

# Windlestone School



## General School Complaints & Grievances

## Policy & Procedure



# WINDLESTONE SCHOOL

## GENERAL SCHOOL COMPLAINTS and GRIEVANCE PROCEDURE

### INTRODUCTION

**The Education Reform Act 1988 requires schools to have a complaints and grievance procedure. The essential elements of a sound complaints and grievance procedure include an initial informal stage and a formal stage. Most complaints and grievances are dealt with informally within school by simply talking the concern over. Occasionally complaints and grievances are unable to be resolved in this manner and may necessitate the involvement of the Headteacher, or his delegate, as arbiter. More rarely when complaints and grievances cannot be resolved in the preceding ways the Governing Body will need to become involved to resolve the situation.**

**Although Governors will wish to be helpful, and reassure any concerned party that an issue will be handled fairly, taking part in such discussions can later prejudice their involvement in any formal complaints and grievances procedure. Governors are, therefore, advised to either;**

- make this difficulty known and refer the party to the Headteacher; or
- listen in order to help resolve the concern but accept this will prejudice their impartiality if the issue develops into a formal complaint or grievance to be considered by the Governing Body at a later stage.

**This policy and procedure describes the manner in which general school complaints and grievances will be managed. All complaints and grievances will be dealt with as quickly and efficiently as possible. The period of consideration will vary with the gravity and complexity of the complaint or grievance and the urgency with which it needs to be settled.**

**For the purpose of brevity complaints and grievances will be referred to throughout the procedure as complaints.**

**This policy and Procedure also sets out who deals with more specific types of complaints not covered by this policy.**

### RATIONALE

The school does not function in isolation. It has a wide reference set. The set includes parents/carers, governors, the CSA, the DfES, the Commission for Social Care Inspection, other professionals and the local community. The action of the school and the staff who work in it will sometimes be open to comment, question and, occasionally criticism. It is likely that the students who attend the school, because of their emotional and behavioural difficulties, will more frequently be subject to comment, question and criticism than their peers in mainstream schools.

It is important to the integrity of school practice that any censure is addressed as quickly and thoroughly as possible and without reprisal. As a consequence serious complaints

will be notified to the National Care Standards Commission. This is in addition to notifications required by the CSA and the DfES.

## **SCOPE**

**This policy and Procedure applies to students, parents and carers, staff, other professionals and members of the public.**

Most matters to do with the management of the school are the within the scope of this policy and Procedure and ultimately the responsibility of the Governing Body.

Complaints about the following issues have their own, separate procedures and cannot be considered under the procedure described in this policy:

- ❑ matters which are the responsibility of the Local Education Authority,
- ❑ the conduct of any staff at the school that is not a matter for the schools disciplinary or child protection procedures,
- ❑ content of a statutory Statement of Special Educational Needs,
- ❑ student admissions,
- ❑ student exclusions, and
- ❑ the national curriculum and related issues including religious education.

**An Appendix describes where to direct complaints about these issues.**

Any uncertainty whether a complaint is a school or a LEA issue can be resolved by contacting the Headteacher or the School and Governor Support Service at County Hall.

Complaints can also be made directly to the Commission for Social Care.

All complaints will be recorded in the Complaint Record. The Complaint Record details:

- the person making the complaint
- the date and nature of the complaint
- the action taken by the receiver of the complaint
- comments or action by the investigator of the complaint
- the outcome of the investigation

**An Appendix describes a list of useful telephone numbers for taking complaints.**

## **PROCEDURE**

### **Staff – staff**

Some degree of friction between staff is inevitable in work situations which are pressured and stressful. This is compounded by the challenge presented by students with emotional and behavioural difficulties. Success in keeping such friction to a minimum and managing inter personal difficulties appropriately, allows staff to work together productively and provides an example and model to students, most of whom have great difficulty in managing their feelings and relationships.

Staff must never allow their annoyance with other members of staff to be acted out in front of the students. It is damaging and unsettling to students and staff morale to do so.

In almost all cases differences between staff should be managed by talking the matter through on a one to one basis without involving others. If this does not provide a resolution then staff should seek the guidance of their line managers and if still unsuccessful the Headteacher or his delegate.

Staff are obligated by the School's Confidential Reporting Code to report any concerns they may have about school practice or the behaviour of colleagues which may prejudice the health, safety and welfare of students. Not to do so places the whole establishment and the needs of students risk.

