

POLICY DOCUMENT

ACHIEVING EXCELLENCE



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General Complaints Procedure

Introduction

This model is intended as a good practice guide, applying to most general complaints that our College is likely to receive. It also meets Circular 6/94 requirement to have a College policy about complaints concerning SEN provision. It is not intended to cover those aspects of College life for which there are specific statutory requirements: in particular, arrangements under section 409 of the Education Act 1996 for complaints about the delivery of the National Curriculum and the provision of collective worship and religious education. Parents who are not satisfied with Hampshire Education Authority's decision about special needs assessments may appeal to the SEN Tribunal. Concerns about schools admissions and exclusions also have specific appeal rights. In addition allegations of child abuse, financial improprieties or other criminal activities will need to be dealt with through different procedures, as will complaints about contracted staff. Some complaints about general matters of policy, such as the overall resourcing of a school, would also need to be dealt with differently.

Support for a person complained against

There is a crucial balance to be maintained between supporting the individual so that his/her rights and reputation are protected, and investigating a complaint thoroughly and impartially. The College's complaints procedure is distinct from formal disciplinary proceedings for staff.

There may be occasions where a complaint launches a disciplinary procedure that puts the complaints procedure on hold. If so, the complainant should be informed of this and any non-disciplinary aspects of the complaint should be dealt with by the usual complaints procedures; the complainant should be "up-dated" on the likely further delay.

Confidentiality

It is very important to treat conversations and correspondence with discretion. It is vitally important that parents feel confident that their complaint will not penalize their child. However, from the outset all parties to a complaint will need to be aware that some information may have to be shared with others involved in the operation of the complaints procedure. The procedure will follow the requirements of both the Data Protection Act and the Freedom of Information Act.

Anonymous Complaints

- a. Complainants should be advised that if they do not identify themselves then the College may not be able to take any effective action.
- b. Anonymous complaints should be dealt with as follows:
 - i. Complaints should be recorded and passed to the Headteacher who should consider whether there is anything in the complaint that should be taken notice of. If the matter is to be taken further, the Headteacher will decide who will investigate the matter.
 - ii. The Headteacher may take no action on the anonymous complaint if, following initial consideration, it is believed to be untrue or malicious in intent.

Complaints against volunteers

There may be occasions when a complaint is received about the conduct of a volunteer working in the College, on the College site or with students of the College, for example on a College trip. In such cases the Headteacher should apply the principles of these procedures to such complaints although the lack of an employment relationship clearly means the absence of formal disciplinary procedures.

Redress

If the outcome of the complaint procedure shows the College is at fault, it is often sufficient to provide redress in the form of an acknowledgement that the complaint is valid. Alternatively, it may be appropriate to offer one or more of: an apology, an explanation, a promise that the event complained of will not recur, an undertaking to review College policies or practices in the light of the complaint, or, in appropriate circumstances, financial compensation. Fear of litigation will not prevent the College from admitting to parents when mistakes have been made, but advice will be taken from Hampshire Education Authority if litigation could be possible.

Guidelines For Dealing With Concerns And Complaints Informally **Process – Stage 1**

1. Complainants should contact the appropriate member of staff (generally the Form Tutor, Subject Teacher, Year Leader or Subject Leader) who clarifies the nature of the concern, and attempts to resolve the issue. It can be helpful to identify at this point what sort of outcome the complainant is looking for.
2. If the member of staff cannot immediately deal with the matter, s/he should refer the matter to a more senior member of staff and inform the complainant about this fact.
3. If the concern relates to the Headteacher, the complainant is advised to contact the Chair of the Governing Body. The Chair will acknowledge receipt within five working days of receiving the complaint wherever possible.
4. The staff member dealing with the concern makes sure that the complainant is clear what action (if any) or monitoring of the situation has been agreed, putting this in writing if this seems the best way of making things clear.
5. Where no satisfactory solution has been found within 10 working days, the complainant should be informed that they may proceed to Stage 2 of this process

Referral to the Headteacher for investigation

If a complainant makes contact with the Headteacher before the process outlined in Stage 1, has been exhausted, the Headteacher will refer the complaint to the relevant member of staff who will deal with the concerns as outlined in Stage 1.

