



## **The Governing Body for Carisbrooke College and Medina College**

### **Complaints Policy and Procedure**

<b>Author</b>	<b>E Shambrook</b>
<b>Approved by</b>	<b>Welfare &amp; Community committee</b>
<b>Last review</b>	<b>January 2018</b>
<b>Review frequency</b>	<b>3 years</b>
<b>Next review</b>	<b>January 2021</b>
<b>To be reviewed by</b>	<b>Welfare &amp; Community Committee</b>

This complaints procedure follows the Making a Complaint procedure published on the Isle of Wight Council website.

The underlying principle of the Complaints Procedure for the Governing Body for Carisbrooke College and Medina College is that concerns ought to be handled, if at all possible, without the need for formal procedures. Many concerns will be dealt with informally and parents/carers are encouraged to make contact with the member of staff concerned or the student's Form Tutor or Head of Year. The informal approach is nearly always the quickest and most effective way of resolving your concerns.

Parents/carers may also choose to speak to the Head of School or the Deputy Headteacher on an informal basis, particularly if they feel they would have difficulty discussing a complaint with a particular member of staff. Similarly if the member of staff directly involved feels too compromised to deal with the complaint the complaint should be referred to the Head of School or the Deputy Headteacher who can refer the complainant to another member of staff. The Deputy Headteacher will fulfil the role of Complaints Co-ordinator and will work with the Head of School and Executive Headteacher to decide who should investigate the complaint.

The formal procedures set out below 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.

Where the complaint concerns the Head of School the complaint will move straight to stage one. Where the complaint concerns the Executive Headteacher or a governor the complaint will be investigated by the Chair of the Governing Body or their representative.

The Chair of the Governing Body reserves the right to refer complaints that are taken straight to them back to the appropriate member of staff if it does not warrant the governing body's involvement at that point. Governors may not engage in the hearing of an individual complaint outside the formal procedure or be involved at the early stages in case they are needed to sit on a panel at a later stage of the procedure.

This procedure does not apply to complaints about:

- Admissions to school
- Statutory assessments of Special Educational Needs
- School reorganisation proposals
- Matters likely to require a Child Protection investigation
- Exclusion of children from school
- Whistleblowing
- Staff grievance and disciplinary procedures
- Complaints about services provided by other providers who may use the school's premises or facilities

In these cases there are other separate and statutory procedures.

The school will not respond to anonymous complaints under this policy, however, the Headteacher and / or Chair of Governors will consider whether the issue and fear of identification are genuine or the issue is one of child protection.

## **Stage One: Complaint heard by Executive Headteacher**

Complaints that cannot be rectified informally should ideally be in writing. A complaints form is attached to this procedure that parents/carers may find useful. If the complaints form is not used parents/carers should give the information indicated on this form in their written complaint, in order that their complaint is clearly understood. All written complaints should be sent to the relevant college, addressed for the attention of the Executive Headteacher, unless the complaint concerns the Executive Headteacher, in which case the complaint should be sent to the Chair of the Governing Body.

Complaints sent to a governor which are not about the Executive Headteacher, will be forwarded to the Executive Headteacher in order that the standard procedure may be followed.

### **Standard Procedure**

The complaint will be acknowledged by the Executive Headteacher within five working days of the receipt of the complaint.

The Executive Headteacher will, once the complaint is fully understood, initiate an investigation into the nature of the complaint, this will lead to one of two outcomes:

1. If it is found that there is no substance to the complaint then the Executive Headteacher will write to the complainant informing them of this outcome and the reasons why
2. If there is found to be grounds to the complaint, the complainant will be invited to attend a meeting with the Executive Headteacher, or a representative appointed by the Executive Headteacher, which will be within 15 school days of receipt of the complaint, subject to the availability of the complainant.

The attendees at this meeting will vary according to the circumstances of each complaint. A personal representative or translator (if required) may accompany the parents/carers and the student may attend. A representative or colleague may also accompany the member of staff against whom the complaint has been made. The attendees at the meeting should be agreed by the parties before the meeting, if possible.

Any complaints regarding the Executive Headteacher will continue directly to stage two below.

If parents/carers are not satisfied with the outcome of this meeting then they should proceed to stage two.

## **Stage Two: Complaint heard by Chair of the Governing Body**

The complainant should write to the Chair of the Governing Body within 10 school days, giving details of the complaint and the steps taken to try to resolve it. The Chair of Governors will acknowledge your complaint in writing or offer a full response within 5 school days. If further investigation is required the Chair of governors will acknowledge receipt of your complaint within 5 school days and advise you that a full response will be provided within 20 school days.

The Chair of Governors may invite you to attend a meeting to discuss your complaint and possible solutions, or to explain what has happened or will happen as a result of your complaint.

The Chair of Governors will explain that the governing body has a strategic role, and is responsible for the school's strategic framework and the Executive Headteacher is responsible for the internal organisation, management and control of the school and for advising on and implementing the governors' policies. The Executive Headteacher is solely responsible for making day to day decisions.