Should the complaint be against the Headteacher then staff must refer the matter to the Chair of Governors or the CSA.

Any complaint will be properly, sensitively and carefully investigated by the Headteacher or his delegate according to the procedures described within this policy.

**However, if after discussion with the Headteacher or his delegate the matter remains unresolved the formal complaints procedure will be initiated. The complainant will be given a copy of the Complaints and Grievances Policy and Procedure, the name and address of the Clerk to the Governors of the school, and the name of the person to write to in County Hall.**

### **Staff of themselves**

There is a risk that under pressure staff will at times behave inappropriately. It is important that on such a situation the member of staff informs their line manager or the Headteacher themselves. The situation is likely to become more difficult to resolve if the Headteacher first becomes aware of a complaint from another member of staff, parent/carer, a student or any other person.

### **Student – staff/school practice/school provision**

It is essential that students feel that they can complain, without reprisal, should they feel that they have been inappropriately managed or unfairly treated by a member of staff, or they feel that school practice and/or provision impacts adversely on their health, safety and welfare. Students are able to complain or any person can do so on their behalf.

Whilst it is usually best if a student talks the matter through with a member of their case co-ordinating team they have a right to expect that any member of staff will hear their complaint and pass it on to the Headteacher or where appropriate his delegate. Students may also make complaints to the independent visitor, and are notified when she is visiting school. Notices within classrooms and social areas inform of to whom complaints can be made and advise on advocacy.

Where a formal complaint is made, parents/carers will be informed and the complaint investigated according to the procedures described within this policy.

Should the complaint be against the Headteacher then staff must report the matter to the Chair of Governors or the CSA.

Any complaint will be properly, sensitively and carefully investigated by the Headteacher or his delegate according to the procedures described within this policy. However, if after discussion with the Headteacher or his delegate the matter remains unresolved the formal complaints procedure will be initiated. The complainant will be given a copy of the Complaints Policy and Procedure, the name and address of the Clerk to the Governors of the school, and the name of the person to write to in County Hall.

A Complaints Book will be kept by the Headteacher describing all student complaints in respect of the school, not only those relating to staff, action taken, and any consequences arising as a result of the complaint.

### **Staff – student**

Staff working with a client group that can at times be very challenging and provocative will on occasions face verbal, emotional and physical challenge. Staff should not become indifferent to such behaviour. They have a right to use the school's complaints procedures to deal with student challenge and to have the support of their colleagues and the Headteacher when doing so.

Any complaint will be properly, sensitively and carefully investigated by the Headteacher or his delegate according to the procedures described within this policy.

**However, if after discussion with Headteacher or his delegate the matter remains unresolved the formal complaints procedure will be initiated. The complainant will be given a copy of the Complaints and Grievances Policy and Procedure, the name and address of the Clerk to the Governors of the school, and the name of the person to write to in County Hall.**

### **Student –student**

Students' complaints against other students should be dealt with the same rigour as complaints from other sources. Many students at Windlestone are vulnerable and often feel threatened. In the past they may not have been listened to appropriately. It is particularly important that staff leave students feeling that they have been properly listened to; their feelings and anxieties understood; and their complaints fully investigated. Whilst it is usually best if a student talks the matter through with a member of their case co-ordinating team they have a right to expect that any member of staff will hear their complaint and pass it on to the Headteacher or, where appropriate, his delegate.

Any complaint will be properly, sensitively and carefully investigated by the Headteacher or his delegate according to the procedures described within this policy.

**However, if after discussion with Headteacher or his delegate the matter remains unresolved the formal complaints procedure will be initiated. The complainant will be given a copy of the Complaints and Grievances Policy and Procedure, the name and address of the Clerk to the Governors of the school, and the name of the person to write to in County Hall.**

### **Parents/carers**

**Parents/carers who are unhappy about any aspect of their child's education or experience at school should make an appointment to see the Headteacher or his delegate. The Headteacher or his delegate will discuss the complaint with parents/carers and involve other staff where appropriate.**

**Any complaint will be properly, sensitively and carefully investigated by the Headteacher or his delegate according to the procedures described within this policy. Usually, because of close working relationships with parents/carers, problems or worries can easily be sorted at this stage. However, if after discussion with Headteacher or his delegate the matter remains unresolved the formal complaints procedure will be initiated. The complainant will be given a copy of the Complaints and Grievances Policy and Procedure, the name and address of the Clerk to the Governors of the school, and the name of the person to write to in County Hall.**