Process – Stage 2

1. The Headteacher (or designate) acknowledges the complaint orally or in writing within three working days of receiving the written complaint whenever possible.
2. The Headteacher (or designate) provides an opportunity for the complainant to hold discussions with him to supplement any information provided previously.
3. If necessary, the Headteacher (or designate) should interview witnesses and take statements from those involved. The Headteacher may designate another member of staff to collect some of the information from the various parties involved.
4. The Headteacher (or designate) keeps written records of meetings, telephone conversations, and other documentation.
5. Once all the relevant facts have been established, the Headteacher (or designate) should then give a response to the complainant, in writing if appropriate, or may wish to meet the complainant to discuss/resolve the matter directly. This should normally occur within 10 working days of the original complaint if at all possible.
6. If the complaint has not been resolved the complainant should be informed that they may proceed to Stage 3. If the complainant wishes to proceed to Stage 3 they should notify the College within 10 working days of the College's response to their complaint.
7. If a complaint is against the action of a Headteacher, or if the Headteacher has been very closely involved at Stage 1, the Chair of the Governing Body (or designate) should carry out all the Stage 2 procedures.

Procedure for Review by the Governing Body

If a complainant makes contact with the Chair of Governors before the process outlined in Stage 1 or Stage 2, have been exhausted, the Chair of Governors will refer the complaint to the Headteacher who will deal with the concerns accordingly.

Process – Stage 3

1. The complainant should write to the Chair of Governors requesting to proceed to Stage 3. The Chair of Governors will check with the Headteacher to confirm that Stage 1 and Stage 2 have been exhausted before proceeding to Stage 3.
2. The Chair of Governors should write to the complainant to acknowledge receipt of the written request. The acknowledgement should inform the complainant that the complaint is to be heard by three members of the College's Governing Body within 20 working days of receiving the complaint. The letter should also explain that the complainant has the right to submit any further documents relevant to the complaint. These must be received in time for the documents to be sent to the three members.

3. The Chair of Governors should arrange to convene a Governors' Complaints Panel from members of the Governing Body.
4. The Panel members should be Governors who have had no prior involvement with the complaint.
5. All relevant correspondence regarding the complaint should be given to each Panel member as soon as the composition of the Panel is confirmed. If the correspondence is extensive, the Chair of the Panel should prepare a thorough summary for sending to Panel members.
6. The Chair/Vice-Chair will write and inform the complainant, Headteacher, any relevant witnesses, and members of the Panel at least five working days in advance, of the date, time and place of the meeting. The notification to the complainant should also inform him/her of the right to be accompanied to the meeting by a friend/advocate/interpreter. The letter will also explain how the meeting will be conducted and the complainant's right to submit further written evidence to the Panel.
7. The Chair/Vice-Chair of the Governing Body should invite the Headteacher to attend the Panel meeting and prepare a written report for the Panel in response to the complaint. The Headteacher may also invite members of staff directly involved in matters raised by the complainant to respond in writing or in person to the complaint. All concerned, including the complainant, should receive any relevant documents, including the Headteacher's report, at least five working days prior to the meeting.
8. The involvement of staff other than the Headteacher is subject to the discretion of the Chair of the Panel.
9. It is the responsibility of the Chair of the Panel to ensure that the meeting is properly minuted.
10. The aim of the meeting should be to resolve the complaint and achieve a reconciliation between the College and the complainant. However it has to be recognized that sometimes it may only be possible to establish facts and make recommendations that will satisfy the complainant that his or her complaint has at least been taken seriously.
11. The Panel should remember that many parents are unused to dealing with groups of people in formal situations and may feel inhibited when speaking to the Panel. It is therefore recommended that the Chair of the Panel makes every effort to ensure that the proceedings are as informal as possible.
12. If either party wishes to introduce previously undisclosed evidence or witnesses, it is in the interests of natural justice to adjourn the meeting so that the other side has time to consider and respond to the new evidence.

