



## **LISTER COMMUNITY SCHOOL COMPLAINTS POLICY STATEMENT AND PROCEDURES**

(In accordance with Section 29 of the Education Act 2002)

LISTER COMMUNITY SCHOOL is committed to providing a world class education for its students and to working closely with parents/carers and other stakeholders in a spirit of partnership. We hope to be able to resolve any conflict with parents/carers without recourse to formal procedures but recognise that parents/carers and other stakeholders have the right to make formal complaints and to have these complaints taken seriously.

The governing body believes that feedback is an important part in self-evaluation and raising standards. All stakeholders should feel that their concerns or complaints can be voiced and will be considered seriously.

The school takes informal concerns seriously and aims to resolve them at the earliest stage in order to reduce the numbers that develop into formal complaints.

The underlying principle is that concerns will be handled, if at all possible, without the need for formal procedures. The requirement to have a complaints procedure will not in any way undermine efforts to resolve the concern informally. Staff will endeavour to resolve issues on the spot.

Formal procedures will be invoked when initial attempts to resolve the issue are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further.

This policy will apply to all employees and governors of the school. It is the shared responsibility of the Headteacher and the Chair of the Governing Body to ensure that these groups are made aware of the policy and procedure.

This policy has been developed using the Department for Education's 'Best Practice Advice for School Complaints Procedures 2016'.

Leadership Team member responsible for compliance:	Claudia O'Garro
Approved by the Governing Body on:	17 <sup>th</sup> October 2018
To be reviewed:	Autumn Term 2019

## FORMAL COMPLAINT PROCEDURES

The purpose of this procedure is:

- To encourage the resolution of problems by informal means wherever possible
- To have a simple complaints procedure that is easily accessible
- To establish a system where complaints are examined in an impartial manner
- To be non-adversarial
- To allow swift handling of complaints with established time-limits for action, keeping all parties informed of the progress
- To ensure a full and fair investigation by an independent person where necessary
- To respect people's desire for confidentiality
- To address all the points at issue and provide an effective response and appropriate redress, where necessary
- To provide information to the Senior Leadership Team so that services can be improved where required

Staff need to be clear about the difference between a concern and a complaint. Taking informal concerns seriously at the earliest stage will reduce the numbers that develop into formal complaints and be in everyone's interest. The experience of the first contact between the complainant and the school can be crucial in determining whether the complaint will escalate.

When initial attempts to resolve the issue are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further, the formal procedures will need to be invoked.

The member of staff with responsibility for the operation and management of the complaints procedure is the Complaints Co-ordinator (the School Business Manager).

The complaints procedure covers all complaints about any provision of facilities or services that our school provides, with the exception of those for which there are separate (statutory) procedures. Annex C provides details of these exceptions.

### **STAGE ONE: Complaint Heard by Staff Member**

To initiate the formal complaint procedure the complaint has to be sent, in writing, to the Complaints Co-ordinator. He/she will appoint a member of senior staff to investigate the complaint made. The school will respect the views of a complainant who indicates that he/she would have difficulty discussing a complaint with a particular member of staff. In these cases the Complaints Coordinator can refer the complainant to another staff member. Where the complaint concerns the Headteacher, the Complaints Co-ordinator will refer the complainant to the Chair of Governors.

Similarly, if the member of staff directly involved feels too compromised to deal with a complaint, the Complaints Co-ordinator may consider referring the complainant to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the complaint objectively and impartially is crucial.

Where the first approach is made to a Governor he/she should refer the complainant to the Complaints Co-ordinator and advise them about the procedure. Governors 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.

A written acknowledgement of the complaint will be given within 5 working days of its receipt (in this document "working days" means days when the school is open for students.) The acknowledgement will give a brief explanation of the school's complaints procedure and will give a target date for providing a response which should normally be within 10 working days. If this target cannot be met, the complainant will be informed in writing within 10 working days explaining the reason for the delay and providing a revised target date, and a record of this will be kept.

### **Investigating Complaints**

At each stage 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 required)
- 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
- Keep notes of the interview

### **Resolving Complaints**

At each stage in the procedure the school will keep 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 sometimes 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 in light of 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 investigation procedure will identify areas of agreement between the parties. It will also clarify any misunderstandings that might have occurred as this can create a positive atmosphere in which to discuss any outstanding issues.

The person investigating the complaint will notify the complainant of their decision in writing. If no further communication is received from the complainant within 10 working



days, it should be assumed that the complaint has been resolved and should subsequently laid to rest.

If the complainant feel that the matter has **not** been resolved following this process, the complaint will then be referred to Stage Two.

