



Test Valley School

Complaints Policy and Procedures

Principles

The right to complain is considered to be very important at Test Valley School. Every complaint is a matter of concern to the school and will be investigated with due urgency and thoroughness. Whenever a complaint is upheld, every effort will be made to rectify the issue and, if necessary, action will be taken to try to prevent a reoccurrence of the problem. The school will not in general investigate anonymous complaints or allegations but confidentiality will be respected and the identity of informants will be protected whenever necessary. We will be forthright in dealing with vexatious, abusive, malicious and anonymous complaints.

It is hoped that all parents and others who have concerns about the school curriculum and other related matters will, in the first instance, contact the school, in order that any concerns may be discussed and resolved informally. The school complaint procedure is in line with Hampshire County Council policy.

There are many documents concerned with recent educational legislation that are available for parents to see, including Governors' minutes.

Public access to any of the above is allowed at all reasonable times. Please contact the school to make appropriate arrangements.

Complaints in relation to the curriculum and related matters are dealt with through the arrangements outlined in the School Prospectus.

Purpose

The purpose of our complaint procedure is to ensure that:

- The parent, student, staff or community member complaining has an easy, accessible, straightforward means of making representations to us, which offers prompt action and a speedy resolution.
- All complainants are confident that their complaint is being dealt with effectively and fairly, and with appropriate discretion and confidentiality, even if the outcome is not to their satisfaction.
- We use complaints positively and take subsequent action to maintain and improve service quality and responsiveness.

Practice

General

1. Complaints will be logged in a complaints book, dated, and subsequent action recorded. This will be kept in the School office and will be accessible to staff and Governors.
2. Even if the Headteacher is not required to take action, she must be informed of any serious matters immediately.



3. The Headteacher will make a decision about whether or not to inform the Chairman of Governors.
4. If the complaint is made in relation to a member of staff, then the Headteacher will discuss the matter with the member of staff or delegate to a line manager if appropriate.
5. If the complaint is connected with the practice of procedures then every opportunity will be taken to meet with the complainant at the earliest opportunity and discuss the issue directly. If a satisfactory solution cannot be found then it may be necessary to review the policy if said complaint is seen to warrant this. Any change in policy will obviously require Governing Body involvement at an appropriate time.
6. If policy change is not deemed appropriate the complainant will be informed and conciliation attempted.
7. In the absence of the Headteacher a Deputy may take action.

A Staged Approach for dealing with complaints

Preliminary Stage – an informal approach

- In the first instance we hope that parents and others who have concerns will contact an appropriate member of staff to discuss the issues informally. This may mean initial contact
- is made with the form tutor, Year Co-ordinator, Head of Department, Deputy Headteacher or Headteacher.
- All complaints may be made personally, by telephone or in writing.
- The member of staff will attempt to address the issue immediately if that is at all possible.
- A complainant will be kept informed of progress regarding their complaint and every attempt will be made to resolve the issue within 5 working days. A complainant can expect a telephone call or holding letter from the school regarding their complaint within 2 working days.
- If an in-depth investigation is necessary every attempt will be made to respond within 20 working days.
- Most concerns are dealt with informally to everyone's satisfaction. However, failing this, the next stages of the procedure may be used.

Stage 1 – Headteacher

- Complainants should write to the Headteacher, giving details of the concern and enclose any appropriate paperwork.
- A response from the Headteacher or designated senior member of staff will be made within 5 working days.
- If an in-depth investigation is necessary every attempt will be made to respond within 20 working days.
- If a complainant remains dissatisfied after the final response from the Headteacher then Stage 2 of the practice will be used.

Stage 2 – Chair of Governors

- The complainant should write to the Chair of Governors, outlining their complaint, explaining their reasons for pursuing it beyond the Headteacher's response and enclosing any relevant paperwork.
- Response times will be the same as those outlined previously.
- Discussions between the Chair of Governors and the Headteacher will aim to resolve the complaint and agree a way forward at this stage.



- If this does not happen the next step will require the Chair of Governors to make a decision about who is responsible for the issues involved in accordance with the Local Authority.
- For delegated responsibilities and matters within the remit of the governing body the Chair may look at the whole issue afresh and ask for any new information to be considered by the Headteacher.
- If the matter relates to the Headteacher's conduct the Chair of Governors will need to decide whether the matter should be dealt with through the complaints procedure or staff disciplinary procedure. Advice can be sought from the Local Authority Complaints Adviser or educational personnel services.
- For matters that are the Headteacher's responsibility, the Chair of Governors is only empowered to look at whether the Headteacher's decision or action was reasonable in the light of the information available at the time.
- In the rare circumstance that a parent is unhappy with the outcome, the Chair of Governors may offer a right of appeal to the Governing Body's Complaints Panel.

