

This means that it must ensure that complaints are investigated thoroughly and fairly and that complainants are given a response within a reasonable time-scale. Reference to this is made clear in the School Prospectus.

Students also have legitimate rights to make a complaint, but much will depend on the age, maturity and understanding of the student. Therefore, the School will consider each complaint on its merits.

All complaints will be dealt with as speedily as possible. Many enquiries and concerns from parents can be dealt with satisfactorily but the student's class teacher, the Headteacher or other member of staff, without the need to resort to a formal procedure. **The School values informal meetings and discussions.**

If it is not possible to resolve a concern by face to face discussions with the member of staff concerned, then the procedure set out below represents good practice for the school in how it deals with formal complaints.

Governors do have an important role to play in considering complaints. However, it is important for parents to understand that individual governors should not investigate complaints outside the procedure, which has been adopted by the School Governing Body.

Other Procedures to Consider

Other procedures do impact on the complaints procedure and therefore must be considered in conjunction with it. These are:

a. The Staff Disciplinary Procedure

It is important to stress that any complaint, which results in a disciplinary investigation, cannot be responded to finally until the investigation has run its course.

The investigation will be conducted in accordance with LEA Model Disciplinary Procedure for teaching or non-teaching staff.

The complaint will then be informed of the outcome of the disciplinary investigation and may receive an apology. If appropriate. Details of any disciplinary action would not be released to the complaint. The complaint will have no right of appeal against action taken under the disciplinary procedure.

b. The Staff Grievance Procedure

This procedure enables staff to complain about the actions of other members of staff, the Headteacher or the Governors. This involves a quite separate process to the complaints procedure.

c. **Guidance on Child Protection Issues**

The LEA, and other agencies that are responsible for children, has a duty under the Children Act of 1989 to safeguard and promote the welfare of the children. As a part of this, detailed child protection, procedures have been developed (The Multi-Agency Green Book) which outlines the steps which **must** be taken in cases of alleged abuse. It is essential that these procedures are followed and that the designated teacher at the School is informed **immediately** on receipt of an allegation of abuse. They will then liaise with the Headteacher and/or the Chair of Governors, as appropriate and the Director of Education. The guidelines on investigation will then be followed, involving the Social Services and Police as necessary.

The Role of the LEA.

The LeA has limited powers to investigate internal School matters. The role of this body, in dealing with complaints against the School, is, therefore, normally an advisory one.

All complaints received by the LEA will, with the agreement of the complainant, be passed to the Headteacher of the School for a response. When the complaint concerns the Headteacher, the complaint must be passed on to the Chair of Governors.

There may well be occasions when the Headteacher, or School Governing Body, would like the LEA to investigate a complaint on behalf of the School. This will apply in cases where Child Protection issues arise and Social Services must be involved or when there is a serious complaint against the Headteacher.

In such cases the LEA will write to the complainant, informing him/her of the way in which the investigation will be undertaken and will report back to the Headteacher or Governing Body as appropriate. Even when the LEA are not asked to investigate such complaints, the Headteacher/Governors will inform them as soon as such an allegation is made so that any necessary support and advice can be offered to the school.

The Director of Education is the first point of contact for the School.

The School's Complaint Procedure.

All complaints that are received will be recorded in the School and, if they are in writing, acknowledged within two working days. The procedure, followed by the school, is as follows:

Preliminary Stage

Most complaints will be resolved through direct discussions with the child's class teacher. An appointment can be made to see the teacher by phoning the School Office. If the complaint is then unresolved the following steps will then take place:

Step 1

A meeting will be arranged with the Headteacher but will not automatically include any member of staff named in the complaint. The School Governors will not be involved at this stage although, if the Headteacher is the subject of a complaint, the complainant may have written directly to the Chair of Governors. Given the importance of dialogue through informal discussion, this stage is not time limited but it is hoped it will be concluded as quickly as possible.

However, if the discussion seems unlikely to resolve matters, or if the complaint needs to be taken forward against a member of staff, then **Step 2** will be invoked.

Step 2

Where it has not been possible to resolve a complaint by way of informal discussion, and/or where the complaint to be taken involves a member of staff, the complaint should be set out in writing outlining:

The precise nature of the complaint, specifying dates, times, etc;

What the complaint would like done to resolve the matter.

If the complaint involves an allegation of a potentially serious criminal nature, the Headteacher will immediately inform the Chief Education Officer, so that it can be recorded and the School advised about further action.

The member of staff, who is the subject of the complaint, would normally be advised of the situation immediately, although if the complaint involves a Child Protection issue, the Child Protection Investigation arrangements will come into force involving the Social Services and Police.

If the complaint is about a matter, which is subject to a specific procedure, as mentioned earlier in this document, then this must be followed. If it is a general matter, the Headteacher may be able to respond immediately, e.g. if it is about an explanation of School Policy.

For most other complaints, which are likely to relate to specific actions or events, there is likely to be a need for further investigation in order to clarify the facts. The Headteacher or their nominee will normally undertake this.

