

Breckenbrough School

Complaints Procedure NMS Standard 18 2012

(This procedure is for use in all complaints either by staff, parents or pupils)

GENERAL PRINCIPLES: THE RIGHT APPROACH

Introduction

At Breckenbrough we have an ethos of conflict resolution which is based on openness and honesty. The school welcomes concerns, worries and complaints from pupils, parents, staff, and authorities. It is expected that within this ethos the vast majority of complaints will be resolved constructively and informally.

This policy outlines in detail how an issue can be raised informally and in the unlikely event that it is not resolved satisfactorily a formal process. If a complaint is not resolved satisfactorily then pupils, parents and staff can refer the matter firstly to the Headteacher, then to the Board of Governors through the Chairman, then through the placing LEA (although some authorities do not raise complaints) and finally the ombudsman. In the event of a complaint being made the subject of this will not be involved in the schools immediate response. In the event of a complaint being made against the Headmaster all concerns will be directed to the Chairman of Board of Governors. A praised version of this policy is provided to parents and pupils. Parents are given the opportunity to have a copy of the full policy. Every child at Breckenbrough has the right to access and use the complaints policy from their placing authority. This can be done by contacting their placing officer directly. NMS 4.3

1. Publicity: Parents should always know how they can raise concerns or lodge a formal complaint. A version of this policy is provided to new parents when their children join the school, and in the information given to the children themselves in the Welcome Pack. Existing parents and children should be reminded of the system through the annual report.

2. Speed: The procedure should be as speedy as possible — consistent with fairness to all concerned. Each stage of the procedure has known time limits. Where it is not possible to meet these, information about progress will be given to the complainant. Care will be taken not to drag things out with unnecessary bureaucracy.

3. Support for complainant: As part of the general publicity about complaints procedures, it is important for staff, parents and pupils to know where they can go for information, advice and advocacy, if they require it. The school has a parent support group that offers help and advice to both new and existing parents. This may be a source of advice and advocacy when dealing with a complaint.

4. Support for a person complained against:

Staff who may be questioned as part of a complaints procedure investigation must feel they are being treated in a fair way and that they too will have an opportunity to put their case. They should be told about the procedure and be kept informed of progress. There is a crucial balance to be maintained between supporting the individual so that his/her rights and reputation are protected, and investigating a complaint thoroughly and impartially.

The complaints procedure is distinct from formal disciplinary proceedings for staff and this needs to be made clear to all concerned. There may be occasions where a complaint launches a disciplinary procedure, which puts the complaints procedure on hold. If so, the complainant should be informed of this and any non-disciplinary aspects of the complaint should be dealt with by the usual complaints procedures; the complainant should be "up-dated" every three weeks on the likely further delay. It may be clear after the disciplinary procedures have been completed, that particular responses to the complainant are required (e.g. an apology or an explanation of new policies to avoid a similar problem again).

5. Confidentiality:

It is very important to treat conversations and correspondence with discretion. It is vitally important that parents feel confident that their complaint will not penalize their child. However, from the outset all parties to a complaint will need to be aware that some information may have to be shared with others involved in the operation of the complaints procedure. It is usually proper to disregard anonymous complaints unless somebody is prepared to substantiate them, but the danger in this is that they may relate to something quite serious. If the foreseen eventuality occurs, to the detriment of the school, the complainant may surface subsequently and say that s/he alerted the school even though the complaint was unsigned. It should be at the Headteacher or Governing Body's discretion to decide whether the gravity of an anonymous complaint warrants an investigation.

6. Redress:

If the outcome of the complaint procedure shows the school is at fault, it is often sufficient to provide redress in the form of an acknowledgement that the complaint is valid. Alternatively, it may be appropriate to offer one or more of: an apology, an explanation, a promise that the event complained of will not recur, an undertaking to review school policies or practices in the light of the complaint, or, in appropriate circumstances, financial compensation. Fear of litigation will not prevent a school from admitting to parents when mistakes have been made, but advice should be taken from the appropriate external agency if litigation could be possible.

7. Staff awareness and training:

School staff, including non-teaching staff, should be familiar with the procedures so that they can advise parents about their operation. Potentially a great many staff are involved in handling complaints, especially at the informal level. Their confidence in doing so depends on their having clear information about the procedures, reassurances that senior staff are committed to the procedures and some basic training in the practical interpersonal skills needed in dealing with people who are upset or angry. (See Annex B) All school staff should have clear information about which staff have which responsibilities at school so that parents do not get continually passed from one to another.

