



Isle of Man
Government

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Complaints Procedure

Department of Education and Children
Rheynn Ynsee as Paitchyn

'Putting Learning First'

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Complaints Procedure

No matter how hard an organisation tries, there will be occasions where it receives complaints about its service. When complaints are received, it is important that these complaints are investigated openly and honestly and that at the end of the process, the person feels their complaint has been listened to and investigated fully, even though the complaint itself may be unfounded.

The range of complaints

Concerns raised by parents are likely to be wide ranging and varied and could include complaints concerning

- A child's lack of progress at school
- A disagreement over a particular school policy e.g. Homework or uniform
- Health and Safety issues
- Inappropriate discipline
- Parents being concerned about an individual teacher's attitude to themselves or their child
- Bullying: Lack of effective action being taken
- Concern over supervision at lunch and break times
- Unacceptable behaviour e.g. Racist
- Harassment: Unfair treatment of a pupil

In trying to define what we mean by a complaint, it is important to try and establish at the outset, a working definition of what we mean. In respect of this document, the definition of complaint means "a clear statement of dissatisfaction of a service provided or requested"

General principles of the complaints procedure

Publicity of Policy

Parents need to know that they can raise a concern or lodge a formal complaint and the schools complaints procedure should be easily accessible, easy to understand and well publicised.

A summary of how schools deal with complaints should be included in the school booklet. Copies of the complaints procedure should also be available at the school. In preparing the policy, consideration should be given to make the procedures available in large print or have an audio version available.

Time Scale

The procedure should address complaints as quickly as possible and be consistent, with fairness to all concerned. Experience will demonstrate that at the first stage, many concerns can be dealt with and resolved immediately. Where a concern could not be dealt with immediately, the employer dealing with the issue should note a response date for the complaint and this should be recorded, so that a reply is communicated. Response dates should set a time limit, for example, to acknowledge a receipt of a complaint, 5 days; arrangements to discuss the complaint in detail, 15 days. At this meeting the complainant should be advised of the likely timescale for the investigation of the complaint. It should be noted that if a decision cannot be

communicated within the deadlines, then a letter explaining the reason for the delay and a revised date should be issued. Support for the complainant as part of the general publicity about the complaints procedure is important, and the complainant should also know where they can go for information and advice. Parents or others raising concerns or complaints should be made aware that if they consider it appropriate, they are welcome to be accompanied by a friend, relative or representative at any stage of the procedure.

Support for complaints against staff

Staff who may be questioned as part of a complaint investigation, must be treated in a fair way and have an opportunity to put their case. They should be told about the procedures and be kept informed of progress. There is a critical balance to be maintained between supporting the individual so that his/her rights and reputation are protected and investigating a complaint thoroughly and impartially.

The complaints procedure is distinct from staffing procedures, which are treated confidentially. This needs to be made clear to all concerned. There may be occasions when, due to the nature of a complaint, it is more appropriately dealt with under a staffing procedure. If so, the complainant should be reassured that the matter is being taken seriously but under such circumstances they will not be advised of the outcome in relation to the member of staff.

Confidentiality

It is very important to treat conversations and correspondence with discretion. It is vitally important that complainants feel confident that their complaint will not penalise their child. However from the outset, all parties to a complaint will need to be made aware that some information may have to be shared with others involved in the operation of a complaints procedure. The Headteacher and members of the Senior Management Team may feel it appropriate to be accompanied by another member of staff when dealing with some complaints. Complainants should be made aware that a written record will be maintained of all meetings as part of the procedures.

Anonymous Complaints

It is usually proper to disregard anonymous complaints, unless somebody is prepared to substantiate them. The danger in this is that they may relate to something quite serious. If the unforeseen eventuality occurs to the detriment of the school, the complainant may subsequently make his/herself known and say that he/she alerted the school, even though the complaint was unsigned. It should be at the Headteachers' or the Department's discretion to decide whether the gravity of an anonymous complaint warrants an investigation. If the outcome of a complaint procedure shows the School or the Department is at fault, it is often sufficient to provide a redress in the form of an acknowledgement that the complaint is valid. Alternatively, it may be appropriate to offer one or more of an apology, an explanation, or a promise that the events complained about will not re-occur and an undertaking to review School or Department's policies and practises in light of the complaint.

Fear of litigation should not prevent the School or the Department from admitting when mistakes have been made, but advice should be sought from the Head of Legal and Administrative Services if litigation is a possibility.

All anonymous complaints when received by the Department, will be notified to the person who is the subject of the complaint. At the time of notification, the Department will also advise the person concerned of any action, if any, the Department is going to undertake as a result of this complaint.

