

Complaints Procedure

Document produced by: Mrs Katherine Davis Wills

Date produced: May 2013

Adopted by Governing Body: 24th March 2015

To be reviewed: March 2018



Index Pages

1.	Introduction	Page 3
2.	Phase One: Dealing with Informal Concerns	Page 3
3.	Phase Two: Making a Formal Complaint	Page 4
4.	Phase Three: Consideration by the Governing Body	Page 5
5.	Confidentiality	Page 9
6.	Monitoring and Reporting	Page 9
7.	Final Complaint Outside of Devon Studio School	Page 10
	Informal Concern Guidance	Page 11
	Phase One: Concerns Record	Page 12
	Phase Two: Formal Concerns Record	Page 13



1. Introduction

- 1.1.** Devon Studio School is keen to offer the best possible service to all students, parents, employers, visitors and members of the community. We encourage open discussion and feedback but if any member of the Studio School community has a concern or complaint, then we will adopt a restorative approach to resolve the issue.

2. Phase One: Dealing with Informal Concerns

- 2.1.** It is recognised that many concerns and issues will be raised informally and, hopefully, promptly and can be reported to pastoral or learning coaches who may be able to resolve the issues immediately. If this is not possible, however, the member of staff will assist the person who expresses a concern (the complainant) to register the concern.

- 2.2.** The School's aim is to resolve informal issues and concerns quickly and effectively, with the aim of reaching a satisfactory solution for all involved. If this cannot be achieved at this first level, the complainant has the right to take the concern to the next level and discuss the issue with a Head of Year. If resolution is still not achieved, the matter will be investigated by the Deputy Principal. Informal discussions can usually result in a satisfactory outcome and we always aim to deal with concerns within a one week turnaround. However, if the concern can't be resolved informally, it may need to be escalated to a formal level.

- 2.3.** It should be understood that these Complaints Procedures are not competent to deal with issues that should be resolved within the framework of Grievance of Disciplinary Procedures.

2.4. Lodging a Complaint

- 2.4.1.** If an individual remains dissatisfied after exhausting Phase One, a complaints form should be completed. This is available on the School website or on request from the Principal. Once completed, this form should be submitted to the Principal.

Note: If the formal complaint is against the Principal, the form may be submitted to the Clerk of the Governing Body and the Phase Three procedure invoked immediately.



3. Phase Two: Making a Formal Complaint

3.1. To pursue the concern further, a formal complaint form needs to be completed.

Definition: The School has defined a formal complaint as “any expression of dissatisfaction that requires a response, which has not yet been satisfactorily resolved.” This definition will apply consistently across all curriculum and functional areas.

Note: Complaints concerning assessment and accreditations are dealt with through appeals procedures set up with Awarding/Validating Bodies. Complaints from contractors will be dealt with as appropriate under the relevant contract terms.

3.1.1. The Principal should acknowledge your complaint in writing, within 5 days of receipt. In some cases the Principal will have already been involved in looking at the matter; in others it will be her first involvement.

3.1.2. The complainant may select a person of their choice to complain on their behalf (e.g. a friend, parent or guardian) and they may bring along a friend to any discussion. Complainants are advised to retain their own records, copies of their complaint forms and any documents which they feel substantiate their complaint.

3.1.3. The Principal may arrange a meeting to discuss your complaint further and gather any additional information. The complainant may bring a friend to this discussion.

3.1.4. If the complaint is against a member of staff the Principal should ask the Deputy Principal if there is a prima facie case for the disciplinary investigation and, if there is, this should take place and the complaints process be suspended. If not, the Principal should talk to the staff member against whom the complaint has been made.

3.1.5. If necessary, the Principal should interview witnesses and take statements from those involved.

3.1.6. The Principal should keep reasonable written records of meetings, telephone conversations and other documentation.



- 3.1.7.** Once the relevant facts have been established, the Principal will produce a written response to you. The Principal may wish to meet with you to discuss/resolve the matter before confirming the outcome in writing.
- 3.1.8.** The written response should include a full explanation of the decision and the reasons for it. Where appropriate, it should include what action the school will take to resolve the complaint.
- 3.1.9.** You should also be advised that if you are not satisfied with the response and wish to take the matter further, you can do so, by writing to the Clerk of the Governing Body within three weeks of receiving the outcome letter (Phase Three).
- 3.1.10.** Phase Two should be completed in ten school days. However, it is recognised that this timetable is likely to prove impossible for complaints which are complex. In such cases, the Principal should write to you giving a revised target date.
- 3.1.11.** Schools will not pay financial compensation as a response to complaints, though may spend money on a relevant educational purpose (e.g. paying a fee for a repeat examination).