#### **Other Professionals**

**Professionals who are unhappy about any aspect of a student's education or experience at school should make an appointment to see the Headteacher or his delegate. The Headteacher or his delegate will discuss the complaint and involve other staff where appropriate.**

**Any complaint will be properly, sensitively and carefully investigated by the Headteacher or his delegate according to the procedures described within this policy. Usually, because of close working relationships with other professionals, problems or concerns can easily be sorted at this stage. However, if after discussion with Headteacher or his delegate the matter remains unresolved the formal complaints procedure will be initiated. The complainant will be given a copy of the Complaints and Grievances Policy and Procedure, the name and address of the Clerk to the Governors of the school, and the name of the person to write to in County Hall.**

#### **Community - School**

**Members of the community who are concerned about any aspect of school procedure, staff and student behaviour or any other matter should contact the Headteacher.**

**Any complaint will be properly, sensitively and carefully investigated by the Headteacher or his delegate according to the procedures described within this policy.**

**However, if after discussion with Headteacher or his delegate the matter remains unresolved the formal complaints procedure will be initiated. The complainant will be given a copy of the Complaints and Grievances Policy and Procedure, the name and address of the Clerk to the Governors of the school, and the name of the person to write to in County Hall.**

#### **COMPLAINTS PROCEDURE**

##### **Stage 1 – Informal Stage**

**Complainants should be provided with an opportunity to discuss any concern with the Headteacher or his delegate who will try to clarify with the complainant the nature of their concern; the outcome the complainant is looking for; and assure them that the school will investigate it fully.**

The Headteacher or his delegate will make sure that the complainant is clear what action has been agreed, arranging for the matter to be put in writing if it is apparent that that is the best way of making things clear.

Complainants will be made aware of the procedure for considering their concerns further should they not be satisfied after this informal stage has been completed.

Any person who is the subject of a complaint is precluded from taking any responsibility for the consideration or response to the complaint.

## **Stage 2 -Formal Consideration**

Where a complainant has made an approach to the school through the informal stage and is not satisfied with the outcome, they should write to the Headteacher, or in the case of a complaint being about the Headteacher the Chair of the Governing Body, giving details of their concerns and asking for the matter to be given further consideration.

Although such letters need only be a simple statement, complainants who feel unable to write a letter may contact the Education Welfare Service who will be pleased to help. The contact telephone number for the Education Welfare Service is included in an appendix.

All complaints reaching this stage will be logged in the Complaints Book and acknowledged in writing by the school and copied to the Clerk to the Governing Body for information.

The Headteacher will seek any clarification necessary about the complaint, including interviewing the complainant where necessary.

The Headteacher will also seek any necessary advice on the matter and investigate it carefully.

The complainant will be notified in writing of the outcome of the complaint.

Any person who is the subject of a formal complaint is precluded from taking any responsibility for the consideration or response to the complaint.

Where a complainant is not satisfied with the outcome of this first formal stage they have 28 calendar days from the date of the Headteacher's letter to register the complaint with the Clerk to the Governing Body of the school c/o The School and Governor Support Service, Children & Young People's Services, County Hall, Durham DH1 5UJ.

## **Stage 3 (Formal) – Referral to the Governing Body**

**Where a complainant has made an approach to the school through this first formal stage and is not satisfied with the outcome, they should write to the Clerk of the Governors giving details of their concerns and asking for the matter to be given further consideration.**

The Governing Body of the School will only consider complaints which have already progressed through stages 1 and 2 outlined in this procedure.

On receipt of a written complaint the Clerk to the Governing Body will:

- immediately log and acknowledge receipt of the complaint;
- check that the complaint has already completed Stages 1 and 2;
- check that the 28 day period since Stage 2 was complied with;
- seek any clarification necessary about the nature of the complaint;
- arrange for the Governing Body to consider the complaint as soon as it is practical to do so; and
- invite the complainant and any representative to the meeting.

A Committee of the Governing Body will consider the complaint. The complainant or their representative is given an opportunity to address the governing body. The Headteacher will also be given an opportunity to address the Governors. A detailed procedure covering the conduct of this meeting is attached as an appendix to this document.

The Clerk to the Governing Body will notify in writing the outcome of meeting to the complainant and Headteacher within 7 calendar days.

