



## COMPLAINTS POLICY AND PROCEDURE

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Status	Statutory
Responsible Management Committee (MC)	Finance
Date last approved by MC	June 2019
Responsible Person	Headteacher
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### Purpose

This policy deals with complaints which have either escalated from an initial concern which has not been effectively dealt with or from a serious complaint about the Herefordshire Pupil Referral Service (HPRS).

### Principles

This complaints procedure will:

- Encourage resolution of problems by informal means wherever possible;
- Be easily accessible and publicised;
- Be simple to understand and use;
- Be impartial;
- Be non-adversarial; Allow swift handling with established time-limits for action and keep people informed of the progress;
- Ensure a full and fair investigation by an independent person where necessary;
- 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 leadership team so that services can be improved.

### Guidelines

#### Investigating Complaints

The person investigating the complaint will 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;
- Retain notes of the interview.

## Resolving Complaints

At each stage in the procedure HPRS will be keeping 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 to address the complaint.

Complainants will be 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.

The 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.

## Confidential Complaints

Occasionally there may be complaints where the individual complainant does not wish to be identified at the preliminary stage. As far as possible, these should be dealt with under this procedure. However there may be circumstances where confidentiality cannot be guaranteed because of the seriousness of the complaint. In addition, the wish of the individual complainant to remain anonymous may limit the ability of the Centre/LEA to fully investigate the nature of the complaint or to take any action once an investigation is complete. The complainant should be informed if their desire for confidentiality inhibits the full investigation of the complaint.

## Anonymous Complaints

The Headteacher and Chair of Management Committee will decide whether the gravity of an anonymous complaint warrants an investigation. They will not generally respond to anonymous complaints unless they consider that:

- The issue and fear of identification are genuine;
- The issue is one of child protection.

## Historic Complaints

HPRS may decline to investigate a matter if it is not very recent and the complaint could reasonably have been expected to be raised earlier. The normal expectation is that a complaint will be raised within three months of the alleged subject matter of the complaint, though it will be important to judge whether or not the nature or seriousness of the allegation merits a more flexible approach.

## Vexatious Complaints

The effective use of the following procedure should 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 Body will inform the complainant in writing that the procedure has been exhausted and that the matter is now closed.

## Additional Notes

- If a complainant indicates that he/she would have difficulty discussing a complaint with a particular member of staff, then the complainant will be referred to another staff member.
- Where the complaint concerns the Headteacher or a Governor, the complainant will be referred to the Chair of Management Committee.
- If the member of staff directly involved feels too compromised to deal with a complaint, the complainant will be referred to another staff member.
- The ability to consider the complaint objectively and impartially is crucial.
- Where the first approach is made to a member of the Management Committee, the next step would be to refer the complainant to the appropriate person and advise them about the procedure. Management Committee members must not act unilaterally on 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.
- If after all stages of the procedure are exhausted the complainant is still dissatisfied with the outcome, they may make representations to the Director of Children's Wellbeing at the Local Authority.

## Managing and Recording Complaints

A complaint may be made in person, by telephone, or in writing. At the end of a meeting or telephone call, the member of staff should ensure that the complainant and the school have the same understanding of what was discussed and agreed. A brief note of meetings and telephone calls should be kept and a copy of any written response added to the record. The Headteacher will be responsible for the records and hold them centrally.

## Management Committee Review

- The Management Committee will monitor the level and nature of complaints and review the outcomes on a regular basis to ensure the effectiveness of the procedure and make changes where necessary.
- Complaints information shared with the whole Management Committee will not name individuals.

As well as addressing an individual's complaints, the process of listening to and resolving complaints will contribute to school improvement. When individual complaints are heard, schools may identify underlying issues that need to be addressed. The monitoring and review of complaints by the school and the Management Committee will be a useful tool in evaluating the school's performance.

# COMPLAINTS PROCEDURE

## Informal Stage 1

- HPRS advises that the vast majority of their complaints will be satisfactorily addressed by the tutor/mentor concerned. If the Complainant is not satisfied with the response from the tutor/mentor they should take their complaint to the relevant person; either the Deputy Headteacher at KS3 or the Deputy Headteacher at KS4. It will often be helpful if the complainant puts the complaint in writing.
- There may be instances, depending on the seriousness of the complaint, when the complainant will directly approach the Relevant Person. The Relevant Person will investigate the complaint and respond informatively with an explanation to the Complainant as soon as possible either in writing or by way of a meeting giving a decision and the reasons for it. It is important that the complaint is considered even when the complaint appears to be unreasonable. It is hoped that this will resolve the complaint. A written record should always be retained of the response.

## Informal Stage 2 - Involvement of the Head of Centre and Executive Headteacher (HPRS)

- The Relevant Person will notify the Complainant that, if he/she is not satisfied with the outcome of the response from the Relevant Person, he/she will be able to refer the matter **in writing** to the Head of Centre of HPRS. They will consider the evidence of the complaint, in confidence. If the complaint is serious or complex, advice must be sought from the Executive Headteacher of HPRS and, if required, from the appropriate Directorate of Herefordshire Local Authority. Having considered the complaint the Head of HPRS will either write to the Complainant with his/her findings and reasons or meet with the Complainant and the Relevant Person in an attempt to resolve the matter.
- Where a complaint may give rise to disciplinary action, a careful balance will need to be struck between the rights of the complainant to have their complaint properly determined, and to be kept informed, against the rights of individual staff members in the disciplinary procedure. In such cases, advice should be sought at an early stage from the Education Personnel Section or the Legal Department.
- Cases which may result in disciplinary action being taken against a member of staff must follow the procedures recommended by the Education Personnel Section from whom further specific advice should be sought.
- Where the Head of Centre and/or the Executive Head are being asked to consider a complaint about a matter which involves the Relevant Person's management responsibilities, he or she should consider carefully whether the Relevant Person's actions are within the boundary of reasonable responses and not substitute their own retrospective view of how they would have acted in the same circumstances.
- The Head of Centre and/or the Executive Head should consider whether a conciliatory role between the Relevant Person and the complainant would be the best way of resolving the complaint.
- Where the complaint is about the Head of Centre then the Executive Headteacher will manage the complaint process. Where the complaint is about the Executive Headteacher then the Chair of the Management Committee must be notified and will manage the complaint process

## Formal Stage – Involvement of HPRS Management Committee

- Should either the Complainant or the Relevant Person be dissatisfied with the outcome of the Head of Centre and/or the Executive Headteacher investigation they may ask for the matter to be referred to a panel of the Management Committee by writing to the Clerk of the Management Committee setting out the reasons for the referral.
- The Chair should summarise the complaint to other members of the Complaints Committee and ascertain their preliminary view as to whether the matter should be dealt with at a meeting of the Committee.
- If the Members' view is that the complaint should not proceed, the complainant should be informed, with reasons. The Education Directorate or Legal Services Department should be consulted at an early stage in the case of serious or complex matters.