3.2. Complaints against the Principal:

- 3.2.1.** If the complaint is wholly or mainly about the Principal, the Governing Body should consider the complaint in accordance with Phase Three or the procedure described below. However, before Phase Three is instigated, the Chair of the governing Body will invite the Principal to respond to the complaint in writing within ten school days. The Chair will send a copy of the Principal's response to the complainant and s/he will be asked to indicate within five school days of receipt of the response whether s/he is satisfied with the response. If the complainant is not satisfied with the response, Phase Three should commence as described below.



4. Phase Three: Consideration by the Governing Body

4.1. If the complainant decides to take the matter further, s/he should write to the Clerk of the Governing Body enclosing a copy of the formal complaint form and the Principal's response, and specifying what further action or outcome is desired. The Clerk will acknowledge receipt of the complaint in writing within two school days of receipt of the complaint. A copy of the acknowledgement and the complaints form should be sent to the Principal.

4.2. Investigating the complaint;

4.2.1. If the complaint has been investigated at Phase Two, the result of the investigation must be made available to the Clerk/Chair by the Principal. However:

Where the complaint is against the Principal, the Clerk of the Governing Body must decide, in consultation with the Chair of the Governing Body (see 4.5. below) whether and how the complaint should be investigated. If the outcome desired is within the power of the Governing Body to procure, having regards to the authority of the Principal. If it is not, the Clerk shall so inform the complainant, with an explanation of what further avenues of appeal are open by statute.

If the Clerk is of the view that the outcome desired is within the power of the Governing Body to procure, if it deems fit to do so, he will so inform the Chair of the Governing Body and the Principal and convene a hearing before an Appeals Panel.

All Governors are eligible to serve on the panel except governors in the employ of the Studio School, and any governor who has a personal interest or previous involvement in the matter. One member of the Panel shall be unconnected with the School. The composition of the Panel and its Chair will be determined by the Chair of the Governing Body.

4.2.2. Where the complaint is other than against the Principal, the Clerk, in consultation with the Principal and Chair of the governing Body, must decide if the desired outcome is within the power of the Governing Body to procure, having regard to the authority of the Principal.

If the Clerk is of the view that the outcome desired is within the power of the Governing Body to procure, if it deems fit to do so, he will so inform the Chair of the Governing Body and convene a hearing before an Appeals Panel. All Governors are eligible to serve on the panel except governors in the employ of



the Studio School, and any governor who has a personal interest or previous involvement in the matter. One member of the Panel shall be unconnected with the School. The composition of the Panel and its Chair will be determined by the Chair of the Governing Body. The Panel will comprise three members.

- 4.3.** The Panel will not normally take upon themselves the role of substituting their judgment for those of the Principal on any matter which is clearly with the Principal's role to determine.
- 4.4.** The role of the appeals panel therefore should be to satisfy itself that the person making the decision:
- Informed themselves correctly about the rules which governed their decision
 - Called to his own attention all those matters they were bound to consider
 - Excluded from his or her own attention any matter that was irrelevant
 - Made a decision on the competent facts that was within the compass of decisions that a properly informed authority might take (i.e. was not wholly unreasonable or perverse)
 - And that there are no allegation of evidence of malice or any other breach of the rules of natural justice.

Only if, at the first hearing, there is a doubt about any of the above, then the original decision should be set aside and a fully "de novo" hearing take place, after which the same judgement as the original judgement or a different judgement be handed down.

If they decide to set up a hearing, the Committee should follow the procedure set out in paragraph 4.5 to 4.19 below.

- 4.5.** The Clerk to the Governing Body shall Clerk the Panel.
- 4.6.** The Clerk will write to the complainant to explain how the review will be conducted. The letter should be copied to the Principal.
- 4.7.** The Clerk will inform members of the Panel of the date of the meeting. The complainant and Principal should be invited to attend the meeting. The date and time of the meeting should be convenient to the complainant and the Principal, within reason. The notification should inform the complainant of his/her right to be accompanied to the meeting by a friend/representative. It should also explain how the meeting will be conducted and of the complainant's right to submit further written evidence to the Panel.
- 4.8.** The Principal should also be invited to prepare a written report for the Panel in response to the complaint.