#### **Stage 4 – Referral to the Secretary of State for Education and Skills**

**If a complainant remains dissatisfied s/he can refer the complaint to the Secretary of State for Education and Skills.**

**An Appendix describes an address and telephone number in this respect.**

#### **Complaints Against the Action of the Headteacher**

Given their prominent role in the management of the school, sometimes complaints which initially seem to be about the Headteacher are in fact more general complaints about the school. Such complaints should be dealt with as general complaints and are covered by the procedure contained in this document.

**Where there is a specific complaint about the conduct of a member of staff, including the Headteacher it may be more appropriate for it to be considered under the separate disciplinary process where the findings and outcomes are confidential. Where such matters refer to the conduct of the Headteacher they should initially be referred to the Chair of the Governing Body via the Clerk to the Governing Body.**

**An appendix describes an address in this respect.**

#### **MONITORING AND REVIEW**

**A Complaints Book will be kept by the Headteacher which will document all concerns raised by complainants.**

**The Headteacher will regularly review all complaints to ascertain the appropriateness of the complaints procedure; identify both patterns of complaints and action taken on individual complaints; and review school policy and practice as appropriate.**

**The Headteacher will report complaints to Governors on a termly basis.**

**This policy and procedure will be reviewed annually.**

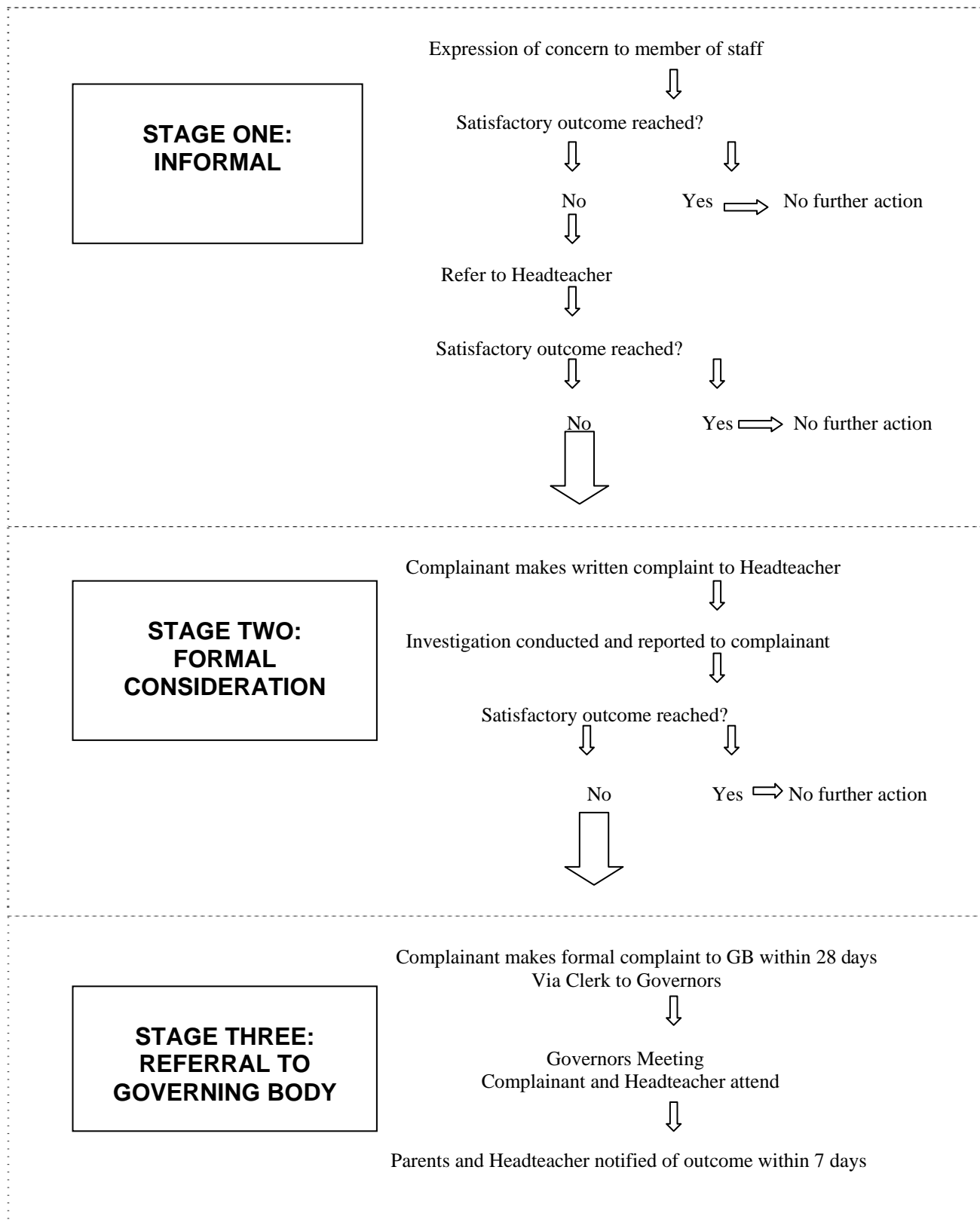
**Councillor G Porter  
Chair, Governing Body**