13. The meeting should allow for - the complainant to explain their complaint; and the Headteacher to explain the College's response - the Headteacher to question the complainant about the complaint and the complainant to question the Headteacher and/or other members of staff about the College's response - Panel members to have an opportunity to question both the complainant and the Headteacher - any party to have the right to call witnesses (subject to the approval of the Chair) and all parties having the right to question all the witnesses - final statements by both the complainant and the Headteacher
14. The Chair of the Panel will explain to the complainant and the Headteacher that the Panel will now consider its decision, and a written decision will be sent to both parties within 15 working days. The complainant, Headteacher, other members of staff and witnesses will then leave.
15. The Panel will then consider the complaint and all the evidence presented and (a) reach a unanimous, or at least a majority, decision on the complaint and (b) decide upon the appropriate action to be taken to resolve the complaint and (c) where appropriate, suggest recommended changes to the College's systems or procedures to ensure that problems of a similar nature do not happen again.
16. A written statement outlining the decision of the Panel must be sent to the complainant and Headteacher. The letter to the complainant should explain whether a further appeal can be made, and if so, to whom.
17. The College should ensure that a copy of all correspondence and notes are kept on file in the College's records. These records should be kept separately from the student's personal records.

Review by the LA - Formal Complaint to Hampshire County Council

Process - Stage 4

- This stage is available to Parents if they are not satisfied with the way the Governing Body has dealt with a complaint. As a parent, you can also complain directly to the County Council when your complaint is against the Council rather than Horndean Technology College. The complaint should be set out in writing and sent to the Assistant County Education Officer who will arrange for the complaint to be investigated.
- Subsequently, a panel consisting of the Assistant County Education Officer and two elected members of Hampshire Education Committee, who do not have recent personal involvement with Horndean Technology College, will consider the complaint. Again you will be able to present your case to the panel and will be notified of the outcome in writing. If your complaint is about religious education and you follow a particular religious tradition other than the Church of England you are entitled to ask for a member of the Standing Advisory Council for Religious Education representing that tradition to be co-opted as an additional member of the panel. Your Headteacher can tell you which traditions are represented on that Standing Advisory Council.

Beyond the LA - The Secretary of State

Process - Stage 5

You have the right to take Complaints to the Secretary of State for Education and Employment under Section 496 of the Education Act 1996, on the grounds that a Governing Body or LA is acting or proposing to act unreasonably, or under Section 497 of the same Act, on the grounds that either the Governing Body or the LA has failed to discharge its duties under the Act. The Secretary of State may contact the Governing Body or the LA for more information in order to consider the complaint.

The Local Government Ombudsman:

