

COMPLAINTS POLICY

DEFINITION:

A complaint is any expression of dissatisfaction about the school and any community facilities or services that the school provides.

PRINCIPLES OF PROCEDURE:

- **Informal resolution** – If possible, complaints will be resolved through informal discussion and negotiation.
- **The procedure will be easy to understand and to use** – the language will be simple and can be made available in different languages and formats where necessary.
- **Publicity and accessibility** – The procedure will be well publicised and easily accessible to all via:
 - School Newsletter
 - Information in the School Prospectus
 - On the school website at: (www.meadowbankschool.co.nz)
 - Information at parents' days, and at other appropriate school events
- **Impartiality and confidentiality** – all complaints will be dealt with impartially and subject to the need to investigate the matter fully, in confidence.
- **Time limits** – complaints will be dealt with within clear time limits and everyone will be kept fully informed.
- **Support** – complainants will be encouraged to be supported by a friend or adviser.
- **Full and fair investigation** –
 - the complaint will be fully investigated;
 - if necessary and at the discretion of the Chairperson of the Board of Trustees independent persons maybe appointed by the Chairperson to conduct the investigation;
 - the principles of fairness and impartiality will be fully observed at all times.
 - If the complaint is justified appropriate redress will be offered.
- **Addressing any problems** – any issues identified through the investigation of the complaint as requiring action will be addressed.
- **Support for staff** – staff will be given the same level of support as the complainant.
- **Anonymous complaints** – Will be investigated but only insofar as it is possible and practicable.
- **Vexatious complaints** – will be assessed to decide whether any new issues have been raised. If so then these will be investigated in accordance with the Complaints Procedure.
- **Training** – all staff will be briefed in handling complaints to seek to ensure that a consistent approach is taken to all complaints received.
- **Persistent complainants** – complaints will be thoroughly investigated but will not be re-opened unless relevant new issues are brought forward.
- **Monitoring** – the Head teacher will keep records of all complaints and will report to the Governing Body on a regular basis. This will be for monitoring purposes only and will present an overview of the types of complaints and data in terms of numbers etc. No details should be given in respect of names or other identifying features.
- **Review:** This Policy shall be reviewed by the Governing Body every three years.

HANDLING COMPLAINTS:

- Complaints are an everyday fact of life and every organisation needs to have procedures for handling them. Schools are no different but trustees probably find dealing with complaints relating to the school, the most difficult to deal with.
- Trustees may feel that they are caught between their loyalty to the school and the expectations of the complainant to have their complaint dealt with fairly.
- The notes in this section are intended to guide Trustees faced with having to deal with a complaint.
- **Tensions** are likely to occur because:
 - On the one hand complainants may see Trustees as having the authority to directly resolve their complaint whereas the reality is that Trustees must work within the adopted Complaints Policy of the school and remain entirely independent;
 - On the other hand, complainants generally have an expectation that Trustees are there to help them.
- It is important therefore that Trustees fully acquaint themselves with the adopted Complaints Policy of the school and abide by that policy. This does not mean that a Trustee cannot listen to a complaint if approached by a complainant (although this may preclude the Trustee from being involved formally at any later stage in the complaints process). If approached by a complainant with a complaint it is important to:
 - Recognise that for the person concerned the issue is of serious concern (even if it appears trivial);
 - LISTEN but avoid commenting on the pros or cons of the complaint;
 - Point out that as an individual Trustee you have no power to act;
 - Check whether the complainant has raised their complaint with the school;
 - If not, advise them to do so and refer them to the school's complaints procedure which should be on the school's website;
 - Consider whether it is appropriate to draw the matter to the attention of the Principal 'for information' in a totally non-judgmental way, making it clear that this does not indicate siding with the complainant.
- Sometimes the concern/complaint will have implications for school policy or procedures.
 - If so**, these should normally be picked up during the investigation of the complaint,
 - if not**, it may be appropriate to raise the general issue at a governing body meeting.

