



Queen Elizabeth's Girls' School Complaints Policy

POLICY TITLE: Complaints Policy

STATUS: Statutory

ADOPTED BY: Governing Board

DATE OF REVIEW: December 2018

DATE OF NEXT REVIEW: December 2020

Introduction

The school strives to ensure that pupils are appropriately educated and happy at Queen Elizabeth's Girls' School. The school and the pupils also recognise their responsibilities in respect of the wider community in and beyond the school. In addition to these general responsibilities the school has a commitment to each individual child and aims to do its best to provide for her education and well-being in school. On occasions, however, a problem or concern may arise. The great majority of these can be sorted out informally – in person, by telephone etc. If you think that we have not taken action over a significant problem or we have made the wrong decision and you now wish to make a complaint the procedure is set out below. Before moving to the stage of a formal complaint, please ensure that you have pursued your concern through Stage 1.

(N.B. This Policy applies to complaints raised by parents, pupils and other members of the school or wider community. It does not apply to aspects of the operation of the school which are properly considered by other policies, for example aspects of staffing such as discipline and grievance, where there are specific procedures in existence).

This Policy aims to meet the requirement of Statutory Instrument 2010 No 1997 *The Education (Independent School Standards) (England) Regulations 2010* which applies to Queen Elizabeth's Girls' School since converting to Academy status.

How We Deal With Concerns and Complaints

Parents and other complainants are asked to follow the stages of the Policy in sequence. If a concern or a complaint is brought to a governor s/he will refer it back to the relevant person in the process. We aim to resolve all concerns at the informal stage whenever possible.

Anyone who raises informal or formal issues and complaints with the school can expect the school to:

- Follow the school's complaints procedure
- Respond within a reasonable time
- Be available for consultation within a reasonable time limit, bearing in mind the needs of pupils at the school and the nature of the complaint
- Respond with courtesy and respect
- Attempt to resolve problems using reasonable means in line with the school's complaints procedure, other policies and practice and in line with guidance from legislation □
Keep those involved informed of progress towards a resolution.

Stage 1 - Concerns and Complaints (Informal)

Informal concerns are always taken seriously at the earliest stage. In most cases the teacher or other member of the school staff concerned will receive the concern and aim to resolve matters speedily, including apologising if this is appropriate. In this way, we hope to deal with concerns at an early stage, if at all possible without the need to resort to the formal Complaints Procedure.

If you do not feel that the Form Tutor or subject teacher has been able to address your concern, you should contact the Head of Year or the Head of Department (if it is a subject specific concern) who will do their best to resolve your concern. Contact can be made by letter, email, telephone or by appointment (via the school office).

S/he will acknowledge your complaint within 5 school days and should normally complete their response within 15 school days. If this is not possible for some reason, they or a more senior member of staff will communicate with you.

If a satisfactory solution is not reached or you have already been in contact with the Head of Department or Head of Year then you should contact the relevant Assistant Headteacher or Deputy Headteacher (via the school office).

Stage 2 – Formal Complaint to the Headteacher

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 Headteacher will have responsibility for the operation and management of the school complaints procedure. S/he may delegate the responsibility for the investigation of a complaint to another member of the Senior Leadership Team where appropriate but will review the results of the investigation and make a decision as to whether the complaint is justified. The outcome of a complaint could involve 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
- Complaint not being upheld.

A formal complaint to the Headteacher should preferably be made in writing. You may wish to use the Complaint Form which follows (Appendix 1).

Your complaint will normally be acknowledged within 5 school days and a response will be made within 15 school days. If further information is needed you may be contacted by telephone or invited to a meeting.

Stage 3 – Formal Complaint to the Governing Body

If the problem is still not resolved a formal complaint in writing can be made to the Chair of the Governing Board (via the school office). You may wish to use the Complaint Form (see Appendix 1).

Stage 3a

The Chair will then ask a governor (usually, the Vice Chair of the Board of Trustees) to conduct a short investigation which may include speaking to the complainant, if appropriate. If this does not resolve the complaint then a governors' complaint hearing will be arranged.

Stage 3b

The Chair or a nominated trustee will convene a Complaints Panel. The Panel will consist of two trustees (who must not have been involved in matters detailed in the complaint) and a third person who is independent of the management and running of the school.

The parent or complainant may attend the hearing and be accompanied if they so wish.

The Panel will hear the evidence from the school and the person making the complaint, together with any witnesses they may wish to call.

The findings and any recommendations of the Panel will be in writing and a copy will be made available to the complainant (and where appropriate the person complained about).

The procedures for the operation of the Panel are in Appendix 3 to the Policy.

Unresolved complaints

Where a complainant feels that their complaint is still unresolved, the complaint may be taken to the Education Skills Funding Agency (ESFA); The ESFA will not normally investigate a complaint until the school/academy's own complaints procedure is exhausted. The ESFA's contact details are as follows:

Education Skills Funding Agency
 Freshford House
 Redcliff Way
 Bristol
 BS1 6NL
 Tel: 0370 000 2288

Vexatious Complaints

If properly followed, a good complaints procedure will limit the number of complaints that become protracted. However, there will be occasions when, despite all stages of the procedures having been followed, the complainant remains dissatisfied. If the complainant tries to reopen the same issue, the chair of the Governing Board is able to inform them in writing that the procedure has been exhausted and that the matter is now closed.