8. Record keeping:

If complaints are to contribute to raising the quality of education, then they need to be recorded and monitored termly by senior staff and governors. Recording will begin when a complaint is made following the guidance in the NMS and will require a later report back (either orally or in writing) to the person making the complaint. The member of staff involved should then pass it on or seek advice from their line manager if a parent contacts the Governing Body with their concerns when the school's internal procedures have not been fully exhausted, they should be referred back to the school.

STAGE 1: THE FIRST CONTACT: GUIDELINES FOR DEALING WITH CONCERNS AND COMPLAINTS INFORMALLY.

1.1 The vast majority of concerns and complaints can be resolved informally. There are many occasions where the teacher, key worker, school secretary or Headteacher, depending on whom the parent first approached, resolves concerns straight away.

1.2 Parents must feel able to raise concerns with members of staff without any formality, either in person, by telephone or in writing. On occasion it may be appropriate for someone to act on behalf of a parent or the child if this is consented too.

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

In the event of a complaint

1.4 Parents have an opportunity for discussion of their complaint with an appropriate member of staff who clarifies with the parent the nature of the concern, and reassures them that the school wants to hear about it. The member of staff may explain to the parent how the situation happened. It can be helpful to identify at this point what sort of outcome the parent is looking for.

1.5 If the member of staff first contacted cannot immediately deal with the matter, s/he makes a clear note of the date, name, contact address or phone number.

1.6 Any member of staff will know how to refer, if necessary, to the person with responsibility for the particular issue raised by the parent. S/he will check later to make sure the referral has been successful.

1.7 If the concern relates to the Head Teacher, the parent is advised to contact the Chair of the Governing Body.

1.8 The staff member dealing with the concern makes sure that the parent is clear what action (if any) or monitoring of the situation has been agreed, putting this in writing only if this seems the best way of making things clear.

1.9 Where no satisfactory solution has been found within 10 days, parents are asked if they wish their concern to be considered further. This should be done in writing and addressed to the Headteacher.

Stage 2: REFERRAL TO THE HEADTEACHER FOR INVESTIGATION

2.1 At this stage it has become clear that the concern is a definite complaint. In some cases the Headteacher has already been involved in looking at matter; in others it is their first involvement. In either case, it is helpful for the Headteacher (or the person delegated to investigate) to use guidelines to ensure consistency among cases, and to make sure that nothing happens at this stage which could make it difficult for later stages to proceed smoothly.

2.2 The lead person; As the Headteacher has responsibility for the day-to-day running of the school, they have responsibility for the implementation of a complaints system, including the decisions about their own involvement at various stages. One of the reasons for having various "stages" in a complaints procedure is to reassure complainants that their grievance is being heard by more than one person. The Headteacher should make arrangements to ensure that their involvement will not predominate at every stage of a particular complaint. For this reason arrangements are made for other staff to deal with parents' concerns at stage 1, while the Headteacher deals with contacts with parents at stage 2. Even at that stage the Headteacher may designate another member of staff to collect some of the information from the various parties involved. In some cases, the Headteacher may be so involved at Stage 1 that Stage 2 has to be carried out by the Chair of the Governing Body.

2.3 Acknowledgement of the complaint; The Headteacher (or designate) acknowledges the complaint orally or in writing within 3 working days of receiving the written complaint. The acknowledgement gives a brief explanation of the school's complaint procedure and a target date for providing a response to the complaint. This should normally be within 10 working days; if this proves impossible, a letter is sent explaining the reason for the delay and giving a revised target date.

2.4 Meeting the complainant; The Headteacher (or designate) provides an opportunity for the complainant to meet him/her to supplement any information provided previously. It is made clear to the complainant that if s/he wishes, s/he may be accompanied to any meeting by a friend, relative, representative, or advocate who can speak on his or her behalf; and that interpreting facilities are available if needed.

2.5 Interviewing pupils; If necessary, the Headteacher (or designate) should interview witnesses and take statements from those involved. If the complaint centers on a pupil, the pupil should also be interviewed. Pupils would normally be interviewed with parents/guardians present. In some situations, circumstances may prevent this e.g. where this would seriously delay the investigation of a serious/urgent complaint or where particular circumstances mean that a pupil has specifically said s/he would prefer that parents or guardians were not involved. In such circumstances another member of staff with whom the pupil feels comfortable should be asked to attend. If a member of staff is complained against, the needs of that person should be borne in mind. (See para. 3 under General Principles).