Stage 3 – Governing Body's Complaints Panel – Reconsideration of Review

- The Governing Body Complaints Group is appointed each year, from which a panel of three may be appointed.
- Parents who wish to appeal to the governors should request this in writing to the clerk to the Governing Body. Parents should describe the issues in detail and say why they are dissatisfied with the outcomes of the previous stages.
- A panel of 3 governors with no prior involvement will be convened to look at either reconsideration or review. (Parents should not, therefore, write to all governors individually as this may make it difficult to set up a panel who have had no prior involvement in the case.)

Reconsideration (considering afresh)

When the issues relate to delegated responsibilities, the panel can reconsider the matter, that is look at the matter afresh, with any new information that the Headteacher may not have been aware of at the time of the original response or action. In the light of additional information, the panel may decide to write and ask the Headteacher to give the matter further consideration.

Complaints about a governor will also be subject to a reconsideration of the issues.

Review

If the matter falls within the Headteacher's decision-making remit by virtue of his or her terms and conditions of employment, then the panel will only have the power to review the decision not to consider the matter afresh. It may look at whether the decision or action was unreasonable. An unreasonable decision might be one that is irrational: a decision that no reasonable Headteacher, properly aware of his or her duties and properly taking into account the facts of the case before him or her would make.

The panel will need to consider the facts as they were known to the Headteacher at the time and then consider whether the Headteacher:

- I. failed to take account of a relevant consideration ; and/or
- II. took into account an irrelevant consideration; and/or
- III. made a `perverse` decision in the light of the evidence available at the time.

If new evidence does come to light, the panel should refer it back to the Headteacher, who may consider amending the decision in the light of that new information.



In deciding whether the Headteacher's decision was perverse, the panel will need to judge whether the decision was one that, on the facts, was open to the Headteacher to make; that is, within a reasonable range of responses in the light of the evidence available.

The clerk should arrange and facilitate the meeting.

The panel will consist of three governors with no prior involvement in the matter and the Chair will be designated before the meeting. The meeting will be held in an informal atmosphere but should follow a formal agenda.

The clerk will inform the complainant in writing of the panel's decision, preferably within two school days following the meeting. The letter should include:

- a summary of the issues
- an outline of the main points of discussion
- the reasons for the decision
- proposed actions or outcomes

The panel's letter may suggest that the parents meet the Headteacher again to agree a way forward.

For issues related to the national curriculum or the provision of religious education, parents will be told that they can appeal further to the Local Authority.

For general complaints: this is the final stage of the school's complaints procedure. If a parent believes that the Headteacher's and governors' actions have been unreasonable or the correct process has not been adhered to, the only recourse is to Secretary of State. Complainants may seek advice from Local Authority Complaints Adviser at this point.

Stage 4 – Local Authority

The local authority offers a further right of appeal for parents who have exhausted the school's procedures, if the complaint is about:

- the national curriculum and related matters
- provision of collective worship and religious education

Secretary of State

If a parent wishes to pursue a complaint because they feel a school has acted unreasonably, they can write to the Secretary of State.

The Secretary of State will contact the governing body and the local authority for more detailed information. The Secretary of State has the power to direct the school to revise an action using the same criteria as applied by the governors.

Vexatious Complaints

In rare circumstances a complainant might, having exhausted the complaints procedure, persist with the complaint.



Complaints become vexatious when they are:

- repeatedly and obsessively pursued; or
- unreasonable or seeking unrealistic outcomes; or
- reasonable but pursued in an unreasonable manner.

Governors may need to decide whether all future contacts should be:

- directed to, and only be dealt with, a named individual
- restricted, for example, to letter only.

If a conclusion has been reached about a complaint but the complainant continues to pursue it, the school may consider writing:

- to reiterate that the matter is concluded and there will be no further correspondence
- to say that, if correspondence continues, it will be read and filed but will receive no acknowledgment
- to give a short response referring to previous documents that have already dealt with the matter.

Abusive Complaints

Verbal aggression can be as intimidating as physical aggression. All parties have a right to be treated courteously and with respect. If staff feel threatened, they should report their fears to the Headteacher who will consider:

- writing to the complainant requesting that the behaviour cease
- setting restrictions for further contact with staff
- reporting the incident to the police.

If a telephone caller becomes aggressive or offensive, the person taking the call should explain that they will end the call if the behaviour persists. If they need to hang up, they should record this action and any further incidents.

Repeated abusive or aggressive contacts can be considered as harassment and Headteachers will need to consider reporting them to police.

Anonymous Complaints

Generally, schools should not respond to anonymous complaints, nevertheless, the Headteacher or Chair of governors will need to consider whether:

- the issue and the fear of identification are genuine
- the issue is one of child protection.