However, this should not be done until the complaint has been dealt with fully. To do otherwise may seriously prejudice dealing with the complaint in accordance with the complaints procedure and any action that might flow from the investigation of the complaint e.g. staff disciplinary matters

HOW TO LISTEN TO COMPLAINTS

A natural reaction when listening to a complainant is to be defensive, but this is usually counter productive. When you realise that you are listening to a complaint, try to remember the following:

Say who you are	If you are unknown to the person, introduce yourself.
Ask for their name and use it	Anonymous complaints are acceptable only where there are special circumstances.
Be courteous and patient	Be sympathetic and helpful, but do not blame other colleagues.
Stay cool and calm	Do not argue - be polite and try to find out exactly what the person thinks is going wrong, or has gone wrong.
Don't 'pass the buck'	Do not to keep transferring the complainant from one place to another. Make sure you know the contact person for anything you cannot deal with yourself. If necessary offer to make enquiries and arrange for the correct person to contact the complainant.
Treat every complaint individually	Even if you have already received several similar complaints the same day, it is probably the complainant's first chance to have their say.

Treat all complaints seriously	However small or trivial it may seem to you, the complaint will be an important problem for anyone who takes the trouble to complain.
Take time to find out exactly what the problem is	It is easy for someone to forget to tell you an important detail, particularly if they are upset or annoyed.
Don't take the complaint personally	To an angry or upset person, YOU are the school, and the only one they can put their feelings to right now.
Don't rush	Take your time. Let people have their say, and let off steam if they need to. Listen carefully and sympathetically to their problems before replying and attempting to find a solution or offer a next step.
Check you are being understood	Make sure that the person understands what you are saying. Do not use jargon - it can cause confusion and annoyance to someone 'not in the know' or for whom English is a second language.
Check that you have understood the complaint	It is important to ensure that you have understood the complaint. Check with the complainant that you have understood them correctly and confirm any points that might be unclear or confused.
Write down what you have been told	To avoid any possible misunderstanding it is useful to write down what you have been told and if necessary provide a copy of your note to the complainant and ask them to confirm that it is accurate.
Do offer the School's Complaints Procedure to the complainant	Trying to deal with a complaint and not making them aware of the complaints procedure can cause confusion and make matters worse and result in "old ground" having to be covered twice.
Consider any Learning Outcomes	Complaints may inform better practice/service and this should be viewed as a positive outcome of managing complaints.

PROCEDURE

Informal Stage

- Anyone with a concern about any aspect of the school is encouraged to raise their concern, either personally or through someone else, with their child's class teacher, a senior member of staff or with the Principal. Everything possible should be done at this stage to resolve the matter.
- If the concern cannot be resolved by informal means then the person expressing the concern will be told of the option of pursuing a formal complaint and be provided with a copy of this procedure.

Formal Complaint - Stage One

Investigation by a designated member of staff/Principal

- Formal complaints must be detailed in writing (a complaints form is attached for this purpose). To ensure that the complaint is properly investigated it must be as clear as possible. If necessary clarification will be sought from the complainant about any aspect of the complaint which is unclear;
- If a complainant requires help to put their complaint in writing then they will be offered the opportunity to meet with the designated member of staff/Principal who will make a written note of the complaint and agree it with the complainant;
- The designated member of staff/Principal will send an acknowledgement within 5 working days of receiving the written complaint and will confirm:
 - details of the complaint to be investigated;
 - who will be investigating the complaint;

- that a substantive response will be given within 20 working days of receipt. If this timescale cannot be met an explanation will be given with a revised timescale;
- The complaint will be recorded including date;
- The designated member of staff/Principal will investigate the complaint in accordance with the principles of the Complaints Policy;
- The designated member of staff/Principal will write to the complainant within 20 days of receipt of the complaint (or by date given in the acknowledgement letter) and advise him/her of the outcome of the investigations in writing.
- If the complaint is upheld the complainant will be informed accordingly and given an indication of the steps that will be taken to put matters right. The school will seek legal guidance before making any admissions which may lead to a legal claim. If, on the basis of the information available, it is not possible to arrive at a definitive decision on the complaint, the complainant will be informed accordingly with the reasons why;
- The complainant will also be informed that if they are dissatisfied with the outcome of the investigation then they have the right to appeal against the outcome to the Board of Trustees Chair, and how to do it.