Malicious Complaints

Where a complaint has been received and investigated by the Department and in the opinion of the Investigating Officer the complaint is malicious or vexatious, the Department will consider taking further action against the person who has submitted the complaint. Members of the public should be assured that the Department will investigate fully any complaint. Should the Department feel that the complaint is malicious then it will refer the matter to the Government Advocate for a recommendation of what action should be taken against the person submitting the complaint.

Staff awareness and training

Department and school staff, including non teaching staff, should be familiar with the procedures so that they can advise complainants about the process. There are often a great many staff involved in the handling of a complaint. Confidence in doing so, depends on them having clear information about the processes, reassurances that Senior Staff are committed to the procedures and some basic training on practical interpersonal skills needed in dealing with people who are upset or angry. However, if the complainant was to act aggressively or in an unreasonable manner, then the complaints procedure should be delayed.

Record keeping

If complaints are to contribute to raising the quality of the service offered by the Department and Schools then good practice would suggest that records need to be kept and monitored termly by Senior Staff and reported to the Department as required by the Chief Secretary's Office. A pro-forma for comments and complaints should be used: Please see Appendix.

COMPLAINTS PROCEDURE

STAGE 1

GUIDELINES FOR DEALING WITH CONCERNS

- 1.1 The vast majority of concerns can be resolved informally at the first point of contact.
- 1.2 Complainants must feel able to raise concerns with members of staff without any formality, either in person, by telephone or in writing.
- 1.3 At first it may be unclear whether a complainant is asking a question or expressing an opinion rather than making a complaint. A complainant may want a preliminary discussion about an issue to help decide whether he or she wishes to take the issue further.
- 1.4 Complainants may be offered an opportunity to discuss their concern with the appropriate member of staff designated to deal with the situation, who will clarify with the complainant the nature of the concern, and reassure them that the school wants to hear about it. The member of staff may be able to explain to the complainant how the situation happened. It can be helpful to identify at this point, what sort of outcome the complainant is looking for.
- 1.5 If the member of staff first contacted cannot immediately deal with the matter, s/he should make a clear note of the date, the complainant's name, contact address or phone number and a brief note concerning the nature of the complaint.
- 1.6 All members of staff should know how, if necessary, to refer a concern to the person with responsibility for the particular issue raised by the complainant. S/he should check later to make sure that the referral has been successful.
- 1.7 In smaller schools or on certain major issues, the Headteacher may decide to deal with concerns directly at this stage.
- 1.8 If the concern relates to the Headteacher, the complainant should be advised to contact the Co-ordinating Adviser, giving them details of how to do so.
- 1.9 The staff member dealing with the concern should make sure that the complainant is clear what action (if any) or monitoring of the situation has been agreed, putting this in writing only if this seems the best way of making things clear. However, a note should be made of the action and retained.
- 1.10 Where no satisfactory solution has been found within a maximum of 15 school days, complainants should be asked if they wish their concern to be considered further. If they do, then they should be given clear information, both orally and in writing, about how to proceed and about any independent advice available to them. At this point, it becomes a formal complaint and the complaint must be put in writing and a complaint form completed.

STAGE 2

GUIDELINES FOR DEALING WITH COMPLAINANTS

- 2.1 At Stage 2 it has become clear that the concern is a definite complaint. In some cases the Headteacher or senior member of staff will have already been involved in looking at the matter; in others, it is his/her first involvement. In either case, it is helpful for the Headteacher (or the person delegated to investigate) to use guidelines to ensure consistency among cases, and to make sure that nothing happens at this stage which could make it difficult for later stages to proceed smoothly.
- 2.2 As Headteachers have responsibility for the day-to-day management of their schools, they also have responsibility for the implementation of a complaints procedure, including the decisions about their own involvement at various stages. One of the reasons for having various "stages" in a complaints procedure, is to reassure complainants that their grievance may be heard by more than one person.

A model procedure for school to use to Stage 2

- 2.3 The Headteacher (or designate) acknowledges the complaint in writing, within a maximum of 3 school days of receiving the complaint, confirming the exact nature of the complaint. The acknowledgement should give a brief explanation of the school's complaints procedure and a target date for providing a response to the complaint. This could be within 15 school days. If this proves impossible, a letter should be sent explaining the reason for the delay and giving a revised target date for a response. A complaint form must also be completed.
- 2.4 The Headteacher (or designate) provides an opportunity for the complainant to meet him/her to supplement any information provided previously. It should be made clear to the complainant that if s/he wishes, s/he may be accompanied to any meeting by a friend, relative, or representative who can speak on his or her behalf, and that interpreting facilities are available if needed.
- 2.5 If necessary, the Headteacher (or designate) could interview witnesses and take signed statements from witnesses and those involved. If the complaint concerns a pupil, the pupil identified should be interviewed. The pupil should preferably be interviewed with another member of staff present and, in the case of a serious complaint, with their parents present.
- 2.6 It is strongly advised that the Headteacher (or designate) should keep a written record of interviews, telephone conversations and other documentation.
- 2.7 Once all the relevant facts have been established, the Headteacher (or designate) should then produce a written response to the complainant. Alternatively, s/he may wish to meet the complainant to discuss/resolve the matter directly.

