



Adopted	June 2016
Review Date	June 2017
LEA Suggested Review Cycle	Annually

MORTIMER COMMUNITY COLLEGE
Reading Road, South Shields, NE33 4UG
COMPLAINTS POLICY

Any complaint received via email will be responded to either by letter, discussion or telephone call. In the event of a telephone call, a letter, outlining actions agreed, will be sent within 3 working days.

Any communications which are rude or abusive will be responded to, in the first instance, with a letter requesting that the person, wishing to make the complaint, do so in a more appropriate manner.

The College does not respond to complaints which are submitted anonymously.

General Principles of Complaints

This policy document assumes complaints fall into two categories:

- Informal concerns
- Formal complaints

Initial Concerns

The underlying principle in dealing with informal concerns at the earliest stage is for the school to take them seriously, in an attempt to resolve the issues and avoid the necessity for formal proceedings.

Dealing with Complaints – Formal Procedures

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.

Rationale

The Complaints Policy aims to:

- Encourage resolution of problems by **informal** means wherever possible;
- Be easily **accessible** and **publicised**;
- Be **simple** to understand and use;
- Be **impartial**;
- Allow **swift** handling with established **time-limits** for action and keeping people informed of the progress
- Ensure a full and **fair** investigation by an independent person where necessary
- Respect people's desire for **confidentiality**
- Address all the points at issue and provide an **effective** response and **appropriate** redress, where necessary
- Provide **information** to the school's Senior Leadership Team so that services can be improved.

Type of Complaint

The **Head Teacher** is the first point of contact if the complaint is about:

- ❖ school policy
- ❖ an allegation made by a student/parent about a member of staff
- ❖ any issues raised by a member of staff about another

The **Raising Achievement Leader/Form Tutor** is the first point of contact if the complaint is about:

- ❖ a student made by a student
- ❖ a student made by a member of staff
- ❖ an individual student's general behaviour

The **Head of Faculty** is the first point of contact if the complaint is about:

- ❖ Teaching and Learning within a subject area

- ❖ conduct of students within a subject area

The **Chair of Governors** is the first point of contact if the complaint is about:

- ❖ the Head Teacher

DEALING WITH COMPLAINTS

Investigating Complaints

The person investigating the complaint will make sure 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 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.

Resolving Complaints

To resolve a complaint the College may offer one or more of the following:

- ❖ that the complaint is valid in whole or in part
- ❖ an apology
- ❖ an explanation
- ❖ an admission that the situation could have been handled differently or better; (such an admission is **not** an admission of negligence)
- ❖ 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 College policies in light of the complaint.

In all cases the College will attempt to identify areas of agreement between the parties and clarify any misunderstandings that might have occurred in an

attempt to create a positive atmosphere in which to discuss any outstanding issues.

Vexatious Complaints

In occasions when, despite all stages of the procedures having been followed, the complainant remains dissatisfied and tries to reopen the same issue, the Chair of Governors will inform them in writing that the procedure has been exhausted and that the matter is now closed.

The Formal Complaints Procedure

Stage One:

Complaint heard by the member of Staff (though not the subject of the complaint)

The member of Staff will try to deal with a complaint informally if they can and resolve it straight away. If they are unable to do this, they will inform the complainant of the outcome, or if more time is required for the investigation, within 8 working days.

The views of a complainant will be respected where he/she expresses a difficulty discussing a complaint with a particular member of Staff. In these cases the complainant will be referred to another member of Staff. Where the complaint concerns the Head Teacher the complainant will be referred to the Chair of Governors.

Similarly, if the member of Staff directly involved feels too compromised to deal with a complaint, the complainant may be referred to another member of Staff (not necessarily more senior);

Where the first approach is made to a Governor, he/she should refer the complainant to the appropriate person and advise them about the procedure. The Governor should not act unilaterally outside of the formal procedure or be involved in the early stages in case they are needed to sit on a panel at a later stage of the procedure.

If a complainant is not satisfied with the way the response to their complaint they may ask for it to be dealt with under Stage 2 of the procedure.

Stage Two : Complaint heard by Head Teacher

The Head Teacher may delegate the collation of the information to another Staff member, but not the decision on the action to be taken.