2.6 Written records; The Headteacher (or designate) keeps written records of meetings, telephone conversations, and other documentation.

2.7 Once all the relevant facts have been established, the Headteacher (or designate) should then produce a written response to the complainant, or may wish to meet the complainant to discuss/resolve the matter directly.

2.8 A written response includes a full explanation of the decision and the reasons for it. Where appropriate, this includes what action the school will take to resolve the complaint. The complainant is advised that should s/he wish to take the complaint further s/he should notify the Chair of the Governing Body within five weeks of receiving the outcome letter.

2.9 Complaint against the Head. If a complaint is against the action of a Headteacher, or if the Headteacher has been very closely involved at Stage 1, the Chair of the Governing Body should carry out all the Stage 2 procedures.

Stage 3: REVIEW BY THE GOVERNING BODY

3.1 Complaints only rarely reach this formal level, but it is important that governing bodies are prepared to deal with them when necessary. At this stage the school should seek the advice of any relevant external agencies and/or unions.

3.2 Impartiality; It is important that this review not only be independent and impartial but that it be seen as so. Therefore, individual complaints should not be considered by the full governing body as serious conflicts of interest can arise; for example, in exceptional circumstances a complaint may result in disciplinary action against a member of staff and governors might be required to give an unprejudiced hearing to an appeal by the member of staff concerned. Similarly some governors might have previous knowledge of the problem which led to the complaint and would be unable to give fair unbiased consideration to the issue.

3.3 Considering whether the complaint is against an individual or the school. Many complaints are inevitably seen by parents as being “against” a particular member of staff and their actions. However, all complaints which reach this stage will have done so because the complainant has not been satisfied by the Headteacher's response at the earlier stage of the procedure, and it may be appropriate for the Governing Body to consider that the complaint is against the school rather than against the member of staff whose actions led to the original complaint.

3.4 Upon receipt of a written request by the complainant for the complaint to proceed to stage3, the procedures outlined below should be followed.

3.5 Acknowledgement. The Chairman of the Governing Body should write to the complainant to acknowledge receipt of the written request. The acknowledgement should inform the complainant that the complaint is to be heard by three members of the school's Governing Body within 20 working

days of receiving the complaint. The letter should also explain that the complainant has the right to submit any further documents relevant to the complaint. These must be received in time for the documents to be sent to the three members.

3.6 Convening a complaints panel. The Clerk to the Governors should arrange to convene a Governors' Complaints Panel elected from members of the Governing Body. It may be necessary for the Governing Body to appoint reserves to this Panel to ensure that three governors are available to carry out their task within the set time.

3.7 The Panel members should be governors who have had no prior involvement with the complaint. If s/he has not previously been involved, the Chair of the Governing Body should chair the Panel; otherwise the Vice-Chair should do it. Generally it is not appropriate for the Headteacher to have a place on the Panel. Governors will want to bear in mind the advantages of having a parent (who is a governor) on the Panel.

3.8 Panel meeting. The Chair/Vice-Chair will ensure that the complaint is heard by the Panel within 20 working days of receiving the letter in 3.5. All relevant correspondence regarding the complaint should be given to each Panel member as soon as the composition of the Panel is confirmed. If the correspondence is extensive, the Chair of the Panel should prepare a thorough summary for sending to Panel members.

3.9 Informing complainants and witnesses for the meeting. The Chair/Vice-Chair will write and inform the complainant, Headteacher, any relevant witnesses, and members of the Panel at least 5 working days in advance, of the date, time and place of the meeting. The notification to the complainant should also inform him/her of the right to be accompanied to the meeting by a friend/advocate/interpreter. The letter will also explain how the meeting will be conducted and the complainant's right to submit further written evidence to the Panel.

3.10 The Chair/Vice-Chair of the Governing Body should invite the Headteacher to attend the Panel meeting and prepare a written report for the Panel in response to the complaint. The Headteacher may also invite members of staff directly involved in matters raised by the complainant to respond in writing or in person to the complaint. All concerned, including the complainant, should receive any relevant documents including the Headteacher's report at least 5 working days prior to the meeting.

3.11 The involvement of staff other than the Headteacher is subject to the discretion of the Chair of the Panel.

3.12 It is the responsibility of the Chair of the Panel to ensure that the meeting is properly minuted.

3.13 The aim of the meeting; The aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant. However it has to be recognised that sometimes it may only be possible to establish facts and make recommendations which will satisfy the complainant that his or her complaint has at least been taken seriously.