- 4.9.** If the Principal and/or the complainant wish to call witnesses, the agreement of the Chair of the Panel should be obtained in advance of the meeting.
- 4.10.** It is the responsibility of the Chair to ensure that the meeting is properly conducted. However, the proceedings should be as informal as possible.
- 4.11.** The aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant. At the end of the meeting the Panel will decide what action to take or recommend.
- 4.12.** If either party wishes to introduce previously undisclosed evidence or witnesses, it is in the interest of natural justice to adjourn the meeting so that the other side has time to respond to the new evidence. Late evidence of witnesses should not be accepted unless there is a good reason for the lateness.
- 4.13.** The meeting should allow for:
- The complainant to explain his or her complaint and the Principal to explain the reasons for his or her decision;
 - The Principal to question the complainant about the complaint and the complainant to question the Principal;
 - Panel members to have an opportunity to question both the complainant and the Principal;
 - Any party to have the right to bring witnesses (subject to approval of the Chair) and all parties having the right to question all the witnesses;
 - Final statement by the Principal and the complainant.
- 4.14.** The Chair of the Panel should explain to the complainant and the Principal that the Panel will consider its decision and a written response will be sent to both parties as soon as possible. The complainant, Principal and any witnesses will then leave.
- 4.15.** The Panel will consider the complaint and all the evidence presented and reach a unanimous, or at least a majority, decision on the complaint. Where appropriate the Panel can decide on the action to be taken to resolve the complaint and/or suggest recommended changes to the school's system or procedures to ensure that problems of a similar nature do not happen again.
- 4.16.** As in section 3.1.11. above, Governors will not pay financial compensation as a response to a complaint, though may spend money on an appropriate educational purpose.
- 4.17.** The Clerk/Chair will send a written statement outlining the decision with reasons to both the complainant and the Principal.



- 4.18.** The complainant should be advised that if s/he is dissatisfied with the response s/he has the right to take the matter further by complaining to the Clerk of State for Education and Skills.
- 4.19.** Phase Three should be completed in fifteen school days. However, it is recognised that this timetable is likely to prove impossible for complaints which are complex. In such cases, the Clerk of the Panel should write to the complainant giving a revised target date.

5. Confidentiality

- 5.1.** Except in exceptional circumstances, every attempt will be made to ensure that both the complainant and the School observe the confidential nature of issues. However, the circumstances giving rise to the complaint may be such that it might not be possible to maintain confidentiality and each complaint will be judged on its own merit. Should this be the case, the situation will be explained to the complainant and/or their representative.
- 5.2.** In the case of students raising a complaint who are aged below 18, the School may be obliged to inform their parent/guardian.

6. Monitoring and Reporting

- 6.1.** A termly report will be produced to record complaints raised. The Governing Body will monitor the handling of complaints in accordance with the School's procedures.
- 6.2.** The School will review the complaints procedure annually and will seek to consult with representatives of students, staff and employers. The School will measure the extent to which it is meeting its commitments through its review of complaints and outcomes of opinion surveys etc.
- 6.3.** All complaints will be recorded, indicating whether resolved at primary stage or whether they proceeded to panel hearing.

7. Final Complaint Outside of Devon Studio School

- 7.1.** Following the action taken above, if the complainant still feels that the matter has not been resolved to their satisfaction and, after having exhausted Phases Two and Three of the School's complaints procedure, they will be advised to take their complaint to the Department for Education, or any other specific regulatory body.



Informal Concern Guidance



Devon Studio School Guidance on raising an informal concern

<p>Raising a Concern</p> <p>If I have a concern, what can I do?</p>	<p>Talk to a Personal Coach or Learning Coach and, if necessary, contact the school to complain.</p>	<p>Concern dealt with?</p> <p>Yes 😊</p>
---	--	---

If not...

<p>Discussing the concern further</p> <p>If I need more help with my concern, what can I do?</p>	<p>Talk to a member of the Senior Leadership Team to discuss the concern.</p>	<p>Concern dealt with?</p> <p>Yes 😊</p>
--	---	---

If not...

<p>Taking it further</p> <p>If I need more help with my complaint, what do I need to do?</p>	<p>Fill in a complaints form (available from the school) and send to the Principal's PA.</p>	<p>Concern dealt with?</p> <p>Yes 😊</p>
--	--	---

Remember.....if you want to make a complaint, try to sort it out straight away before things get any worse.

