



Complaints Policy



School: Jigsaw Pupil Referral Unit

Date Approved by Management Committee: May 23

Chair: D. Hains

Headteacher: Ms E. Rothlisberger

Review Date: May 24

We are sure your experience of Jigsaw will be a positive one. We pride ourselves that we try to improve our practice, and hope that any concerns can be resolved informally by talking to the relevant member of staff. However, the following Complaints Procedure exists if you feel your initial attempts to resolve the issue are unsuccessful.

1 Stage One: Complaint Heard by Staff Member

1.1 It is in everyone's interest that complaints are resolved at the earliest possible stage. The experience of the first contact between the complainant and Jigsaw can be crucial in determining whether the complaint will escalate. To that end, if staff will be periodically made aware of the procedures so that they know what to do when they receive a complaint.

1.2 Parents/Carers should never feel or be made to feel that a complaint made in a reasonable and appropriate way will be taken amiss or will reflect adversely on the student or his/her opportunities at Jigsaw. Jigsaw will try to investigate and try to resolve every complaint in a positive manner and will treat every complaint as an opportunity to improve our service.

1.3 Jigsaw will try to respect the views of a complainant who indicates that he/she would have difficulty discussing a complaint with a particular member of staff. In these cases, the matter will be referred to the Headteacher or to the Deputy Headteacher who may, if they feel it appropriate, refer the complainant to another staff member. Alternatively, they may not feel this is necessary. Where the complaint concerns the Headteacher, the complainant will be referred to the Chair of the Management Committee.

1.4 Jigsaw will:

- put right any matter which may have gone wrong
- review our systems and procedures in the light of the relevant circumstances (NB complaints brought by staff should be investigated using the Grievance Procedure and not this Complaints Policy)
- only consider complaints received in writing not normally consider anonymous complaints

also

- Complaints must be made within 3 months of the event. Complaints after this period will not be considered
- Line Managers or other delegated managers will investigate the complaint

1.5 Similarly, if the member of staff directly involved feels too compromised to deal with a complaint, the Head teacher may consider referring the complainant to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the complaint objectively and impartially is crucial.

1.6 Where the first approach is made to a management committee member, the next step would be to refer the complainant to the appropriate person and advise them about the procedure. Management committee members should not act unilaterally on an individual complaint outside the formal procedure or be involved at the early stages in case they are needed to sit on a panel at a later stage of the procedure.

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1.7 The Line Manager will ensure that written or oral acknowledgement is provided to the complainant within 5 working days of receiving a complaint. The acknowledgement will give a brief explanation of Jigsaw's complaints procedure and will give a target date for providing a response to the complaint which should normally be within 10 working days. If the target cannot be met a letter should be written within 10 working days explaining the reason for the delay and providing a revised target date.

1.8 The Line Manager will seek to meet or speak with all of the appropriate people in order to establish the facts relating to the complaint, if the information given on the complaints form necessitates this. This may include the complainant, staff and any other person.

1.9 Once all of the facts have been established the Line Manager will then produce a written response to the complainant, or may wish to meet the complainant to discuss/resolve the matter directly.

1.10 A written response should contain an outline of the complaint and a summary of the response to the complaint including the decision reached and the reasons for it. Where appropriate this should also include what response Jigsaw will take to resolve the complaint. This may be by the way of a general description, e.g. 'Action taken within the Disciplinary Procedure.'

1.11 When the investigation has been concluded the complainant and the member of staff concerned will be informed in writing of the outcome. This may be to the effect that:

- there is insufficient evidence to reach a conclusion, so the complaint cannot be upheld
- the concern was not substantiated by the evidence
- the concern was substantiated in part or in full. Some details may then be given of the action Jigsaw may be taking to review procedures etc, but the details of the investigation or of any disciplinary procedures will not be released.
- the matter has been fully investigated and that appropriate procedures are being followed which may be strictly confidential (e.g. where staff disciplinary procedures are being followed)

1.12 This letter or report must be endorsed by the Headteacher. It should also inform the complainant that should he/she wish to complaint to progress to the second stage of this procedure then he/she should send a written request stating this to the Headteacher within 10 working days of receiving the response.

1.13 If no further communication is received from the complainant within 10 working days it is deemed that the complaint has been resolved and should end.

2 Stage Two: Complaint Heard by the Headteacher

2.1 At this point, the complainant may be dissatisfied with the way the complaint was handled at stage one as well as pursuing their initial complaint. The Headteacher may delegate the task of collating the information to another staff member but not the decision on the action to be taken.

2.2 The same timings as in Stage 1 apply

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3 Stage Three: Complaint Heard by Governing Body's Complaints Appeal Panel

3.1 The complainant needs to write to the Chair of the management committee (via the Clerk to the management committee) giving details of the complaint. The Chair, or a nominated management committee member, will convene a management committee complaints panel and their decision is final.

3.2 The Clerk to The Management Committee should write to the complainant acknowledging receipt of the written request for the complaint to be heard. This acknowledgement must be sent within 5 working days and should inform the complainant of the arrangements for hearing the complaint within 20 working days of receiving it. The letter should explain that the complainant has the right to submit any further documents relevant to the complaint. These must be received within 5 working days of the date of the hearing to allow adequate time for the documents to be circulated.

3.3 No person involved should have previous involvement in the complaint.

3.4 The Management Committees' appeal hearing is the last Jigsaw-based stage of the complaints process, and is not convened to merely rubber-stamp previous decisions.

