Humberston Park School

...engaging children in creative and enjoyable learning that is of functional value to them now and in the future.

Inclusiveness, Independence & Enjoyment

School Complaints Procedure

Approved by:	**Trust Board**	**Date: 7/12/2023**
Last reviewed:	**December 2023**	
Next review due by:	**December 2026**	

HUMBERSTON PARK SPECIAL SCHOOL

SCHOOL COMPLAINTS PROCEDURE

1. **Introduction**

We always strive for the Academy to provide an outstanding education for all our pupils/students and that the Head Teacher and other staff work very hard to build positive relationships with all parents/carers.
However, as an Academy we need to have procedures in place in case any parents/carers have a complaint.

The following sets out the procedure that the Academy will follow if such an issue occurs.

2. **Aims**

The Academy aims to be fair, open and honest when dealing with any parent/carers complaint and careful consideration will be given to all complaints.

We aim to resolve any complaints through speaking directly with the parent/carer, with mutual understanding and in all cases the interests of the child is paramount.

If the complaint concerns the Headteacher this can be referred to the Chair of Governors.

It is in everyone's interest that complaints are resolved at the earliest possible stage. The experience of the first contact between the complainant and the school can be crucial in determining whether the complaint will escalate.

The procedure is dealt with in 4 stages. If the complaint concerns the conduct of the Headteacher in will be dealt with in accordance with Stage 3 and directed to the Chair of Governors.

3. **The Complaints Process**

Informal <u>Stage 1</u> – Complaint heard by Phase Leader
If any parent/carer is unhappy about their child's education or has a concern relating to the Academy we encourage them to communicate with the child's class teacher immediately. If the class teacher feels that they are too compromised to deal with the complaint they should refer immediately to their Phase Leader.
The complainant will receive a written response to the concern or complaint raised within 5 school days.

If there is a direct approach to a Governor they should be informed of the correct procedure.

Formal Stage 2 – Complaint heard by the Headteacher

If the parent/carer is dissatisfied with the way the complaint was handled in Stage 1 and wish to pursue their initial complaint the complainant should submit the complaint in writing to the Headteacher within 10 school days of Stage 1 being concluded.

The Headteacher may delegate the collation of information by another member of staff but the Head will make the decision on action to be taken

Parents are invited to attend the meeting and can be accompanied

The Headteacher will meet with the complainant, hear the complaint, investigate and make every effort to resolve the issue. After this meeting the Headteacher will write to the complainant summarising the outcome reached and the appeal process.

The complainant should be informed of the outcome of the investigation within 10 school days of the meeting with the Headteacher.

Panel Hearing Stage 3 – Complaint heard by the Governing Bodies Complaints Appeal Panel

If the complaint is not resolved at Stage 2 and the complainant is still dissatisfied there should be a written letter of complaint to the Chair of Governors, care of the school.

The Chair or nominated governors will convene a Governing Body complaints panel.

The Governors appeal hearing is the last school-based stage of the complaints procedure but this hearing is not convened to rubber-stamp previous decisions. At least one member of the panel will be independent of the management and running of the Academy.

The panel must also consist of at least three people who were not directly involved in the matters detailed in the complaint.

It is a matter for the Academy to identify suitably independent individuals who can fulfil the role and responsibility of being the independent member.

Individual complaints will not be heard by the whole of the Governing Body at any stage. This is due to a possible compromise of the panel set up for a disciplinary hearing against a member of staff following a serious complaint. This panel can be drawn from the nominated members and may consist of three or five people. The panel may choose their own chair.

The Chair will meet with the complainant, hear the complaint, investigate and make every effort to resolve the issue, having met with the Headteacher. The Chair will write to the complainant at the conclusion of his/her investigation with the outcome reached and the process for appeal.

Complainants will be informed of the outcome including any copies of findings or recommendations within 10 school days of the meeting held with the Chair of Governors. This information is also to be made available to the Head Teacher.

The Remit of the Complaints Appeal Panel

The appeal hearing should be seen to be independent and impartial. No Governor may sit on the panel if they have a prior involvement in the complaint or the circumstances surround it. If possible Governors need to try and ensure that it is a cross-section of the categories of Governor and that they are sensitive to issues of race, gender and religious affiliation.

The hearing will be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant. It has to be recognised that the complainant might not be satisfied with any outcome from the hearing if it does not find in their favour.

To be an effective panel you will need to acknowledge that many complainants could feel nervous or inhibited in a formal setting. The panel chair should ensure the proceedings are as welcoming as possible

If the complainant is a child careful consideration of the atmosphere and proceedings will ensure that the child does not feel intimidated. The views of the child should be given equal consideration to those of the adults.