This stage offers an opportunity for achieving conciliation between all parties and discussions between the Chair of Governors and the Executive Headteacher will be key to resolving the complaint and agreeing a way forward. The Chair of Governors will decide what powers are available to governors in respect of the particular complaint. In reaching this decision, the Chair of Governors will determine to what extent the issues relate to responsibilities that:

- a) are delegated to the Executive Headteacher by the governing body; or
- b) fall within the governing body's remit only; or
- c) are within the Executive Headteacher's Terms and Conditions of Employment and relate to the internal organisation, management and control of the school.

For delegated responsibilities and matters within the remit of the governing body, the Chair of Governors may look at the whole issue afresh. If the matter relates to the Executive Headteacher's conduct, the Chair of Governors will decide whether the matter should be dealt with through the Complaints Procedure or Staff Disciplinary Procedure. Advice may be sought from the Local Authority and/or Education Personnel Services. For matters that are the Executive Headteacher's responsibility, the Chair of Governors is empowered only to look at whether the Executive Headteacher's decision or action was reasonable in the light of the information available at the time.

The Chair of Governors will keep a record of all interactions with you and any decisions made in reference to your complaint.

If the Chair of Governors has decided not to take any further action, they will explain what they have decided and how they reached the decision. You will also be advised of your right to take the matter further if you are not satisfied with the chair of governor's response.

### **Stage Three: Complaint Heard by Governing Body's Complaints Appeal Panel**

If you are dissatisfied with the outcome of your complaint, you should write to the Clerk to the Governing Body within 10 school days of the outcome of stage two, explaining your concern and the steps that have resulted in you taking this course of action.

The Clerk to the Governing Body will acknowledge receipt of your request within 5 school days.

The governors' appeal hearing is the final school-based stage of the complaints process, and is not convened to merely rubber-stamp previous decisions. Individual complaints will not be heard by the whole Governing Body 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 complaints panel will usually be convened within 20 school days of receiving the request. Where it is not possible to find a mutually convenient date within that timescale, all reasonable steps will be taken to agree a time and date mutually convenient to all parties.

The main function of the Complaints Panel will be to:

- a) ensure the complaint has been properly handled by the Executive Headteacher (and Chair of Governors)
- b) ensure that a sufficient comprehensive investigation was carried out
- c) ensure that the correct procedure / policies were followed.

The panel will also review whether the Executive Headteacher (and Chair of Governors) acted reasonably.

The Clerk to Governors will arrange and facilitate the meeting of the Complaints Panel. You are entitled to an independent panel to hear your complaint and the Complaints Panel will consist of three governors who have no former knowledge or involvement in the matter being considered. The chair of the panel will be nominated from within the group of panel members. All panel members will have access to, and will be familiar with, this complaints policy. The Clerk to Governors will confirm to all parties in writing, the date, time and venue for the meeting at least 10 school days in advance.

The Clerk to Governors will request that you supply any paperwork you feel the panel will require to consider your complaint fully. The Executive Headteacher (and Chair of Governors) will also be requested to supply copies of their responses to the previous stages of the procedure, and any further paperwork they consider the panel will require to consider the complaint fully. Copies of all paperwork will be distributed to all parties by the Clerk to Governors at least 3 school days in advance of the meeting.

You are welcome to bring a friend or partner for support to the meeting and the chair of the panel will ensure the meeting is conducted within a relaxed

atmosphere whilst keeping to the formal agenda. The Executive Headteacher (and Chair of Governors if attending) is also invited to bring a representative or member of staff for support.

No previously undisclosed evidence relating to the complaint should be introduced during the meeting.

### **Complaints Panel procedure:**

The hearing will be as informal as possible. Witnesses are only required to attend for the part of the hearing in which they give their evidence.

1. After introductions, the complainant is invited to explain their complaint, and be followed by their witnesses.
2. The Executive Headteacher may question both the complainant and the witnesses after each has spoken.
3. The Executive Headteacher is then invited to explain the school's actions and be followed by the school's witnesses.
4. The complainant may question both the Executive Headteacher and the witnesses after each has spoken.
5. The panel may ask questions at any point.
6. The complainant is then invited to sum up their complaint.
7. The Executive Headteacher is then invited to sum up the school's actions and response to the complaint.
8. Both parties leave together while the panel decides on the issues.
9. The Chair explains that both parties will receive written confirmation of the decision of the panel within five school days.

### **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.

## **Taking your complaint further**

When you have exhausted the school complaints process and if you feel that the school has acted unreasonably or not followed the correct procedure in relation to your complaint, then you can write to the Department for Education's (DfE) Schools Complaints Unit (SCU). Making a complaint to the DfE should only happen after you have exhausted the school's complaints process. When making a complaint to the DfE you should provide copies of any documentation you have about the complaint. This will help them to investigate your case. Further information can be obtained from the SCU by calling the National Helpline on 0300 000 2288 or going online and visiting the gov.uk website or by writing to:

Department for Education School Complaints Unit, 2<sup>nd</sup> Floor, Piccadilly Gate, Store Street, Manchester, M1 2WD