**P M Jonson  
Headteacher**

**November 2000**

**Latest revision June 2006**

Flow Chart: Stages for Handling Complaints



**The ‘Where’ Guide to Complaints**

Types of Complaints	Appropriate Procedure	Contact
General School Complaints (not including areas listed below)	School Complaints & Grievance Procedure	Headteacher of School
Matters the responsibility of Local Education Authority Only e.g. Home-to-School Transport	Local Education Authority Complaints Procedure	Policy and Planning Unit Education Department County Hall, Durham DH1 5UJ
Complaints about the School Curriculum	National Curriculum and Religious Education Complaints Procedure	Head of Student Services Children & Young People’s Services County Hall, Durham DH1 5UJ
Conduct of school staff	School Complaints & Grievance Procedure	Headteacher of School
Special Educational Needs Review of or content of statutory statement	Various – provided for by 1996 Education Act	Special Educational Needs Section, Children & Young People’s Services County Hall, Durham DH1 5UJ
Admissions of Students to:- County or Controlled Schools	{ Independent Appeal Panel { (non-admission)	School Admissions Team, Children & Young People’s Services County Hall, Durham DH1 5UJ
Church (Aided) Schools	{ Appeal Panel { (non-admission)	
Exclusion of Students:- County or Controlled Schools	{ Provision of 1993 Education { Act	Student Casework Team, Children & Young People’s Services County Hall, Durham DH1 5UJ
Church (Aided) Schools	{ Provision of 1993 Education { Act	
Child Abuse	Area Child Protection Committee, Child Protection Procedures	Head of Pupil Services, Children & Young People’s Services County Hall, Durham DH1 5UJ
Provision & practice adversely impacting on student health, safety and welfare	In addition to School Complaints School Complaints & Grievance Procedure, & Child Protection Procedures notification can be made to Commission for Social Care Inspection	CSCI Darlington Area Office No 1 Hopetown Studios Brinkburn Road Darlington Co. Durham DL3 6DS

**SUGGESTED PROCEDURE FOR A GOVERNING BODY MEETING DEALING WITH A FORMAL COMPLAINT**

1. The Chair opens the meeting explaining that the purpose of the meeting is to listen to the complainant's complaint. Both the Headteacher and complainant are present until item 8 of this procedure.
2. The complainant presents his/her case stating the issues clearly.
3. Governors, the Headteacher and any representative of the Director of Children & Young People's Services, have an opportunity to ask questions of the complainant seeking clarification.
4. The Headteacher provides details of how the concerns have been handled and details of any action taken.
5. The complainant, Governors and any representative of the Director Children & Young People's Services have an opportunity to ask questions of the Headteacher.
6. The Headteacher sums up.
7. The complainant sums up.
8. The Headteacher and complainant leave to allow the Committee to consider the concerns, if appropriate.
9. Usually within 7 calendar days of the meeting the Clerk to the Governing Body will confirm to the Headteacher and complainant the Committee's decision.

**Useful Telephone Numbers and Addresses**

School and Governors Support Service Children & Young People's Services County Hall Durham DH1 5UJ	-	(0191) 3834561 or 3833604
Education Welfare Service Children & Young People's Services County Hall Durham DH1 5UJ	-	(0191) 3833302
Secretary of State for Education and Skills Sanctuary Buildings Great Smith Street Westminster London SW1P 3BT	-	0870 0012 345
Commission for Social Care Inspection St Nicholas Building St Nicholas Street Newcastle upon Tyne NE1 1NB	-	0191 233 3600
Commission for Social Care Inspection Darlington Area Office No 1 Hopetown Studios Brinkburn Road Darlington Co. Durham DL3 6DS	-	01325 371720