### **STAGE TWO: Complaint Heard by Headteacher**

The Headteacher will examine the complaint in the manner outlined above taking account of what has already been done in Stage One. The Headteacher may delegate the task of collating the information to another staff member but not the decision on the action to be taken.

A record of all communications relating to serious complaints will be kept.

A very serious complaint such as a personal injury should be reported directly to the Headteacher. If the complaint is against the Headteacher it should be reported directly to the Chair of Governors.

An investigation will take place as soon after the complaint as is practicably possible. The Headteacher will then make a decision regarding the case and will meet with the complainant to try to resolve the issue.

The result of the investigation will be communicated in writing to the complainant. The response will contain an outline of the complaint and the outcome of the investigation and any subsequent action. It will also inform the complainant that if they are not satisfied, they can make representation to the Chair of Governors within 10 working days of receiving the Headteacher's decision. If no further communication is received from the complainant within 10 working days, it should be assumed that the complaint has been resolved and should subsequently laid to rest.

### **STAGE THREE: Complaint Heard by Governing Body Complaints Appeal Panel**

Where, following the involvement of the Headteacher, the complainant is still not satisfied, or where the complaint involves the Headteacher, the complainant should write to the Chair of Governors within 10 working days of receiving the Headteacher's decision, care of the school, giving details of the complaint. The Chair, or Vice-Chair, will convene a Governing Body complaints panel none of whose members will have been directly involved in previous consideration of the complaint. One of the members of the panel must be independent of the management and running of the school.

The Governors' appeal hearing is the last school-based stage of the complaints process, and is not convened to merely rubber-stamp previous decisions.

If a written complaint is received by the Chair of Governors then:

- The complaint will be acknowledged within 5 working days informing the complainant that a panel of 3 Governors will sit within 20 working days to hear the complaint. The letter should also explain that the complainant has the right to submit further documents relevant to the complaint. These must be received at least 5 working days before the date of the hearing to allow adequate time for the documents to be circulated to the 3 representatives.

- The Clerk to the Governors should request that the Chair of Governors convenes a Governors' Complaints Appeal Panel that is elected from the members of the Governing Body. It may be necessary for the Governing Body to appoint reserves to this panel to ensure that 3 Governors are able to carry out their functions in the set time scales.
- The panel should consist of the Chair or Vice-Chair and two other Governors. The composition of the panel should as far as possible be sensitive to issues of race, gender and religious affiliations. No member of the panel should have any prior involvement in the complaint.
- The Chair/Vice Chair will ensure that the complaint is heard by the panel within 20 working days of receiving the letter. All relevant correspondence regarding the complaint should be distributed to each panel member 5 working days before the hearing.
- The Chair/Vice Chair will write and inform the complainant, Headteacher, any relevant witnesses, and members of the panel, at least 5 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.

It is the responsibility of the Chair of the Governors Complaints Appeals Panel to ensure that the meeting is properly minuted.

### **The Remit of the Complaints Appeal Panel**

The panel has the authority 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

There are several points that any Governor sitting on a complaints panel needs to remember:

- 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 will 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.
- 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.
- The panel will acknowledge that many complainants feel nervous and inhibited in a formal setting. Parents/carers often feel emotional when discussing an issue that affects their child, and may choose to be accompanied. The panel chair will ensure that the proceedings are as welcoming as possible. The layout of the room will set the tone and care will be taken to ensure the setting is informal and not adversarial.



- 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.

## **Roles and Responsibilities**

### **The Role of the Clerk**

The Governing Body Complaints Appeals Panel will be clerked. The Clerk will be the contact point for the complainant and be required to:

- 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
- Collate any written material and send it to the parties in advance of the hearing
- Meet and welcome the parties as they arrive at the hearing
- Record the proceedings
- Notify all parties of the panel's decision

### **The Role of the Chair of the Governing Body or the Nominated Governor**

The Nominated Governor role:

- Check that the correct procedure has been followed
- If a hearing is appropriate, notify the Clerk to arrange the panel

### **The Role of the Chair of the Panel**

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

- The remit of the panel is explained to the parties and each party has the opportunity of putting their case without undue interruption
- The issues are addressed
- Key findings of fact are made
- Parents/carers and others who may not be used to speaking at such a hearing are put at ease
- The hearing is conducted in an informal manner with each party treating the other with respect and courtesy
- The panel is open minded and acting independently
- 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
- Each side is given the opportunity to state their case and ask questions
- Written material is seen by all parties. If a new issue arises it would be useful to give all parties the opportunity to consider and comment on it

### **Notification of the Panel's Decision**

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 that 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.

### **Vexatious Complaints**

The complaints procedure will limit the number of complaints that become protracted. However, there may 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 is able to inform them in writing that the procedure has been exhausted and that the matter is now closed.