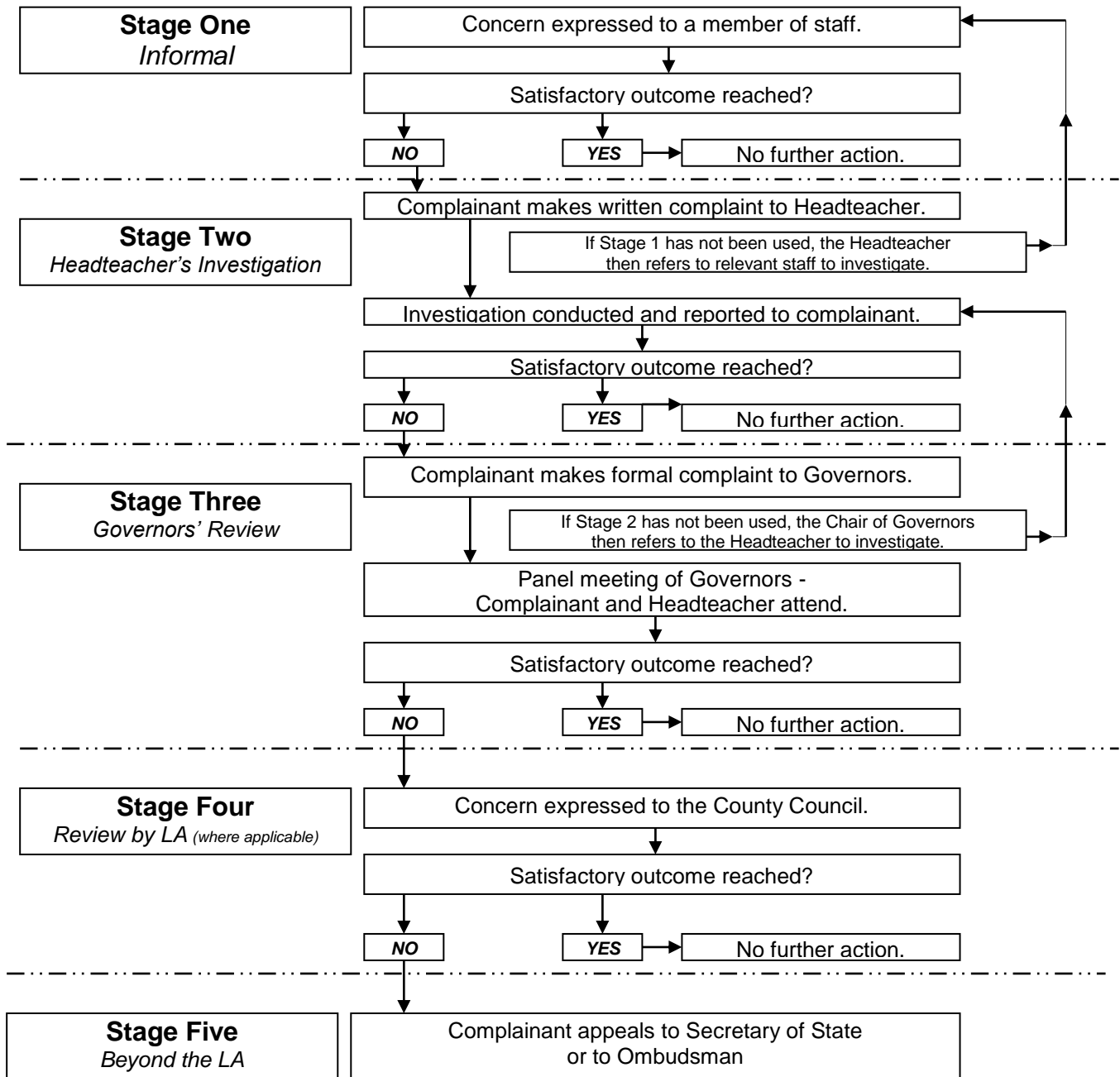
Complaints about the maladministration of Local Authority services including the way it operates any general school complaints procedure could be made to the Ombudsman. However, the Ombudsman does not look at internal management matters.

Complaints about the Curriculum

- a. All Local Authorities have to set up procedures, approved by the Secretary of State, for handling complaints about the actions of governing bodies and Local Authorities on the curriculum. For complaints against the Governing Body, the first formal stage of the procedure is for the Governing Body to consider the complaint. If the person with the complaint is still not satisfied after this, he or she can put the complaint to the Local Authority. Complaints that are just about the Local Authority's powers or functions only need to be considered by the Local Authority.
- b. Parents may use the complaints procedure if they believe that either the Local Authority or the Governing Body are failing:
 - to provide the National Curriculum in the College or for a particular child;
 - to follow the law on charging for school activities;
 - to offer only approved qualifications or syllabuses;
 - to provide religious education and daily collective worship;
 - to provide the information that they have to provide;
 - to carry out other statutory duty relating to the curriculum; or are acting unreasonably in any of the above cases.

















