

THE PEELE COMMUNITY COLLEGE

COMPLAINTS PROCEDURE POLICY – GUIDANCE FOR PARENTS

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1. INTRODUCTION

In this college all staff are dedicated to giving all students the best possible education and caring properly for their health, safety and welfare at all times. We are committed to working closely with parents and believe that the college and parents must work together in partnership, each carrying out their own particular responsibilities to help pupils gain the most from their time in college.

If you feel that something is not going quite as you would like it to, that we are doing something that you are unhappy with, or not doing something that you feel we should, PLEASE TELL US ABOUT IT.

- **The first step:**
Please arrange to discuss any concerns with your child's form tutor, or with the Head of Year concerned. We hope that most problems can be sorted out this way.
- **The second step:**
If, after speaking to your student's tutor, you do not feel that your complaint has been properly dealt with, or if your concern is about the conduct of a particular teacher, then you should discuss the matter with the Headteacher in the first instance.
- **The third step:**
Unless the complaint is about the conduct of the Headteacher, you should make a formal written complaint to the Headteacher. You should then receive a written response.
- **Taking matters further:**
If your complaint is about the conduct of the Headteacher or if you are dissatisfied with the Headteacher's response to your formal complaint letter then you need to contact the governors.

You should send written details of your complaint, with any correspondence and evidence to support your complaint, to the Clerk to the Governors at the college address. If, for some reason you do not feel able to do so, you should contact the Clerk, via the college, who will produce a typewritten statement for you to sign. The governors will investigate your complaint and write to advise you of the outcome.

- **The final stage:**

The decision of the governors is normally final; however if you are dissatisfied with the governors' response, you may be able to take your complaint to a final stage, to an external body.

LA Maintained Schools

For certain complaints about schools maintained by the Local Authority, parents can write to the Secretary of State for Education. You must do this in writing, either by post to:

School Complaints Team
Department for Education
Castle View House
East Lane
Runcorn,
WA7 2GJ

Or, by using the online college complaints form. This can be accessed at:

<http://www.education.gov.uk/b00212240/guidance-on-making-a-complaint-about-a-school/how-to-complain-to-the-department-about-a-school>

You should be aware that the Secretary of State for Education will usually only consider a complaint once a college's internal processes have been exhausted. For the Secretary of State to intervene in a matter, he would also need to be sure that:

- a. The college has acted or proposes to act unreasonably in the exercise or performance of its functions under certain legislation
- b. Or, the college has failed to carry out a duty at all under certain legislation.

Please note that, unless your complaint is about the governors' response or lack of response, your complaint will generally have to be considered first by the governing body of the college.

Time Limits:

You should make the college aware of your complaint as soon as possible after the matter or incident has occurred that you wish to complain about. Usually, we would expect you to do this within three months of the incident occurring and if you do not contact the college within that time, we will not usually consider your complaint.

If your complaint relates to a continuing act, then occurrences outside of the three month time limit will usually be considered alongside the more recent occurrence.

If you feel there are exceptional circumstances that have prevented you from meeting the time limit, you can provide an explanation of these circumstances along with your complaint so that governors can take them into account.

The final decision rests with governors as to whether your complaint will be considered when it is raised outside of the three month limit.

Unreasonable Complainant Behaviour:

Staff and governors are keen to ensure that all genuine complaints are dealt with fairly and promptly and in accordance with our agreed procedures. We would again emphasise that most matters can be resolved by discussing issues with our staff at the informal stages of our procedure.

Regrettably, there are times when parents raise issues with or about staff in ways which are unacceptable. This can cloud the concern at the heart of the complaint, which may result in the delay or hindrance of a resolution. It can also have an adverse effect on students, staff and the effective running of the college. Examples of behaviours that we consider to be unacceptable are as follows:

- Using abusive or threatening language and/or behaviour
- Making excessive demands on staff time and resources in pursuit of a complaint, whether in person, by phone, email or letter
- Harassing individual staff members in a way which appears intended to cause personal distress rather than seeking a resolution
- Refusing to cooperate with the complaints procedure as set out in this policy
- Persisting in repetitious complaints when these have been previously determined under the college's complaints procedure
- Changing the basis of the complaint as the consideration proceeds and/or making unjustified complaints about those trying to deal with the complaint

- Pursuing unreasonable outcomes which are disproportionate to the nature of the matters in hand
- Electronically recording meetings, telephone calls and conversations without the prior knowledge and consent of the other persons involved.

The college expects that any person wishing to raise a concern or complaint will:

- Follow the college's complaints procedure
- Treat all members of the college community with courtesy and respect
- Recognise the time constraints that staff operate under and allow them a reasonable amount of time in which to respond/address any issues.

Where a parent raises a complaint in a manner which the college feels is unreasonable, actions may be taken to remedy this. The actions will be proportionate to the nature of the behaviour and may include:

- An informal approach to inform the parent that the behaviour is unacceptable and needs to be modified
- A formal written communication advising the parent that the behaviour is unacceptable and appropriate action may be taken if the behaviour is not modified
- Setting limitations on the method and frequency of contact with staff/college personnel
- Refusing to register and process further complaints about the same or similar subject matter where the matter has already been determined, or where complaints are vexatious, or where complaints are personally harassing and deliberately targeted at one or more members of staff without good cause
- Setting limitations on the parent's access to the college site.