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

3.6 The Management Committee may nominate a number of members with delegated powers to hear complaints at that stage, following the agree terms of reference. These can include:

- hearing individual appeals;
- making recommendations on policy as a result of complaints if necessary

3.7 The panel must include at least one member who is independent of Jigsaw.

3.8 The procedure adopted by the panel for hearing appeals would normally be part of Jigsaw's complaints procedure. The panel can be drawn from the nominated members and may consist of three or five people. The panel may choose their own chair.

3.9 If the complaint is about the Headteacher, a hearing by the Chair of The Management Committee becomes Stage 2. If the complainant is unhappy he/she needs to write to the Clerk of Management Committee whereupon a panel of three to five Committee members(not previously involved) will hear the complaint. Their decision will be final.

3.10 The Remit of the Complaints Appeal Panel

The panel can:

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

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3.11 There are several points which any Management Committee sitting on a complaints panel needs to remember:

a. It is important that the appeal hearing is independent and impartial and that it is seen to be so. No management committee member may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it. In deciding the make-up of the panel, the Management Committee need to try and ensure that it is a cross-section of the categories of governor and sensitive to the issues of race, gender and religious affiliation.

b. The aim of the hearing, which needs to be held in private, will always be to resolve the complaint and achieve reconciliation between Jigsaw and the complainant. However, it has to be recognised the complainant might not be satisfied with the outcome if the hearing does not find in their favour. It may only be possible to establish the facts and make recommendations which will satisfy the complainant that his or her complaint has been taken seriously.

c. An effective panel will acknowledge that many complainants feel nervous and inhibited in a formal setting. Parents often feel emotional when discussing an issue that affects their child. The panel Chair will ensure that the proceedings are as welcoming as possible. The layout of the room will set the tone and care is needed to ensure the setting is informal and not adversarial.

d. Extra care needs to be taken when the complainant is a child. Careful consideration of the atmosphere and proceedings will ensure that the child does not feel intimidated. The panel needs to be aware of the views of the child and give them equal consideration to those of adults. Where the child's parent is the complainant, it would be helpful to give the parent the opportunity to say which parts of the hearing, if any, the child needs to attend.

e. The management committee members sitting on the panel need to be aware of the complaints procedure.

3.12 The Clerk to the Management Committee will write and inform the complainant and any witnesses, the panel etc, of the date and location of the meeting 5 working days in advance. The notification to the complainant should also inform him/her of the right to be accompanied to the meeting by a friend/interpreter. The letter should explain how the meeting will be conducted and the complainant's right to submit further written evidence to the panel. The Headteacher has the right to bring representation if so desired.

3.13 Intervention of parallel investigations relevant to the complaint by the Police or Social Services may cause variation to these time scales. Any such variation will be notified to the complainant.

3.14 Hearing the Complaint at the Meeting

- The aim of the meeting will be to resolve the complaint and achieve reconciliation between Jigsaw and the complainant
- In the interest of natural justice, the introduction of previously undisclosed evidence or witnesses would be a reason to adjourn the meeting so that the other side has time to consider and respond to the new evidence.
- The recommended conduct of the meeting is as follows:

a) The Chair of the panel will welcome the complainant, introduce the panel members and explain the procedure

b) The Chair of the panel will invite the complainant to explain the complaint

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c) The Committee members may question the complainant about the complaint and the reasons why it has been made

d) The Headteacher will be invited by the Chair of the panel to question the complainant about the complaint and why it has been made

e) The Chair of the panel will invite the Headteacher to make a statement in response to the complainant. At the discretion of the Chair of the panel the Headteacher may invite members of staff directly involved in the complaint to supplement his/her response

- f) The Committee members may question the Headteacher and/or members of staff about the response to the complaint
- g) The Chair of the panel will allow the complainant to question the Headteacher and/or members of staff about the response to the complaint
- h) Any party has the right to call witnesses, subject to the approval of the Chair of the Committee
- i) The Committee, the Headteacher and the complainant have the right to question any such witness
- j) The Headteacher will be invited by the Chair of the panel to make a final statement
- k) The complainant will be invited by the Chair of the panel to make a final statement
- l) The Chair of the panel will explain to the complainant and the Headteacher that the decision of the panel will now be considered and a written decision will be sent to both parties within 15 working days. The Chair of the panel will then ask all parties to leave except for members of the Committee.
- m) The Committee will then consider the complaint and all the evidence presented and:
- I. Reach a decision on the complaint and the reasons for it
 - II. Decide upon the appropriate action to be taken to resolve the complaint
- n) The Committee members sitting on the panel need to be aware of the complaints procedure before the meeting
- key findings of fact are made
 - parents/carers and others who may not be used to speaking at such a hearing are put at ease
 - the hearing is conducted in an informal manner with each party treating the other with respect and courtesy
 - the panel is open minded and acting independently
 - no member of the panel has 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

4.4 Notification of the Panel's Decision

The Chair of the panel needs to ensure that the complainant is notified of the panel's decision, in writing, with the panel's response; this is usually within a set deadline which is publicised in the procedure. The letter needs to explain if there are any further rights of appeal and, if so, to whom they need to be addressed.

Contact Details: Clerk to the Management Committee: J Woodcock 0151 934 2485

Chair of Management Committee: D Hains 0151 934 2485