3.14 The nature of the meeting; The Panel should remember that many parents are unused to dealing with groups of people in formal situations and may feel inhibited when speaking to the Panel. It is therefore recommended that the Chair of the Panel ensures that the proceedings are as informal as possible.

3.15 Adjourning a meeting; If either party wishes to introduce previously undisclosed evidence or witnesses, it is in the interests of natural justice to adjourn the meeting so that the other side has time to consider and respond to the new evidence.

3.16 The process of the meeting; The meeting should allow for;

- The complainant to explain their complaint; and the Headteacher to explain the school's response.
- The Headteacher to question the complainant about the complaint and the complainant to question the Headteacher and/or other members of staff about the school's response.
- Panel members to have an opportunity to question both the complainant and the Headteacher.
- Any party to have the right to call witnesses (subject to the approval of the Chair) and all parties having the right to question all the witnesses.
- Final statements by both the complainant and the Headteacher.

3.17 The conclusions of the meeting; The Chair of the Panel will explain to the complainant and the Headteacher that the Panel will now consider its decision, and a written decision will be sent to both parties within 15 working days. The complainant, Headteacher, other members of staff and witnesses will then leave.

3.18 The Panel will then consider the complaint and all the evidence presented and (a) reach a unanimous, or at least a majority, decision on the complaint and (b) decide upon the appropriate action to be taken to resolve the complaint and (c) where appropriate, suggest recommended changes to the school's systems or procedures to ensure that problems of a similar nature do not happen again.

3.20 A written statement outlining the decision of the Panel must be sent to the complainant and Headteacher. The letter to the complainant should explain whether a further appeal can be made, and if so, to whom.

3.21 The school should ensure that a copy of all correspondence and notes are kept on file in the school's records. These records should be kept separately from the pupil's personal records in the office.

Stage 4: REVIEW BY THE PLACING AUTHORITY

4.1 Some placing authorities do not get involved but others are willing to investigate complaints brought by parents of children at Breckenbrough. Two models are in fairly wide usage: independent panels and mediation services.

4.2 In the former case, if a complainant wishes to go beyond the governor's complaints panel, the placing authority can set up an independent arbitration panel consisting of a councillor, a governor and

a parent, none of whom would have had a connection with the school or the complainant. The members of the arbitration panel would be advised by a senior officer and would all have received training in or have previous experience of the working of appeals committees. Both parties would be encouraged to agree ahead of time to abide by its findings; if not, the arbitration panel can only express a view about the complaint and the means of resolving it. The arbitration panel has no legal basis for imposing its will.

4.3 Where mediation services are available, the statement sent to the complainant must explain that the decision of the Governing Body Panel is final but that there is a team of officers who offer consultation, investigation and mediation services at the request of either party.

Stage 5: BEYOND THE LOCAL AUTHORITY

5.1 The Local Government Ombudsman: Complaints about the misadministration of Local Authority services including the way it operates any general school complaints procedure could be made to the Ombudsman. However the Ombudsman does not look at internal school management matters and usually expects that thorough attention has been given to a complaint locally before investigation by the Ombudsman.

5.2 National Organisations. If there is still no adequate resolution to the situation it may be necessary to contact the Department for Education and Skills (DfES) or the National Care Standards Commission (NCSC) depending on the nature of the complaint.

CONCERNS AND COMPLAINTS ABOUT THE SCHOOL

Guidance notes for parents

If you have a concern or complaint

We would like you to tell us about it. We welcome suggestions for improving our work in the school. Be assured that no matter what you want to tell us, our support and respect for you and your child in the school will not be affected in any way.

Please tell us of your concern as soon as possible. It is difficult for us to investigate properly an incident or problem which has happened some time ago.

What to do first

Most concerns and complaints can be sorted out quickly by speaking with your child's key worker, mentor or the teacher involved. Any teacher or the school secretary can help you find the right member of staff. If you have a complaint which you feel should be looked at by the Headteacher in the first instance you can contact him/her straightaway if you prefer.

It is usually best to discuss the problem face to face. You may need an appointment to do this, and can make one by ringing or calling in to the school office. You can take a friend or relation to the appointment with you if you would like to. Although we respect that time and distance might make telephone or E-mail the most appropriate method of communication.

All staff will make every effort to resolve your problem informally. They will make sure that they understand what you feel went wrong, and they will explain their own actions to you. They will ask what you would like the school to do to put things right. Of course, this does not mean that in every case they will come round to your point of view but it will help both you and the school to understand both sides of the question. It may also help to prevent a similar problem arising again.

