

West Midlands UTC

Complaints Procedure Policy

This document has been written to inform parents or others of the procedures to follow should they wish to make a complaint. The governors recognised the value of providing clear and concise information to ensure that any complaints are resolved swiftly.

Author	T Macdonald	Version	1.0
Governor Approved Date	30/04/2015	Last Review Date	12/10/2017
Comments			
Monitoring, Evaluation and Review	The Governing Body will review this document at least once every 1-2 years and assess its implementation and effectiveness in consultation with key stakeholders. The Principal will generate a report on the number, response and outcome of complaints made and share this report with the Finance and Legal committee of the Governing body. The Principal will monitor the implementation of the procedure by wider staff. The Chair of Governors will monitor the implementation of the procedures by the Principal.		

Contents

- 1. Purpose**
- 2. Guidelines**
- 3. Framework of Principles**
- 4. Investigating Complaints**
- 5. Resolving Complaints**
- 6. Vexatious Complaints**
- 7. Time Limits**
- 8. Dissemination**
- 9. DfE Guidance and supporting documentation**
- 10. Advice for Complainants**

Equality and Diversity Statement

WMUTC strives to treat all its members and visitors fairly and aims to eliminate unjustifiable discrimination on the grounds of gender, race, nationality, ethnic or national origin, political beliefs or practices, disability, marital status, family circumstances, sexual orientation, spent criminal convictions, age or any other inappropriate grounds.

1. Purpose

- 1.1.** The aim of this document is to give guidance on the stages of complaints that parents or others should follow in the case of a complaint
- 1.2.** This document states the procedures that staff must follow in response to a complaint received

2. Guidelines

2.1. General Principles of Complaints

- 2.1.1.** All complaints should be dealt with as quickly and efficiently as possible, ie fully, fairly and carefully.
- 2.1.2.** Where the school receives an anonymous complaint there is no duty to pursue the matter. However, the school will consider such complaints and decide whether the complaint justifies further investigation.
- 2.1.3.** All complaints will be recorded and detailed notes of any complaints will be retained by the school for a period of three years after all complainants have left the school. A record of actions and outcomes and the level at which complaints were resolved will be retained within these notes.

2.2. Informal Complaints or Concerns

2.2.1. Swift and effective response to a concern or informal complaint can prevent it developing into a formal complaint

- 2.2.2.** It is in everyone's interest that complaints are resolved at the earliest possible stage.
- 2.2.3.** The experience of the first contact between the complainant and the school can be crucial in determining whether the complaint will escalate.
- 2.2.4.** To that end, staff must be made aware of the procedures, such that they will know what to do when they receive a concern or complaint and expedite a rapid and effective response with the aim of resolving the issue without escalation to a formal complaint.

2.3. Formal Procedures

- 2.3.1.** The formal procedures will need to be used when initial attempts to resolve the issue are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further.

3. Framework of Principles

3.1. Our complaints procedure aims to:

- 3.1.1.** encourage resolution of problems by informal means wherever possible;
- 3.1.2.** be easily accessible i.e. published on our website and issued to new parents when their children join the school;
- 3.1.3.** be simple to understand and use;
- 3.1.4.** be impartial;
- 3.1.5.** be non-adversarial;
- 3.1.6.** allow swift handling with established time-limits for action and keeping people informed of the progress;
- 3.1.7.** ensure a full and fair investigation by an independent person where necessary;
- 3.1.8.** respect people's desire for confidentiality;

- 3.1.9. address all the points at issue and provide an effective response and appropriate redress, where necessary;
- 3.1.10. provide information to the school's senior leadership team so that services may be improved

4. Investigating Complaints

4.1. At all stages of the complaints procedure all persons investigating the complaint will ensure that they:

- 4.1.1. take all complaints seriously
- 4.1.2. establish what has happened so far, and who has been involved;
- 4.1.3. clarify the nature of the complaint and what remains unresolved;
- 4.1.4. meet with the complainant or contact them (if unsure of details of the complaint/investigation or further information is necessary);
- 4.1.5. clarify what the complainant feels would put things right;
- 4.1.6. interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish;
- 4.1.7. conduct the interview with an open mind and be prepared to persist in the questioning;
- 4.1.8. keep notes of the interview and pass copies of all notes to the PA to the Principal or Clerk to Governors (as relevant) for confidential collation and retention.
- 4.1.9. Store all notes, correspondence, statements and records of the complaint confidentially.

5. Resolving Complaints

5.1. A four stage process for considering complaints is in operation

Stage 1 – Informal Complaints - It is expected that the majority of complaints by parents and others will be resolved at Stage 1 informally, through discussion with the class teacher, or middle leader. If satisfied the parents or other person should say so and the matter is at an end. If they are not satisfied the parents or other person should be given a copy of the school's complaints procedure and should put their complaint in writing to the Principal. A written record of the informal complaint should be passed to the Principal to retain on record.