## **Unreasonable Complaints**

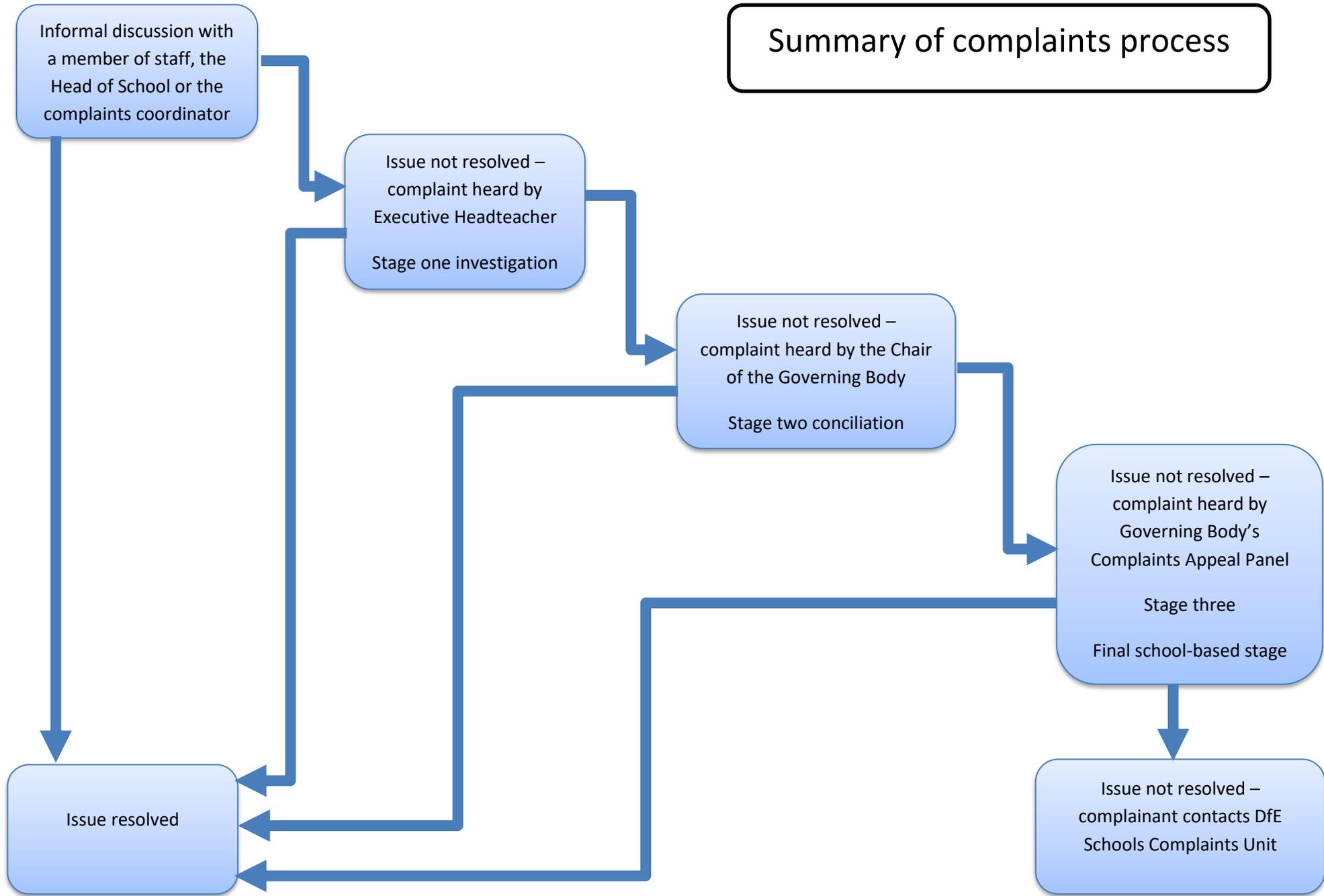
There will be occasions when, despite all stages of the procedures having been followed, the complainant remains dissatisfied. If the complainant tries to reopen the same issue, the Chair of the GB is able to inform them in writing that the procedure has been exhausted and that the matter is now closed.

## **Governing Body Review and Monitoring of Complaints**

The Executive Headteacher will report annually to the governing body on the number of formal complaints received and the levels at which they have been resolved. No details identifying the complaint or any member of staff will be published.

The governing body will review and evaluate all complaints no matter how far they are taken or what the outcome to ensure that similar problems are avoided in the future or to see if they could have been managed any more efficiently.

# Summary of complaints process



## Complaints Form

Please complete and return to the College Complaints Co-ordinator who will acknowledge receipt and explain what action will be taken.

<b>Name of complainant:</b>	
<b>Contact details:</b>	<b>Address:</b>
	<b>Telephone:</b>
	<b>Email:</b>
<b>Outline of your complaint and how it has affected you (the complainant) / pupil:</b>	
<b><i>Are you attaching any paperwork? If so, please list this.</i></b>	
<b>Have you discussed the matter already with a member of staff, if so, who? What was the outcome?</b>	
<b>What would you like to happen as a result of your complaint?</b>	
<b>Signature:</b>	
<b>Date:</b>	

**For school use:**

<b>Date received:</b>	
<b>Date acknowledged and by whom:</b>	
<b>Summary of action taken:</b>	