Formal Complaint – Stage Two

The Chairperson of the Board of Trustees

- Requests for a stage two investigation must be in writing and addressed to the Chair of the Board of Trustees;
- The Chair will send an acknowledgement within 5 working days of receiving the request and tell the complainant that a substantive response to the complaint will be given within 20 working days of receipt. If this timescale cannot be met an explanation will be given with a revised timescale;
- The request will be recorded including date;
- The Chair will investigate the complaint in accordance with the principles of the Complaints Policy;
- The Chair will write to the complainant within 20 days of receipt of the complaint (or by date given in the acknowledgement letter) and advise him/her of the outcome of the investigations in writing.
- If the complaint is upheld the complainant will be informed accordingly and given an indication of the steps that will be taken to put matters right. The Chair will seek legal guidance before making any admissions which may lead to a legal claim. If, on the basis of the information available, it is not possible to arrive at a definitive decision on the complaint the complainant will be informed accordingly with the reasons why;
- The complainant will also be informed that if they are dissatisfied with the outcome of the investigation then they have the right to appeal against the outcome to the Complaints Appeals Panel and how to do it.

Formal Complaint – Stage Three

Complaints Appeals Committee Hearing

- Requests for a stage three hearing must be in writing and addressed to the Chair of the Board of Trustees; the Chair will acknowledge the request within 5 working days of receiving it.
- The Chair will ask the investigator at Stage 1 to attend the hearing to present the school's case.
- If written submissions are to be made by the Principal they should be submitted to the Chair at least 10 working days before the hearing to enable copies to be provided to the committee, the complainant and any other relevant parties.
- At least 7 working days prior to the meeting the Chair will:
 - notify all parties of the date, time and place of the hearing;
 - provide all parties with a copy of any written representations submitted;
 - provide all parties with details of the format of the hearing;
 - ask the parties whether they have any particular needs for the meeting e.g. induction loop, translator etc;
 - confirm who will be in attendance at the hearing or whether they wish to rely upon written submissions.
- Within 5 working days following the hearing the Chair shall: inform all the parties concerned in writing of the decision(s) of the Panel; the complainant will also be informed that if he/she remains dissatisfied then they may write to the Ministry of Education

THE COMPLAINTS APPEALS COMMITTEE

General Procedure

- At the first meeting of the school year the Meadowbank School Board of Trustees will establish a Panel whose role it is to determine appeals against stage 2 decisions on formal complaints made under the school's complaints procedure.
- The Panel will only hear those complaints which have reached stage 3 of the procedure. i.e. after the complaint has already been investigated by the Principal/Chairperson of the Board of Trustees.

Constitution

- Whilst it is for the Board of Trustees to determine the constitution of the Panel it is strongly recommended that this should be any three Trustees, excluding staff Trustees, the Chairperson and the Principal. and associate members, as to be available at the time of the appeal.
- Because of the need to provide confidence in the impartiality of the Panel, Staff Trustees should not be appointed to the Panel. Equally those Trustees that heard dealt with or investigated the original complaint.

Terms of Reference

The Panel are to consider appeals in respect of complaints made pursuant to the school's complaints procedure including full delegated authority to:

- dismiss the appeal in whole or in part;
- uphold the appeal 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.

Delegation

The Panel should be given full delegated authority to act. These Trustees must not be Staff Governors. In the case of a conflict of interest the Panel member can step down and another Trustee can be asked to act on the appeal providing they have no prior knowledge of the case.

Exceptions to the Procedure

- This procedure does not cover those areas of school life for which other procedures exist including:
 - Staff grievance and capability procedures
 - Staff disciplinary procedures
 - Child protection investigations
- Complaints involving the following areas the school is recommended to seek Legal Advice.
 - Human Rights
 - Race Relations
 - Sex Discrimination
 - Disability Discrimination
 - Age Discrimination