The complainant will be receive a full written response within 14 working days acknowledging their complaint has moved to Stage 2 and informing them of the results of the investigation, or if more time is required to investigate the complaint.

If a complainant is not satisfied with the way the response to their complaint they may ask for it to be dealt with under Stage 3 of the procedure.

Stage Three:

If, having spoken to the Head Teacher, the complainant remains dissatisfied with the outcome of their complaint, the complainant may refer their complaint with the chair of governors. The complainant should refer their complaint in writing within 10 school days of receipt of the Head Teacher's response, explaining the reasons why they remain dissatisfied and the steps that have lead up to taking this course of action.

The chair of governors will investigate the complaint and will respond to the complainant in writing within 20 school days outlining their investigation, findings and decision, and any action that has or will be taken. **If the Chair has decided not to take any further action** on the issue, the Chair will explain what he/she has decided, how the decision has been reached, and will outline the complainant's right of appeal.

Stage Four: Complaint heard by Governing Board's **Complaints Panel**

If the complainant remains dissatisfied following the Chair's investigation, they may appeal to the Complaints Committee of the governing body.

The Complaints Committee

The Complaints Committee will be made up of members of the governing body. No member of the governing body can sit on the Committee if they have had any former knowledge or involvement in the case that is being dealt with at that time.

The Committee will give careful consideration to how the complainant can be made to feel most comfortable presenting to the Committee, especially in the case of a young child having to present or explain information.

The complainant must lodge an appeal in writing, within 10 school days following receipt of the Chair's response, explaining their concern and the steps that have led up to them taking this course of action, including the reasons why they disagree with the Stage 1/Stage 2 findings.

A meeting of the Complaints Committee should be convened within 25 school days following receipt of complainant's letter of appeal.

The Clerk should make all such information available to the committee, complainant and headteacher at least 5 school days before the date of the hearing.

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

Individual complaints would not be heard by the whole Governing Body at any stage, as this could compromise the impartiality of any panel set up for a disciplinary hearing against a member of staff following a serious complaint.

The Governing Body may nominate a number of members with delegated powers to hear complaints. Its terms of reference are:

- ❖ to draw up its procedures
- ❖ hear individual appeals

- ❖ make recommendations on Policy as a result of complaints

The panel will be drawn from the Governing Body and may consist of three or five people.

The panel may choose its own Chair.

Remit of the Complaints Panel

The panel can:

- ❖ dismiss the complaint in whole or in part
- ❖ uphold the complaint in whole or in part
- ❖ decide upon the appropriate action to be taken to resolve the complaint
- ❖ recommend changes to the College's systems or procedures to ensure that problems of a similar nature do not recur

Guidance for Governors:

- a) It is important that the Appeal Panel 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. The panel should contain a cross-section of the categories of Governor and be sensitive to the issues of race, gender and religious affiliation.
- b) The Hearing should be held in private and its aim is always to resolve the complaint and to achieve conciliation between the College and the complainant. Where this does not happen, it may only be possible to establish the facts and make recommendations which will satisfy the complainant that their complaint has been taken seriously.
- c) Acknowledge that complainants may feel nervous, emotional and inhibited in a formal setting. The panel Chair will set the tone and try to

make the proceedings and setting as welcoming and informal as possible.

- d) When the complainant is a child, extra careful consideration of the atmosphere and proceedings must be taken to ensure that they do not feel intimidated.

The Role of the Clerk

The complaint panel should be clerked and it would be their responsibility to:

- ❖ be the contact point for the complainant
- ❖ set the date, time and venue of the Hearing, ensuring that the venue is accessible and the dates are convenient to all parties
- ❖ collate any written material and send it to the parties in advance of the meeting
- ❖ 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

- ❖ 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

To ensure that:

- ❖ The remit of the panel is explained to the parties and each party has the opportunity to put their case without undue interruption
- ❖ The issues are addressed
- ❖ Key findings of fact are made
- ❖ Complainants are put at ease
- ❖ The Hearing is conducted in an informal manner with each party treating the other with courtesy and respect
- ❖ 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
- ❖ Time is given for consideration and comment on any new issue that might arise
- ❖ The complainant is notified of the panel's decision, in writing, with the panel's response within **21** working days. Also, if there are further right to appeal and, if so, to whom they need to be addressed.