



**COUNTESTHORPE LEYSLAND
COMMUNITY COLLEGE**

**COMPLAINTS POLICY INCLUDING PERSISTENT
COMPLAINTS AND HARASSMENT**

2018 - 2019

*Policy Reviewed and Adopted by the Governing Board on:
Signed (Chair of Governors):
Date of Next Review:
Responsible Officer:*

Aims of the policy

- To uphold the standards of courtesy and reasonableness that should characterise all communication between Countesthorpe Leysland Community College (CLCC) and persons who wish to express a concern or pursue a complaint.
- To support the well-being of students, staff and everyone else who has a legitimate interest in the work of CLCC, including governors and parents.
- To deal fairly, honestly and properly with persistent complainants and those who harass members of staff in school while ensuring that other stakeholders suffer no detriment.

Part 1: General Principles of complaints

Dealing with Complaints – initial concerns

It is CLCC's aim to be clear about the difference between a concern and a complaint. By taking an informal concern seriously at the earliest stage we aim to reduce the numbers that develop into formal complaints.

CLCC feels that these key messages deal with complaints but the underlying principle is that concerns ought to be handled, if at all possible, without the need for formal procedures. The requirement to have a complaints procedure need not in any way undermine effort to resolve the concern informally. In most cases the class teacher or the pastoral manager, will receive the first approach. We find it helpful if staff are able to resolve any issues on the spot, including apologising where necessary.

Dealing with Complaints – Formal procedures

The formal procedures will need to be invoked when initial attempts to resolve an issue are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further. All formal complaints must be made in writing to the appropriate person.

CLCC will nominate a member of staff to have responsibility for the operation and management of the school complaints procedure, who will appoint an investigating officer.

Framework of Principles

CLCC feels that an effective complaints procedure will:

- Encourage resolution of problems by **informal** means wherever possible;
- Be easily **accessible** and **publicised**;
- Be **simple** to understand and use;
- Be **impartial**;
- Be **non-adversarial**;
- 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 College's senior management team so that services can be improved.

Investigating Complaints

It is the College's responsibility to ensure 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 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

At each stage in the procedure CLCC aims to keep in mind ways in which a complaint can be resolved such as:

- 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 CLCC policies, in light of the complaint.

It would be useful to the College if complainants could suggest or be encouraged to state what actions they feel might resolve the problem at any stage. It should be noted that an admission that the College could have handled the situation better is not the same as an admission of negligence.

The College promotes and identifies areas of agreement between the parties. It is also of equal importance to clarify any misunderstandings that might have occurred as this can create a positive atmosphere in which to discuss any outstanding issues.

Vexatious Complaints

If properly followed, a good complaints procedure will limit the number of complaints that become protracted. However, there will 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.

Further information can be found in Annex F regarding the definition of a persistent complainant.

GDPR and DPA Complaints

All Staff must be aware of the complaints process. All complaints should be directed to the Data Protection Officer. If any member of staff is aware that a person wishes to complain they should direct the person to the school website and complaints policy and form.

Data Protection Officer is responsible for dealing with all complaints in line with this procedure.

The school complaints policy sets out the complaints process. This will be the basis for dealing with Data Protection Complaints and appeals. A written outcome will be provided.

If the school does not comply with a Subject Access Request within 1 month (subject to any extension), or refuses all or part of the request, written reasons will be provided, setting out the principles for the refusal. The data subject(s) will be notified of the right to complain directly to the Information Commissioner, whose details will be in the response.

Human Rights

In implementing this policy, the College will seek to ensure that its actions are in accordance with its obligations under the Human Rights Act 1998, and the Convention Rights embodied within it, in order to protect the Human Rights of both persistent complainants and all other stakeholders.

Time-Limits

Complaints need to be considered, and resolved, as quickly and efficiently as possible. An effective complaints procedure will have realistic time limits for each action within each stage. However, where

further investigations are necessary, new time limits can be set and the complainant sent details of the new deadline and an explanation for the delay.

Part 2: The Formal Complaints Procedure

The Stages of Complaints

CLCC aims to resolve issues using the following stages. A flow chart can be found in Annex D. At each stage we intend to clarify exactly who will be involved, what will happen, and how long it will take. There may, on occasion, be the need for some flexibility; for example, the possibility of further meetings between the complainant and the member of staff directly involved and further investigations may be required by the Principal after a meeting with the complainant.

The three stages are:

- Stage 1: complaint heard by a staff member or investigating officer (though not the subject of the complaint);
- Stage 2: complaint heard by Principal;
- Stage 3: complaint heard by Governing Board's complaints appeal panel.

Please note it may be necessary to go straight to stage 2.

If a concern relates directly to the conduct of the Principal or another member of the Governing Board, contact can be made directly to the clerk on clerk@clcc.college

Further detail of the stages of the College's complaints procedure can be found in Annex B.

If the complainant is dissatisfied with the outcome after stage 3 has been completed they can contact the DfE, ESFA or Ofsted – see their policies on complaints for further details.

Part 3 – Managing and Recording Complaints

Recording Complaints

CLCC will ensure that all complaints and outcomes are logged on a central record. A complaint may be made in person, by telephone, or in writing. An example of a complaint form can be found in Annex E. At the end of a meeting or telephone call, the school staff handling the complaint will ensure that the complainant, and the College have the same understanding of what was discussed and agreed. A brief note of meetings and telephone calls must be kept and a copy of any written response added to the record/log.

Governing Board Review

The Governing Board 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. The 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, CLCC will try to identify underlying issues that need to be addressed. The monitoring and review of complaints by CLCC and the Governing Board will also, where appropriate, be a useful tool in evaluating the College's performance.

Publicising the Procedure

There is a legal requirement for the Complaints Procedure to be publicised. CLCC will ensure that it is available on the College's website and in the staff handbook.

For further information you can request the following guidance:

Annex A: Section 29 of the Education Act 2002

Annex B: Academy complaints procedure explanation of stages

Annex C: Checklist for Panel Hearing

Annex D: Flow Chart – Summary of dealing with complaints

Annex E: Complaint Form

Annex F: Explanation of persistent complainant and examples of model letters