- 2.8 A written response should include a full explanation of the decision and the reason for it. Where appropriate, this should include what action the school will take to resolve the complaint. The complainant should be advised that if s/he wishes to take the complaint further s/he should notify the Chief Executive Officer within a maximum of 10 school days of receiving notification of the outcome of the complaint.
- 2.8.1 If a complaint is against the action of a Headteacher, the Chief Executive Officer or designate should carry out all the Stage 2 procedures.

STAGE 3

RECONCILIATION STAGE

- 3.1 This stage in the procedure can follow Stage 2, where the earlier stage has been investigated by a senior member of staff other than the Headteacher.
- 3.2 If the complainant is not content with the decision reached by the designate in response to their complaint, they may then refer the matter to the Headteacher. An agreed period of time for this to take place could be established – within a maximum of 15 school days.
- 3.3 The Headteacher should endeavour to resolve any complaint referred to them at this stage and should seek to arrange a meeting with the complainant as soon as practical. The meeting offers an opportunity to reassess all the issues, discuss any further findings from the Headteacher's investigations, clarify the action to be taken by the school and allay the complainant's worries in order to seek reconciliation.

In some circumstances it may be appropriate to invite the Department (in particular the school's Link Adviser) to act as conciliator.

- 3.4 Should the complainant still be dissatisfied, then they should be directed to put their complaint in writing to the Chief Executive Officer.

STAGE 4

FINAL STAGE

- 4.1 Upon receipt of a written complaint appropriate to this stage of the procedure, or where a complainant appeals against the decision of the Headteacher (Stage 2 of the procedure) within an agreed period, within a maximum of 15 school days of receipt of the decision letter, the Headteacher must notify the Head of Legal and Administrative Services so that a review can be instituted.
- 4.2 The Head of Legal and Administrative Services should write to the complainant to acknowledge a written request for a review. The letter could also explain that the complainant has the right to submit any further documents relevant to the complaint. These should be made available immediately.
- 4.3 The Chief Executive Officer will appoint an Investigating Officer who will set a timetable for the investigation and communicate the timetable to the complainant. In the event that, due to unforeseen circumstances, there should there be any change to this timetable, this will also be communicated.
- 4.4 If a member of staff is the subject of a complaint then he/she will be advised of the complaint made against him/her and by whom, unless it is assessed that there is a risk to the safety and wellbeing of the complainant by sharing this information. The member of staff will also be advised as to whom has been appointed to investigate the complaint, the likely timescale and, in the event that, due to unforeseen circumstances, there should there be any change to this timetable, this will also be communicated. In some cases, the nature of the allegation may be such that it is more appropriately dealt with under staffing procedures and in this case both the member of staff and the complainant will be advised accordingly. In such circumstances, the complainant will not be advised of the outcome, given that staffing matters are treated confidentially.
- 4.4 The Investigating Officer should be someone who has had no prior involvement with the complaint and all parties must be treated fairly.
- 4.5 The aim of the investigation should be to resolve the complaint and achieve reconciliation between the school and the complainant. However, it has to be recognised that sometimes it may only be possible to establish facts and make recommendations which will satisfy the complainant that his or her complaint has been taken seriously.
- 4.6 The Investigating Officer should remember that many complainants are unused to dealing with people in formal situations and may feel inhibited when speaking. It is therefore recommended that the Investigating Officer ensures that the proceedings are as informal as possible.
- 4.7 For staff being interviewed as part of a complaint investigation as either the subject of a complaint or a witness, there is a right to be accompanied at any

complaint investigation interview by a trade union/staff association representative or work colleague.

- 4.7 The Investigating Officer should consider the complaint and all the evidence presented and
 - (a) reach a decision on the complaint
 - (b) decide upon the appropriate action to be taken to resolve the complaint
 - (c) where appropriate, suggest recommended changes to the school's systems or procedures to ensure that problems of a similar nature do not happen again.
- 4.8 A written statement outlining the decision of the Investigating Officer must be sent to the complainant, the Headteacher and, in the case of a member of staff being the subject of the complaint, to the member of staff concerned. The decision will be final.
- 4.9 The school should ensure that a copy of all correspondence and notes are kept on file in the school's records.

ANNEX A

KEY POINTS

Complaints concerning the teacher/s with responsibility for investigating complaints

Where a complaint concerns in whole or in part, the conduct of the teacher responsible for investigating complaints, the teacher should, on receipt of the formal complaint, immediately refer the matter to the Headteacher.

The Headteacher may either designate another member of staff to act as the teacher with responsibility for investigating the complaint or deal with the complaint himself/herself.