The following guidelines represent good practice for the investigation when the complaint is about the conduct of a member of staff:-

If, at any time during the investigation, there is a prima facie case for disciplinary action, **the School's Disciplinary Procedure must be followed and no further action taken under the Complaints Procedure.** This also applies where Child Protection procedures are being followed.

It will be normal procedure to meet with the complainant, before the investigation, in order to clarify the precise nature of the complaint and to discuss ways in which the matter might be resolved.

If a formal investigation is required, then the School will adhere to the following principles:-

If a member of staff is the subject of a complaint, he/she will be given a copy and advised to contact their Trades Union or Professional Association for advice.

The member of staff will be advised that a 'friend' or Trades Union representative at any subsequent interview for hearing may accompany him.

The complaint will be treated as an allegation only, during the investigation stage.

The Headteacher will invite all parties, (including witnesses), to provide written statements as part of the investigation.

When the Headteacher is the subject of a complaint, the complaint will be copied to the Chair of Governors and, if the Chair then considers it appropriate, the Chief Education Officer.

Should the matter not be resolved within **Step 2**. The complainant may consider proceeding to **Step 3 below**. The onus is on the complainant to make this decision, within the time-scale of two weeks, although the Headteacher may feel that this is the best course of action depending on the circumstances.

Investigations at **Step 2** should normally be completed within two weeks of receipt of the complaint, unless there are exceptional circumstances, such as in the case of a Child Protection Investigation, or where the Staff Disciplinary Procedure is involved. As good practice a formal response will be sent within two weeks of the completion of the investigation, giving a target of four weeks for the completion of **Step 2**.

Step 3

In all cases where the Headteacher is unable to resolve a complaint, to the satisfaction of the complainant, the matter will need to be considered by the Governors.

The Governors will then decide how best to consider the complaint. They will need to ensure that the same Governors cannot be involved at more than one stage of the complaints process.

Individual Governors have no powers to investigate outside of the complaints process. Therefore, two Governors will be given the task of checking over the facts of the case and, if necessary, meet with the complainant in order to reach an appropriate solution.

Any further investigation will be undertaken in accordance with the principals outlined in **Step 2** above although, given that an investigation will already have place and evidence gathered it may not need to be as thorough.

Following the investigation there will normally be two options available:-

The investigating Governors may be able to take the appropriate action necessary to resolve the complaint, if they have been delegated the authority by the Governing Body. If no action is proposed, they will report so to the Governing Body.

The Governors may decide to review judgements made so far and report to the complainant that all investigative measures have been exhausted.

The decision of the Governors Committee will be communicated in writing to the complainant within two working days of the meeting giving either a written apology or, if appropriate, reasons why the panel was unable to uphold the complaint.

An investigation will take place when the complaint is about an action of the Headteacher. This investigation should normally be completed within three weeks of the receipt of a **Stage 3** complaint and will be conducted by the Chair of Governors.

Step 4

Complaints can request an investigation by the LEA where they feel that the complaint has not been investigated fairly by the Governing Body. Although this request will be rarely exercised, it should be remembered that the LEA retain the responsibility of ensuring that the Governors have acted properly in the exercise of their functions. Complaints received will be recorded and the Chief Education Officer will inform the Chair of Governors that a complaint has been received.

If the complaint is of a serious nature and it is not possible to reach a resolution with the Governing Body, an investigation will need to take place. Either the Chief Education Officer will determine the terms of reference for this and the Governing Body will be informed of these.

Following the investigation, any findings would normally be presented to the Governing Body to then see if an agreement can be reached. In rare cases, it may be felt that the appropriate course of action should be to withdraw delegation and, if so, the Education Committee would be asked to consider whether to recommend this course to the Secretary of State for Education. The Governing Body would be invited to present their comments to the Education Committee as part of the process.

Step 5

Finally, complaints have a right of appeal to the Secretary of State for Education under Section 496 or 497 of the 1996 Education Act that the LEA has acted unreasonably. In such cases, the Department of Education and Employment (DfEE) will examine the complaint and adjudicate. The DfEE has the power to require the LEA to take certain actions, including the issuing of instructions to the School Governing Body, in appropriate circumstances. It should be pointed out that the members of staff also have the same right of appeal under Sections 496 and 497.

If a complaint feels that there has been **maladministration** in the manner in which a complaint has been dealt with, this can be referred to the Local Government Ombudsman.

Please note that the Ombudsman can look into complaints about **how** something has been done, but they cannot question **what** has been done simply because the complainant does not agree.

Addresses and Telephone Numbers

Torbay Council Education

Director of Education
Education Offices
Oldway Mansions
Paignton, TQ3 2TE
Tel. 01803 201201

The Secretary of State for

Sanctuary Buildings
Great Smith Street
Westminster
London, SW1P 3BT
Tel: 0171 925 5000

Local Government Ombudsman

Mr J R White
The Oaks

Westwood Way
Coventry CV4 8JB
Tel. 01203 695999