Sometimes parents/complainants treat staff and others in a way that is unacceptable and or behave in an unacceptable manner. Whilst we recognise that some complaints may relate to serious and distressing incidents, we will not accept threatening, inappropriate or harassing behaviour.

An unreasonable complainant may be anyone who engages in unreasonable behaviour when making a complaint. This will include parents/complainants who pursue complaints in an unreasonable manner and those who do not act in an appropriate manner towards staff at the school.

Unreasonable behaviour may include:

- Actions which are
 - Out of proportion to the nature of the complaint, or
 - Persistent – even when the complaints procedure has been exhausted, or
 - Personally harassing, or
 - Unjustifiably repetitious or obsessive, harassing, or prolific
- Prolific correspondence or excessive email or telephone contact about a concern or complaint.
- Repetitious complaints where the complainant has no view about what would satisfy him/her and/or no intention to resolve the complaint.
- Acting in a way not in line with the school aim of reaching a resolution and working with the school
- An insistence on
 - Pursuing unjustified or unmeritorious complaints and/or unrealistic outcomes to unjustified complaints
 - Pursuing justifiable complaints in an unreasonable manner e.g. using abusive or threatening language;
 - Making complaints in public; or
 - Refusing to attend appointments to discuss the complaint.

The **school** has a duty of care to staff and pupils and will take emergency measures should these become necessary in extreme cases.

The school reserves the right not to respond to communications which fall within the definition of vexatious complaints given above. The receipt of such communications will still be acknowledged and they will be filed.

Legitimate new complaints, if not pursued in a harassing or unreasonable way, will still be considered, even if the person making them has made vexatious complaints (as defined above) in the past.

Time Limits

Complaints need to be considered, and resolved, as quickly and efficiently as possible. At each stage of the procedure, a concern or complaint will normally be acknowledged within 5 school days and responded to within 15 school days. Wherever possible, we will aim to respond more quickly, however all of the staff have teaching and other commitments.

Occasionally, further investigations may be necessary and new time limits can be set and the complainant sent details of the new deadline and an explanation for the delay.

Complaints should be brought to the attention of the school as soon as possible. Any matter raised 3 months after the event being complained of will not be considered, save in exceptional circumstances.

Monitoring of Complaints

The school will maintain a record of complaints and concerns that will be monitored internally to identify any patterns which the school might need to address or to make changes to school procedures and policies. Monitoring will include protected characteristics as per the Equalities Act 2010 (where these are known). The Governing Board will also monitor the operation of The Complaints Policy and will receive a report on the number of complaints and their outcomes on a termly basis. They may also make recommendations where appropriate.

Appendix 1: Complaint Form

Please complete and return to the Head's PA at the school who will acknowledge receipt and explain what action will be taken.

Your name:

Pupil's name:

Your relationship to the pupil:

Address:

Postcode:

Day time telephone number:

Evening telephone number:

Mobile telephone number:

Email address

Please give details of your complaint. *(Use a separate sheet if you wish).*

What action, if any, have you already taken to try and resolve your complaint? Who did you speak to and what was the response?

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Please give details of any attached paperwork

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Signature:

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Date:

<i>Official use</i>

Date acknowledgement sent:

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By whom:

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Complaint referred to:

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Date:

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Appendix 2:

Guidance for Staff Investigating a Concern or Complaint

Listen carefully to all details of the concern and aim to do the following:

- Encourage resolution of problems by **informal** means wherever possible.
- Be **impartial**.
- Be **non-adversarial**.
- Acknowledge all contacts as soon as possible but always within 5 school days. Try to resolve the matter within a total of 15 school days (more quickly if possible) and keep the parent/complainant informed of the progress and likely time-scale.
- Ensure a full and **fair** investigation.
- 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 so that services can be improved, if necessary.

Investigating Complaints

At each stage, the person investigating the complaint/concern should make 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.

Resolving Complaints

At each stage in the procedure the school will want to 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.

Appendix 3: Guidance and Procedures for the Governing Board's Complaints Panel

Complaint Heard by Governing Board's Complaints Panel (Stage 3 of Policy)

The complainant needs to write to the Chair of the Board of Trustees giving details of the complaint. The Chair, or a nominated trustee, will convene a GB complaints panel.

The trustees' appeal hearing is the last school-based stage of the complaints process, and is not convened merely to rubber-stamp previous decisions.

Individual complaints will not be heard by the whole GB at any stage, as this could compromise the impartiality of any panel set up for a disciplinary hearing against a member of staff following a serious complaint.

The governing board will nominate a number of trustees with delegated power. The panel will consist of two such trustees plus an independent person. The panel may choose its own chair.

The Remit of the Governing Board's Complaints 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:

- a. 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. 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.
- b. 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.
- c. 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.

- d. 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.
- e. The trustees sitting on the panel need to be aware of the complaints procedure.

Roles and Responsibilities

The Role of the Clerk

The clerk will normally be the PA to the Headteacher. The clerk will 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 (Governing Board) 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 usually within a set deadline which is publicised in the procedure. 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 Headteacher may question both the complainant and the witnesses after each has spoken.
- The Headteacher is then invited to explain the school's actions and be followed by the school's witnesses.
- The complainant may question both the Headteacher 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 Headteacher 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 a set time scale.