Complaints concerning the Headteacher, a Governor or the Governing Body

A member of staff or Headteacher, upon receiving a formal complaint against any of the above, must notify the Chief Executive Officer, who will appoint an Investigating Officer to deal with the complaint.

Withdrawal of Complaints

Formal complaints may be withdrawn at any stage by notice in writing.

Complaints Procedure

This should be publicised in the school Information Booklet and made widely known to parents (e.g. induction meetings of new pupils).

ANNEX B

RECORDS OF COMPLAINTS

Complaints Register

A register of all formal complaints made under the complaints procedure should be maintained. The register should include the following:

- a) name and address of the complainant
- b) a brief description of the complaint
- c) a record of the time taken to resolve the matter
- d) the outcome of the complaint.

Proforma

Stage 2 Complaints

Date complaint referred to Headteacher:

Complainant acknowledged orally/by letter, date:

School's complaints procedure forwarded: YES/NO

Target date for response:

General nature of complaint:

.....

Date of meeting with complainant:

Others present:

Statements attached: YES/NO

Witnesses interviewed:

.....

Pupils interviewed in presence of:

Date:

Records of correspondence/telephone calls etc. attached: YES/NO

Meeting date with complainant or date letter sent:

Written response attached: YES/NO

Complaint referred to Department, date:

ANNEX C

GUIDANCE NOTES FOR PARENTS

If you have a concern or complaint

We would like you to tell us about it. We welcome any suggestions for improving our service. Be assured that no matter what you want to tell us, our support and respect for you and your child in the school will not be affected in any way. Please tell us of your concern as soon as possible. It is difficult for us to investigate properly an incident or problem which has happened some time ago.

What to do first

If primary school:

Most concerns can be sorted out quickly by speaking with your child's class teacher.

If secondary school:

Most concerns can be sorted out quickly by speaking with your child's form tutor or head of year. Any member of the office staff can help you find the right member of staff. If you have a concern which you feel should be looked at by a senior member of staff after you have attempted to resolve a situation with the form tutor or Year Head, then you should contact the Headteacher of the school, who will indicate to you the senior member of staff who will investigate your complaint. The Headteacher will themselves not be involved in the investigation of the complaint, as they may need to be involved at a later stage, subject to the Investigating Officer's recommendations. It is usually best to discuss the problem face to face. You may need an appointment to do this, and you can make one by ringing or calling in to the school office. You can take a friend or relation to the appointment with you if you would like to, so that they can support you.

All staff will make every effort to resolve your problem informally. They will make sure that they understand what you feel went wrong, and they will explain their own actions to you. They will ask what you would like the school to do to put things right. Of course, this does not mean that in every case they will come round to your point of view, but it will help both you and the school to understand both sides of the question. It may also help to prevent a similar problem arising again.

What to do next

If you are dissatisfied with the teacher's response, you can make a complaint to the Headteacher. This should be made in writing.

If your complaint is about an action of the Headteacher personally, then you should refer it to the Department of Education and Children.

You may also find it helpful at this stage to have a copy of the full statement of the General Complaints Procedure, as this explains in detail, what procedures are followed. This is available from the school office or the Department. The Headteacher will ask to meet you for a discussion of the problem. Again, you may

take a friend or someone else with you if you wish. The Headteacher will conduct a full investigation of the complaint and may interview any members of staff or pupils involved. You will receive a written response to your complaint.

If you are still unhappy

The problem will normally be solved by this stage. However, if you are still not satisfied, you may wish to contact the Department of Education and Children. It will then be investigated by an officer, appointed by the Department of Education and Children, who has no previous knowledge of the problem and so will be able to give it a fresh assessment. You will be invited to attend and speak to the Investigating Officer. The General Complaints Procedure statement explains how these meetings operate.

Further action

Complaints about school problems are almost always settled within schools, but in exceptional cases it may be possible to refer the problem to an independent investigator from outside the Department, who will report to the Chief Executive Officer.

Independent advice

Parents and carers can receive independent advice from both the National Confederation of Parent Teacher Associations and the Advisory Centre for Education, 1c Aberdeen Studios, 22 Highbury Grove, London N5 2DQ. Both organisations may offer advice, but will not support individuals in pursuit of a complaint.

What actions do you feel might resolve the problem at this stage?

Are you attaching any paperwork? If so, please give details.

Signature:

Date:

Official Use

Date acknowledgement sent:

By whom:

Complaint referred to:

Date:

ANNEX E

INFORMATION FOR STAFF

In addition to the support available from unions and staff associations, the Isle of Man Government Staff Welfare Service provides a free confidential counselling and support service and can be contacted on telephone number 687027.

In a small number of cases and dependent on the nature of a complaint an investigation outcome may lead to a disciplinary allegation being made, in such cases the disciplinary procedure is followed. As all staffing matters are treated confidentially, this information would not be shared with a complainant.