### **Recording Complaints**

The school will record the progress of the complaint and the final outcome. A formal complaint should be made in writing. A complaint form is included at Annex B.

The Complaints Co-ordinator is responsible for the records and will hold them centrally.

All correspondence, and statements and records of complaint must be kept confidential but must be shown to HMI or Ofsted when they inspect. Copies must also be made available to the Registration Authority on request.

### **Governing Body Review**

The Governing Body 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 Governing Body 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, the school may identify underlying issues that need to be addressed. The monitoring and review of complaints by the SLT and the Governing Body can be a useful tool in evaluating a school's performance.



## Lister Community School Complaints Procedure - Annex A

### Guidelines for parents, carers or other stakeholders considering making a complaint

*A copy of the full Complaints Procedure is available from the school on request or on the school website.*

We want to be clear about the difference between a **concern** and a **complaint**. We take informal concerns very seriously at the earliest stage and hope that this will help to resolve most issues so that they don't need to proceed to a formal complaint.

A 'concern' may be defined as 'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'. A complaint may be generally defined as 'an expression of dissatisfaction however made, about actions taken or a lack of action'.

The underlying principle is that concerns will be dealt with, if at all possible, without the need for formal procedures. The requirement to have a complaints procedure does not in any way undermine efforts to resolve the concern informally. In most cases the tutor group teacher, subject teacher or Head of House will receive the first approach. We will aim to resolve issues straight away, including offering an apology where necessary and appropriate.

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### Complaints about Lister Community School

#### The three stage process

These guidelines explain how to follow through a concern or complaint about something you feel has gone wrong in the school.

#### How to discuss a concern – Talk to the Teacher

As soon as you have a concern, make an appointment to talk to the class teacher or form tutor. Difficulties can often be sorted out very quickly in this way.

If you are unsure about who to contact and how, please ask at the school reception. Please do not try to see the teacher or tutor during the school's teaching day when they are taking or preparing lessons. We ask you to make an appointment by contacting the school by telephone, email, fax, post or in person.

To help prepare for your meeting please let the school know what your meeting is about when you book the appointment. You may also find it helpful to review the school's website for school policies or request copies of the policies on the issues you want to discuss – for example *Bullying; Behaviour, Curriculum* etc.



It is hoped you can reach an agreement that satisfies you and the school. If matters do not improve or you are still unhappy you will need to make a formal complaint in writing.

### **How to make a complaint**

#### **STAGE ONE – Write to the Complaints Co-ordinator (School Business Manager)**

To initiate the formal complaint procedure the complaint has to be sent, in writing, to the Complaints Co-ordinator. He/she will appoint a member of senior staff to investigate the complaint made. The school will respect the views of a complainant who indicates that he/she would have difficulty discussing a complaint with a particular member of staff. In these cases the Complaints Coordinator can refer the complainant to another staff member. Where the complaint concerns the Headteacher, the Complaints Co-ordinator will refer the complainant to the Chair of Governors.

A written acknowledgment of the complaint will be given within 5 working days of its receipt and will give a target date for providing a response which should normally be within 10 working days.

The Headteacher's Personal Assistant may arrange an appointment for you to meet with the person nominated to deal with the complaint, who will then investigate it.

The school will write to you as soon as practicable after that, setting out its response.

#### **STAGE TWO – Meet the Headteacher**

This can only happen if you have been through Stage One, we do, however, recognise that some complaints may go straight to the Headteacher because of the nature or seriousness of them.

The Headteacher's Personal Assistant will arrange an appointment for you to meet with the Headteacher or another senior member of staff, who will investigate the complaint.

The school will write to you within 5 working days of the meeting, setting out its response. It is hoped that the decision will satisfy you.

However if after this stage you still feel the matter is unresolved or you cannot accept what the school says, then you can go to Stage Three.

#### **STAGE THREE – Go to the Governors**

The complaint goes to the school's Governors. This can only happen if you have been through both Stage One and Stage Two. Within 10 working days of getting the head teacher's decision, you should write to the Chair of Governors, care of the school.

You will be notified in writing of the date, time and place of the meeting at least 5 working days in advance. The letter will also explain how the meeting will be conducted including the right to be accompanied to the meeting by a friend/advocate/interpreter.

A committee of Governors will review your complaint. Afterwards, they will write telling you their decision. This stage should take no more than 20 working days to complete.

A form is included below to ensure that you are able to specify the exact nature of your complaint and the school is able to deal with it effectively.

At each stage, the person investigating the complaint (the Complaints Coordinator), will make sure that those handling the concern or complaint:

- 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;
- Keep notes of the interview.