Stage 2 – Formal Complaint heard by the Principal - At this stage the complaint will be investigated by the Principal. If satisfied the parents or other person should say so and the matter is at an end. If they are not satisfied the parents or other person should be advised to put their complaint in writing to the Chair of Governors. The Principal will keep a written record of the complaint and will detail their findings, actions and response in a letter to the complainant.

Stage 3 – Formal Complaint heard by the Chair of Governors - If the complainant is not satisfied with the response of the Principal or the complaint is about the Principal, the complainant should write to the Chair of Governors to request that their complaint is considered further. The Chair of Governors will investigate the complaint (or appoint another suitable governor or suitable independent person to investigate the complaint on their behalf). If satisfied the parents or other person should say so and the matter is at an end. If they are not satisfied the parents or other person should be advised to put their complaint in writing to the Clerk to the Governing Body. The Chair of Governors will keep a

written record of the complaint and will detail their findings, actions and response in a letter to the complainant.

Stage 4 – Formal Complaint heard by the Governors’ Complaints Appeal Panel - If the complainant is not satisfied with the response of the Chair of Governors or the complaint is about the Chair of Governors, the complainant should write to the Clerk to the Governing Body to request that their complaint is considered further. At this stage the complaint will be considered by a Governors’ Complaints Appeal Panel. It will be considered, investigated and action will be determined by the governors who will inform the parents or other person of their decision in writing. Further guidance for the panel is attached. Complainants may attend the Appeals Panel and may bring a representative to accompany them.

5.2. Complaints Appeals Panel - the Governors’ Complaints Appeal Panel will be made up of at least 3 Governors (who shall not be the Principal, Chair of Governors or any other Governor previously involved in the complaint) and shall always include, in addition, an independent person who is not involved with the management and running of the UTC or its sponsors, but who holds a responsible position within the region.

6. Actions to resolve complaints

6.1. At each stage in the procedure, the person investigating the complaint, should keep in mind ways in which a complaint may 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:

- 6.1.1.** an apology;
- 6.1.2.** an explanation;
- 6.1.3.** an admission that the situation could have been handled differently or better;
- 6.1.4.** an assurance that the event complained of will not recur;
- 6.1.5.** an explanation of the steps that have been taken to ensure that it will not happen again;
- 6.1.6.** an undertaking to review school policies in light of the complaint.

6.2. Staff should be clear that wherever they bear any responsibility for the cause of a complaint an apology must be issued

7. Vexatious Complaints

7.1. There may be occasions where all stages of a complaint procedure have been followed and the complainant remains dissatisfied. Should the complainant attempt to reopen the same issue the Chair of Governors may inform in writing that the procedure has been exhausted and that the matter is now closed. If further attempts to reopen the same complaint are attempted then the correspondence may be recognised as vexatious and there is no obligation on the part of the UTC to respond.

7.2. Further complaints by the same complainant on an entirely separate issue may not be considered as vexatious but must be investigated in full.

8. Time Limits

8.1. Complaints need to be considered and resolved, as quickly, and efficiently as possible.

8.2. Informal complaints should usually be resolved within two UTC weeks of the initial complaint, although staff should strive to resolve informal complaints within one UTC week of initial complaint. Where the complaint is likely to take longer than two weeks to resolve the complainant should be informed of the cause of any delay and a new timescale agreed.

8.3. Formal Complaints to the Principal should usually be resolved within three UTC weeks of the initial complaint, although the Principal should strive to resolve these complaints within two UTC weeks of initial complaint or sooner where possible. Where the complaint is likely to take longer than three weeks to resolve the complainant should be informed of the cause of any delay and a new timescale agreed.

8.4. Formal Complaints to the Chair of Governors should usually be resolved within four weeks of the initial complaint, although the Chair of Governors should strive to resolve these complaints sooner where possible. Where the complaint is likely to take longer than four weeks to resolve the complainant should be informed of the cause of any delay and a new timescale agreed.

8.5. Formal Complaints to the Governors' Complaints Appeals Panel will result in any investigation being carried out within up to four weeks of the complaint. The Complaints Appeals Panel will be convened as soon as possible following the investigation period and certainly within 6 Weeks of the initial complaint wherever possible. The complainant will be informed in writing of the date of the Complaints Appeals Panel and invited to the meeting.

8.6. However, in all cases, where further investigations are necessary, new time limits can be set. The complainant should be sent details of the new deadline and an explanation for the delay.

9. Dissemination of the Procedures

9.1. The procedure will be available on the school website, issued to new parents at the start of each academic year, on request to parents or others, the LA and Ofsted through the Principal. A copy of the policy will also be available for staff in the UTC network.