What to do next

If you are dissatisfied with the member of staff's response you can make a complaint to the Headteacher. This should be made in writing. Help with this is available from the parents support group.

If your complaint is about an action of the Headteacher personally, then you should refer it to the Chair of Governors. You can contact him/her in writing by addressing it to the school. The letter will then be forwarded on your behalf.

You may also find it helpful at this stage to have a copy of the full Complaints Policy as this explains in detail what procedures are followed. This is available from the school office.

The Headteacher will ask to meet you for a discussion of the problem. Again you may take a friend or someone else with you if you wish. The Headteacher will conduct a full investigation of the complaint

and may interview any members of staff or pupils involved. You will receive a written response to your complaint.

If you are still unhappy

The problem will normally be solved by this stage. However, if you are still not satisfied you may wish to contact the Chair of the governing body to ask for referral of your complaint to a Governors' Complaints Panel. It will then be heard by a group of three governors who have no previous knowledge of the problem and so will be able to give it a fresh assessment. You will be invited to attend and speak to the panel at a meeting which the Headteacher will also attend. The General Complaints Procedures statement explains how these meetings operate.

Further action

Complaints about school problems are almost always settled within schools but in exceptional cases it may be possible to refer the problem to an outside body such as the Local Education Authority or the Secretary of State for Education and Employment. Again there is more information on this in the full Complaints Policy.

What to do if you have a worry or complaint

Guidance notes for students

If you have any worries or complaints you should tell an adult. The adult can be one of your parents, your key worker, mentor, or any one of the staff.

Your problem can usually be settled by the staff at School on an informal basis just by talking. We shall seek to deal with your problem as speedily and effectively as possible. Sometimes things cannot be sorted as you might like but staff will help you to accept the situation.

If you feel there is still a serious problem then either you or a member of staff can take it to the Headteacher, Deputy Head or Head of Care. If you have a very serious complaint you can write or get your parents to. You can even complain about the Head to the staff or to the Head himself.

If you cannot talk to an adult at school or with your parents you can contact;
You're local Education Authority who placed you at Breckenbrough School
CHILDLINE 0800 11 11

Displayed around the school there are posters with agencies details and contact numbers that you can talk to free of charge at any time on any issue you feel unhappy about, they will listen to you and provide advice on what to do next.

Here are some of the things that might make you unhappy or upset.

- You feel you have been treated unfairly by a member of staff in School or in class
- You feel that a punishment is unjust or in some way not right
- You are being bullied
- You find difficulty making friends
- You feel no-one understands the difficulties you are having with some of your work
- Someone has hurt or abused you or has made suggestions you think are not right
- You feel the food is not good enough
- Someone is making fun of you
- Someone has stolen something from you
- OR ANYTHING ELSE YOU THINK IS WRONG

Don't be afraid to complain. It is your right to be treated properly and it is your right to complain if you think you are not being treated fairly.

HOW TO LISTEN TO COMPLAINTS

As soon as you realise that you are listening to a complaint, remember these points:

Don't pass the buck. Try not to keep transferring an angry person from one place to another. Make sure you know the contact person for anything you cannot deal with yourself.

Don't be flippant. First impressions count. You and the school may be judged on your immediate reaction.

Treat all complaints seriously. However small or trivial it may seem to you, the complaint will be an important problem for anyone who takes the trouble to complain.

Treat every complaint individually. Even if you have already received several similar complaints the same day, it is probably the person's first chance to have their say.

Be courteous and patient. Be sympathetic and helpful, but do not blame other colleagues.

Say who you are. If you are unknown to the person, introduce yourself.

Ask for their name, and use it. Anonymous complaints are acceptable only where there are special circumstances.

Take time to find out exactly what the problem is. It is easy for someone to forget to tell you an important detail, particularly if they are upset or annoyed.

Don't take the complaint personally. To an angry or upset person, YOU are the school, and the only one they can put their feelings to right now.

Stay cool and calm. Do not argue with the person — be polite and try to find out exactly what the person thinks is going wrong, or has gone wrong.

Check you are being understood. Make sure that the person understands what you are saying. Don't use jargon - it can cause confusion and annoyance to someone "not in the know".

Don't rush. Take your time. Let people have their say, and let off steam if they need to. Listen carefully and sympathetically to their problems before replying and attempting to find a solution or offer a next step.

Signed and Dated