Complaints Process

An informal registration of your concern is likely to solve most problems quickly. If you have a problem or a complaint, telephone the College and the receptionist will be able to advise on the best person on the staff to contact.








"Concerns and Complaints Procedures"

A Parents' Guide

-  If you have a concern or complaint we would like you to tell us about it.
-  We welcome suggestions for improving our work in the College.
-  Be assured that no matter what you want to tell us, our support and respect for you and your child will not be affected in any way.
-  Please tell us of your concern as soon as possible. It is difficult for us to investigate properly an incident or problem that has happened some time ago.
-  Most concerns and complaints can be sorted out quickly by speaking with your child's Form Tutor or Subject Teacher.
-  Any Teacher or the College secretary can help you find the right member of staff.
-  If you have a complaint that you feel should be looked at by the Headteacher in the first instance you can contact him straightaway if you prefer.
-  It is usually best to discuss the problem face to face. You will need an appointment to do this, and can make one by ringing or calling in to the College Reception.
-  You can take a friend or relation to the appointment with you if you would like to.
-  All staff will make every effort to resolve your problem informally.
-  They will make sure that they understand what you feel went wrong.
-  They will ask what you would like the College to do to put things right. Of course, this does not mean that in every case they will come round to your point of view but it will help both you and the College to understand both sides of the question. It may also help to prevent a similar problem arising again.
-  If you are dissatisfied with the teacher's response, you can make a complaint to the Headteacher. This should be made in writing.
-  You may also find it helpful at this stage to have a copy of the full statement of the General Complaints Procedure as this explains in detail what procedures are followed. This is available from the College office.
-  If your complaint is about an action of the Headteacher personally, then you should refer it to the Chair of Governors.
-  You can contact the Chair of Governors by telephoning the College.

Contacting Horndean Technology College

 023 9259 4325

-  ***Contact your child's Form Tutor, Subject Teacher, Year Leader or the Subject Leader..***
-  ***Try to arrange a meeting as soon as possible.***
-  ***Encourage your child to be as 'open' as possible with the Teacher.***
-  ***Be reassured - the College cares and wants to help.***

Listening to complaints

As soon as you realise that you are listening to a complaint, remember these points:

- **Don't rush**

Take your time. Let people have their say, and let off steam if they need to. Listen carefully and sympathetically to their problems before replying and attempting to find a solution or offer a next step.

- **Don't pass the buck**

Try not to keep transferring an angry person from one place to another. Make sure you know the contact person for anything you cannot deal with yourself.

- **Don't be flippant**

First impressions count. You and the school may be judged on your immediate reaction.

- **Treat all complaints seriously**

However small or trivial it may seem to you, the complaint will be an important problem for anyone who takes the trouble to complain.

- **Treat every complaint individually**

Even if you have already received several similar complaints the same day, it is probably the person's first chance to have their say.

- **Be courteous and patient**

Be sympathetic and helpful, but do not blame other colleagues.

- **Say who you are**

If you are unknown to the person, introduce yourself.

- **Ask for their name and use it**

Anonymous complaints are acceptable only where there are special circumstances.

- **Take time to find out exactly what the problem is**

It is easy for someone to forget to tell you an important detail, particularly if they are upset or annoyed.

- **Don't take the complaint personally**

To an angry or upset person, YOU are the College, and the only one they can put their feelings to right now.

- **Stay cool and calm**

Do not argue with the person — be polite and try to find out exactly what the person thinks is going wrong, or has gone wrong.

- **Check you are being understood**

Make sure that the person understands what you are saying. Don't use jargon - it can cause confusion and annoyance to someone "not in the know".

- **Next Steps**

Make sure the complainant knows what you intend to do next before they leave.