At each stage in the procedure we will aim to keep in mind the best way in which your complaint can be resolved. We might wish 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 in light of the complaint.

If we agree that the concern or complaint is without foundation then we will state this clearly with reasons.



**Lister Community School Complaints Procedure - Annex B**

<b>Lister Community School Complaints Form</b>	
Your Name <i>(please print)</i>	
Student's Name <i>(please print)</i>	
Your relationship to the above student	
Address <i>(please print)</i>	
Postcode	
Daytime telephone Number	
Mobile telephone Number	
Evening telephone Number	
Please give details of your complaint:	
What action, if any, have you already taken to resolve your complaint? Who did you speak to and what was their response?	



What actions do you feel might resolve the problem at this stage?			
Have you attached any additional paperwork as part of this complaint? <i>(please tick appropriate box)</i> If so, please provide details below	Yes		No

Signed	
Date	

**Please return completed form to:  
Private and Confidential, School Business Manager, Lister Community School, St Mary's Road, Plaistow, E13 9AE or email [complaints@lister.newham.sch.uk](mailto:complaints@lister.newham.sch.uk)**

For office use only	
Date received	
Date complaint logged	
Date acknowledgement sent	
By who	
Complaint referred to	
Date of referral	
Outcome	

## Lister Community School Complaints Procedure - Annex C

### COMPLAINTS NOT IN SCOPE OF THE PROCEDURE

The complaints procedure covers all complaints about any provision of facilities or services that our school provides with the exceptions listed below, for which there are separate (statutory) procedures.

Exceptions	Who to contact
<ul style="list-style-type: none"> <li>• Admissions to schools</li> <li>• Statutory assessments of Special Educational Needs (SEN)</li> <li>• School re-organisation proposals</li> <li>• Matters likely to require a Child Protection Investigation</li> </ul>	<p>Concerns should be raised direct with local authorities (LA).</p> <p>For school admissions, it will depend on who is the admission authority (either the school or the LA). Complaints about admission appeals for maintained schools are dealt with by the Local Government Ombudsman</p>
<ul style="list-style-type: none"> <li>• Exclusion of children from school</li> </ul>	<p>Further information about raising concerns about exclusion can be found at: <a href="http://www.gov.uk/schooldiscipline-exclusions/exclusions">www.gov.uk/schooldiscipline-exclusions/exclusions</a> .</p>
<ul style="list-style-type: none"> <li>• Whistleblowing</li> </ul>	<p>Schools have an internal whistleblowing procedure for their employees and voluntary staff. Other concerns can be raised direct with Ofsted by telephone on: 0300 123 3155, via email at: <a href="mailto:whistleblowing@ofsted.gov.uk">whistleblowing@ofsted.gov.uk</a> or by writing to: WBHL, Ofsted Piccadilly Gate Store Street Manchester M1 2WD. The Department for Education is also a prescribed body for whistleblowing in education.</p>
<ul style="list-style-type: none"> <li>• Staff grievances and disciplinary procedures</li> </ul>	<p>These matters will invoke the school's internal grievance procedures. Complainants will not be informed of the outcome of any investigation.</p>
<ul style="list-style-type: none"> <li>• Complaints about services provided by other providers who may use school premises or facilities</li> </ul>	<p>Providers should have their own complaints procedure to deal with complaints about service. They should be contacted direct.</p>

## Lister Community School Complaints Procedure - Annex D

### Publicising the Procedure

There is a legal requirement for the Complaints Procedure to be publicised. It is up to the Governing Body to decide how to fulfil this requirement but details of the Complaints Procedures could be included in:

- The school website
- The school prospectus
- Any report/communication from the Governors to parents
- The information given to new parents when their children join the school
- The information given to the children themselves
- The home-school agreement
- Home school bulletins or newsletters
- Documents supplied to community users including course information or letting agreements
- A specific complaints leaflet which includes a form on which a complaint can be made

## Lister Community School Complaints Procedure - Annex E

<b>Checklist for a Panel Hearing</b>
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The panel needs to take the following points into account:

- The hearing is as informal as possible
- Witnesses are only required to attend for the part of the hearing in which they give their evidence
- After introductions, the complainant is invited to explain their complaint, and be followed by their witnesses
- The Headteacher may question both the complainant and the witnesses after each has spoken
- The Headteacher is then invited to explain the school's actions and be followed by the school's witnesses
- The complainant may question both the Headteacher and the witnesses after each has spoken
- The panel may ask questions at any point
- The complainant is then invited to sum up their complaint
- The Headteacher is then invited to sum up the school's actions and response to the complaint
- Both parties leave together while the panel decides on the issues
- The Chair explains that both parties will hear from the panel within a set time scale