Governors sitting on the panel should be aware of the complaints procedure.

3.5 The members of the Governing Body nominated (with delegated powers) to hear complaints at this stage and to set out its terms of reference which can include:

- Drawing up it's procedures
- Hearing individual appeals
- Making recommendations on policy as a result of complaints

The procedure which is adopted by the panel for hearings would normally be part of the school's complaints procedure. The panel can be drawn from the nominated members and could consist of three or five people and this panel may choose their own Chair.

4. **Remit of the Complaints Appeal Panel**

4.1 As part of the remit the panel are able to:

- 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.

4.2 Governors need to remember several points when sitting on a complaints panel

- This appeal hearing is independent and impartial and needs to be seen to be so
- A Governor cannot be on the Appeal Panel if they have prior involvement in the complaint or any circumstances surrounding it
- Governors need to try and ensure a cross-section of the categories of Governor and be sensitive to the issues of race, gender and religious affiliation

- The aim of this hearing (which will be held in private) should always be to resolve the complaint and achieve reconciliation between the school and parent/carer
- The panel must be aware that the parent/carer may not be satisfied with the outcome if this hearing is not in their favour
- This may mean it will only be possible to establish facts and to make any recommendations which will satisfy the parent/carer and assure them their complaint has been taken seriously

- To be an effective panel they should acknowledge that many parents/carers will be nervous or even feel invited in a formal setting and they may feel emotional when discussing anything that affects their child
- The Chair of the Panel needs to make all involved feel as welcome as possible which includes the layout of the room to ensure it is not too formal
- Extra care should be taken if the complainant is a child and that they should not feel intimidated
- If the child's parent/carer is the complainant parents should be given the opportunity to say which parts of the hearing, if any, the child needs to attend
- Governors on the Panel should be well versed with the complaints procedure

Record Keeping

The regulations state that the complaints procedure must require a written record to be kept of all formal complaints, including:

Whether they were resolved at Stage 2 or Stage 3.

What action was taken by the academy as a result of those complaints (regardless of whether the complaints were upheld.)

All correspondence, statements, and records relating to the complaint must remain confidential

Roles and responsibilities

1. **The role of the Clerk to the Governors**

The clerk will be the contact point for the complainant and will be required to:

- Set date, time and venue which is convenient to all parties
- Collate written material to be sent to the parties in advance of the hearing
- Meet and welcome parties arriving at the hearing
- Make a record of all proceedings
- Notice in writing all parties of the panel's decision

2. **The role of the Chair or the Nominated Governor**

- Should make sure the correct procedure has been followed
- If a hearing is deemed appropriate notify the clerk to arrange the panel

3. **The role of the Chair of the Panel**

This is a key role and the Chair should ensure:

- Explain what their role is to the parties
- The case should be put without undue interruption
- That all issues are addressed
- The key findings of fact are made
- Make sure parents/carers are put at their ease as they may not be used to speaking at a hearing
- The hearing is conducted in an informal manner with everyone being treated with respect and courtesy
- The Panel should be open minded and act independently
- There should be no vested interest by a member of the Panel in the outcome of the proceedings
- There should be no involvement in an earlier stage of the procedure by a member of the Panel
- Each side should be given the opportunity to state their case and ask questions
- All written material is seen by all parties
- If any new issue arises it would be useful to give all parties the opportunity to consider and comment on it

<u>Notification of the Panel's Decision</u>

- The aim of the panel is to resolve the complaint
- It needs to be ensured by the Chair of the Panel that the complainant is notified, in writing, with the Panel's response
- This should be within a set deadline (?? 5 working days??) which is publicised in the procedure
- This letter should explain if there are any further rights of appeal and to whom they would need to be addressed
- In the event that the matter cannot be resolved complaints should only be made to the Secretary of State for Education after other routes have been followed

Reviewed 3 yearly

CHECKLIST FOR A PANEL HEARING

THE PANEL NEEDS TO TAKE THE FOLLOWING POINTS INTO ACCOUNT:

1. The hearing is as informal as possible

2. Witnesses are only required to attend for the part of the hearing in which they give evidence

3. After introductions, the complainant is invited to explain their complaint and be followed by their witnesses

4. The Headteacher may question both the complainant and the witnesses after each has spoken

5. The Headteacher is then invited to explain the school's actions and be followed by the school's witnesses

6. The complainant may question both the Headteacher the witnesses after each has spoken

7. The panel may ask questions at any point

8. The complainant is then invited to sum up their complaint

9. The Headteacher is then invited to sum up the school's actions and response to the complaint

10. Both parties leave together while the panel decided on the issues

11. The chair explains that both parties will hear from the panel within a set time scale