It should be noted that parents do not have an automatic right to enter college grounds and may be banned from entering the college site with immediate effect after an incident where behaviour has been verbally and/or physically aggressive.

Again, we would emphasise that the Headteacher and governing body are committed to ensuring a full and fair consideration of all legitimate complaints and we recognise that the majority of parents will conduct themselves in accordance with this policy. However, we reserve the right to take any necessary actions under this policy in those rare cases where a parent does not.

2. GOVERNORS COMPLAINTS PROCEDURE - refer also to the flow chart at the end of this section

- If a parent is not satisfied with the response from the Headteacher regarding their complaint or if their complaint is about the Headteacher, then he/she is entitled to take their complaint to the governing body.
- All complaints to the governing body must be in writing and should include full details of the complaint, enclosing any supporting evidence. This should be sent to the clerk to the governors, care of the college. The clerk will then ensure the complaints process is started as soon as practicable (a complainant can request that the clerk to the governors write down the complaint on their behalf where writing a letter is difficult).
- A minimum of three governors should be selected to form a complaints committee to investigate and consider the complaint. It is recommended that the Chair of Governors is not on this committee. Those governors chosen should ideally have no knowledge whatsoever of the details surrounding the complaint or of the complainant themselves.

- It is appreciated that this may not always be possible, particularly in some rural schools. However, the governing body should always try to find impartial governors whenever possible.
- Once the complaints committee has been formed, they must then decide how they wish to investigate the complaint.

Governors of LA maintained schools effectively have two options available.

- They can choose to deal with the complaint by means of an oral hearing or through written representations, but in making their decision they must be sensitive to any needs the complainant has. The LA advises maintained schools that, wherever possible and appropriate, it should be through written representations.
- If the governors of a maintained school choose to have an oral hearing, the parent will be invited to attend a meeting where they will be able to put their complaint personally to the governors. The Headteacher should also be present to respond to the complaint. Teachers should not attend. If their evidence is needed, it should either be obtained via the Headteacher, or where this is not appropriate, by a governor either before or after the meeting with the parent. The governors will only make a decision about the complaint once they have heard the parent's and the college's evidence.
- The structure of such a meeting should be flexible. However, it is anticipated it will follow a similar process to exclusion or admission appeals. The complaints committee should have familiarised themselves with the written complaint before the meeting opens and will have an opportunity to ask any questions, as will the Headteacher. The complaint should then be responded to by the Headteacher with questions from both parties being permitted. Each party can then be asked to summarise their position. Both parties will then leave to allow the governors to make their decision in private.
- Both the complainant and Headteacher are entitled to bring a representative with them if they wish. Although it would not normally be necessary, either party may bring a legal representative if they wish. Either party intending to bring a representative would be expected to contact the clerk to the governors before the hearing to notify them.
- If the governors do not wish to hold an oral hearing - that decision being at the discretion of the complaints committee - the investigation will proceed by way of written representations.
- Should the governors choose to adopt this procedure, the clerk to the governors will write to the complainant, outlining the procedure.
- The complaint will be forwarded to the Headteacher who will then have 7 working days in which to respond.
- That response will then, in turn, be sent to the complainant for comment, any responses to be provided within 7 working days.
- Finally, that response will go to the Headteacher who has 7 working days in which to respond to the clerk.
- A copy of the Headteacher's final response should be sent to the complainant with the advice that it is only for their information and that any further response from the parent will not be considered except in exceptional circumstances.
- All the responses are then put before the complaints committee for consideration.

- For the avoidance of doubt, all communication should be through the clerk to the governors, neither party should send their response to the other directly.
- Regardless of which method is adopted, the complaints committee must take a robust approach and not simply endorse the decision of the Headteacher without any consideration of the evidence.
- The complaints committee must have all the necessary evidence they feel is necessary for them to make their decision. If they are not satisfied and require further evidence from either party, they should adjourn and request that information. The complaints committee should only make their decision if they are satisfied they have sufficient evidence with which to make a final decision.
- The decision of the complaints committee should be given to the complainant in writing within 5 working days of the decision. Providing the procedures as laid down in the complaints policy are followed then there is no right of appeal following this decision.
- The decision letter should outline the nature of the complaint, the factors taken into consideration and the decision of the complaints committee. There is therefore no need for minutes to include any other information.
- Under the Data Protection Act, parents can request to have sight of all documents relating to their complaint, subject to restrictions as detailed in Section A06 of the Lincolnshire County Council handbook.

It is important that the complaint and the investigation papers are not attached to the student's file as they do not relate to the student. However, colleges may wish to keep a central register of complaints received.

FORMAL COMPLAINT TO GOVERNORS

This action should only be taken once the headteacher has responded in writing to a formal complaint OR if the complaint is about the headteacher.

