

PHOENIX COLLEGE



COMPLAINTS PROCEDURE

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Approved by:	The Full Governing Body
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Phoenix College, Reading Complaints Procedure

If any person including a Governor has a specific complaint concerning a pupil or member of staff (other than a child protection concern, or child protection allegation about a member of staff) at the school this procedure will apply: -

STAGE 1 - Informal Resolution

The complaint must first be raised with the class teacher concerned to clarify the situation and to try to reach an early mutually acceptable resolution. A complainant should receive a response to a complaint within five working days of receipt of the complaint at stage 1.

Should the complaint be about the conduct of a particular teacher the matter should be raised in the first instance with the Principal who will investigate the complaint and provide a (1) written response.

Should the complaint be about the curriculum a separate procedure applies.

STAGE 2 - Professional Investigation

Should the complainant be dissatisfied with the resolution proposed at stage 1 they may ask for a Professional Investigation of their complaint. A complainant should receive an acknowledgement of their request for an escalation to stage 2 within 5 working days giving an indication of when the investigation will be complete and when the complainant should receive a full response. In any case the complainant should have a full response within 15 working days. In circumstances where the case is so complex that the investigation is going to take longer the complainant should be kept fully informed of progress in the case.

To escalate to this stage the complainant must write to the Principal giving details of the complaint and the reasons why they are dissatisfied with the stage 1 resolution.

This stage or any subsequent stage does not apply to complaints about the conduct of a particular teacher as should there be a need to investigate the investigations would be carried out under the school staff discipline procedures, which remain in the professional domain with the hearing and appeal being heard by a panel of governors. Disciplinary action is taken at the discretion of the Principal.

Should the complaint be about the curriculum a separate procedure applies.

STAGE 3 - Review by the Governing Body

Should the complainant remain dissatisfied with the outcome of the professional investigation stage they have the right to request a review by a panel of Governors.

To escalate to this stage the complainant must write to the Chair of the Governing Body at the school address requesting the review and giving their reasons for being dissatisfied with the outcome at Stage 2.

On receiving a review request the Chair will call a meeting of the Governing Body complaints panel comprising of no fewer than two governors to hear the complaint. No staff governor shall be a member of a Governing Body Complaints Panel.

The panel can:

- Dismiss the complaint in whole or in part;
- Uphold the complaint on whole or in part;
- Decide on the appropriate action to be taken to resolve the complaint;
- Recommend changes the school's systems or procedures to ensure that problems of a similar nature do not recur

There are several points which any governor 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 governor may sit on the panel if they had a prior involvement in the complaint or in the circumstances surrounding it. In deciding the make-up of the panel, governors need to try and ensure that it is a cross-section of the categories of governor 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 that 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) Governors sitting on the panel need to be aware of the complaints procedure.

Checklist for a Panel Hearing

- 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 Principal may question both the complainant and the witnesses after each has spoken.
- The Principal is then invited to explain the school's actions and be followed by the school's witnesses.

- The complainant may question both the Principal and witnesses after each has spoken.
- The panel may ask questions at any point.
- The complainant is then invited to sum up their complaint.
- The Principal is then invited to sum up the school's actions and response to the complaint.
- Both parties leave while the panel decides the issues.
- The chair explains that both parties will hear from the panel within a set time scale.

The decision of the Governing Body complaints panel will be final in most cases. The main exceptions are exclusions, curriculum and admissions where separate procedures are available.

Child Protection Allegations against members of staff

If a child or parent makes an allegation that a member of staff has abused or harmed their child, the matter must be referred right away to the Principal. The Principal must then without delay contact the LA lead Officer, Child Protection, in accordance with the child protection procedures.

Complaints concerning the Principal or the Governing Body

Any complaint concerning the Principal or the Governing Body should be referred to the Chair of Governors. If the complaint relates in any way to the Chair of Governors then it should be referred to the LA.

(Other than for Child Protection allegations against the Principal), in the first instance the Chair of Governors should call a meeting with the complainant and the Principal to secure an informal resolution to the complaint by mediation. (LA Link Advisers or the Directorate Complaints Officer will be willing to make themselves available should you wish support from the LA)

Should either the Principal or the complainant be unwilling to participate in a mediation meeting or the mediation meeting fails to resolve the complaint the Chair of Governors should appoint an investigator from outside the Governing Body to investigate the complaint and prepare a report for the Complaints Panel. (Community Schools should contact the LA who will provide a professional investigator to conduct the investigation.)

The Complaints Panel should consider the report of the professional investigator, representations from the Principal and the complainant in coming to their decision. To this end the Complaints Panel may chose to invite written representations or invite the Principal and the complainant to attend the meeting to make oral representations. It is important that both parties are given the opportunity to make representations to the Complaints Panel.

- (1) *It is important not to confuse complaints from parents with issues about staff discipline or capability. A parent is entitled to know that their complaint has been investigated and that the Principal has taken the action they deem to be appropriate. A parent is not entitled to become involved in the employment relationship between the school and the teacher and should not be given details about what the investigation discovered or how the Principal intends to proceed if personnel procedures are to be embarked upon.*

Child Protection Allegations against a Principal

If a child or parent makes an allegation that a head teacher has abused or harmed their child, the matter must be referred right away to the Governor with responsibility for child protection. The Governor with responsibility for child protection must then without delay contact the LA lead Officer, Child Protection, in accordance with the child protection procedures.

<p style="text-align: center;">PROCEDURAL GUIDANCE FOR COMPLAINTS CONCERNING THE PRINCIPAL OR GOVERNING BODY</p>

(This guidance ought to be read with the "Draft General Complaint Procedure", which itself is guidance on good practice in dealing with complaints.)

1. When using the procedure the Chair of the Governing Body would first need to write to the Director of Education and Children's Services to request an investigating officer.
(The investigating officer then works as an independent adviser to the Governing Body.)
2. On receipt of the complaint the investigating officer will write to the complainant and arrange a meeting to clarify and agree the exact nature of the complaint. At this point the process for resolving the complaint will be shared with the complainant and a time scale no longer than 20 working days will be agreed to bring the complaint before the Governing Body complaints panel.
(This is an important stage for the avoidance of doubt at subsequent stages.)
3. The investigating officer will then make appointments to speak with the Principal and any other relevant person.
(The purpose of this stage is to enable the complaint to be put, answers to be given and evidence to be collected.)
4. When the investigating officer is satisfied that he/she is in receipt of all the relevant evidence he/she will prepare a report. The report will consider the complaint in detail, in the light of all the evidence, draw conclusions as to whether the complaint is upheld, not upheld, unproven or partially upheld and make recommendations.
5. When the draft report is complete it will be shared in the first instance with the Principal who will be invited to make comments on points of accuracy.
6. **The Governing Body Panel Meeting**

It is usual for the First Committee to meet as a complaints panel and a meeting ought to be convened to hear the complaint.

The investigating officer should attend the panel meeting to answer any questions and make any points of clarification required by the committee.

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In the vast majority of cases the decision of the panel is final. There is no right of appeal for either party against the findings of a Complaints Panel.