10. DfE Guidance and other documentation has been used to create this document. The specific guidance documents include:

- 10.1.** [School Complaints Procedure guidance](#)
- 10.2.** [Schools Complaints Toolkit 2014](#)
- 10.3.** [National Governors Association](#)
- 10.4.** [Section 29 of the Education Act 2002](#)
- 10.5.** [Governors Handbook](#)

11. Advice for complainants.

- 11.1.** [How to complain about a school](#)

12. Annex A – Summary for Dealing with Complaints

12.1. Stage 1 – Complaint heard by staff member

12.1.1. Ensure complaints co-ordinator informed of outcome

12.2. If not resolved, then escalate to Stage 2 – Complaint heard by Principal

12.2.1. Acknowledge receipt of complaint

12.2.2. Write to complainant with outcome of investigation

12.2.3. Where relevant inform person complained about with outcome of investigation

12.2.4. Ensure complaints co-ordinator informed of outcome

12.2.5. Offer escalation to Stage 3 if dissatisfied

12.3. If not resolved, then escalate to Stage 3 - Complaint heard by Chair of Governors

12.3.1. Acknowledge receipt of complaint

12.3.2. Write to complainant with outcome of investigation

12.3.3. Ensure complaints co-ordinator informed of outcome

12.3.4. Offer escalation to Stage 4 if dissatisfied

12.4. If not resolved, then escalate to Stage 4 – Governor’s complaints panel meeting arranged

12.4.1. Issue letter inviting complainant to meeting

12.4.2. Issue letter confirming panel decision

12.4.3. Ensure complaints co-ordinator informed of outcome

12.4.4. Advise of escalation routes to the Secretary of State for Education

13. Annex B – The Remit of the Governors’ Complaints Appeals Panel

13.1 The panel can:

- 13.1.1.** dismiss the complaint in whole or in part;
- 13.1.2.** uphold the complaint in whole or in part;
- 13.1.3.** decide on the appropriate action to be taken to resolve the complaint;
- 13.1.4.** recommend changes to the school’s systems or procedures to ensure that problems of a similar nature do not recur.

13.2. There are several points which any governor sitting on a complaints panel needs to remember:

- 13.2.1.** 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 have 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.
- 13.2.2.** 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 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.
- 13.2.3.** 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.
- 13.2.4.** 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.

13.3. The governors sitting on the panel need to be aware of the complaints procedure.

13.3.1 The panel needs to take the following points into account:

- 13.3.1.1.** The hearing is as informal as possible.
- 13.3.1.2.** Witnesses are only required to attend for the part of the hearing in which they give their evidence.
- 13.3.1.3.** After introductions, the complainant is invited to explain their complaint, and be followed by their witnesses.
- 13.3.1.4.** The Principal may question both the complainant and the witnesses after each has spoken.
- 13.3.1.5.** The Principal is then invited to explain the school’s actions and be followed by the school’s witnesses.

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

14. Roles and Responsibilities

14.1 The Role of the Clerk

14.1.1 The panel or group of governors considering complaints must be clerked. The clerk would be the contact point for the complainant and be required to:

- 14.1.1.1** set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible;
- 14.1.1.2** collate any written material and send it to the parties in advance of the hearing;
- 14.1.1.3** meet and welcome the parties as they arrive at the hearing;
- 14.1.1.4** record the proceedings;
- 14.1.1.5** notify all parties of the panel's decision.

15. The Role of the Chair of the Governing Body or the Nominated Governor

- 15.1.** The nominated governor role:
- 15.2.** check that the correct procedure has been followed;
- 15.3.** if a hearing is appropriate, notify the clerk to arrange the panel;

16. The Role of the Chair of the Panel

16.1 The Chair of the Panel has a key role, ensuring that:

- 16.1.1.** the remit of the panel is explained to the parties and each party has the opportunity of putting their case without undue interruption;
- 16.1.2.** the issues are addressed;
- 16.1.3.** key findings of fact are made;
- 16.1.4.** parents and others who may not be used to speaking at such a hearing are put at ease;
- 16.1.5.** the hearing is conducted in an informal manner with each party treating the other with respect and courtesy;
- 16.1.6.** the panel is open minded and acting independently;
- 16.1.7.** no member of the panel has a vested interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure;
- 16.1.8.** each side is given the opportunity to state their case and ask questions;
- 16.1.9.** written material is seen by all parties.
- 16.1.10.** If a new issue arises it would be useful to give all parties the opportunity to consider and comment on it.

17. Notification of the Panel's Decision

17.1 The chair of the panel needs to ensure that the complainant is notified of the panel's decision, in writing, with the panel's response; this is usually within a set deadline which is publicised in the procedure. The letter needs to explain if there are any further rights of appeal and, if so, to whom they need to be addressed.

18. Annex C – WMUTC Complaint Form

Please complete and return to the Principal who will acknowledge receipt and explain what action will be taken.

Your name:
Pupil's name (if relevant):
Your relationship to the pupil (if relevant):
Address:
Postcode:
Day time telephone number: Evening telephone number:
Please give details of your complaint.
What action, if any, have you already taken to try and resolve your complaint. (Who did you speak to and what was the response)?

What actions do you feel might resolve the problem at this stage?

Are you attaching any paperwork? If so, please give details.

Signature:

Date:

Official use

Date acknowledgement sent:

By who:

Complaint referred to:

Date: