

Brockhampton Primary School Complaints Procedure

Policy Adopted	February 2020
Minutes Reference	
Date of Next Review	February 2022

Signature of Chair of Interim Executive Board:

This policy is based on a Model published by Worcestershire Children's Services and the School Complaints Toolkit 2014, published by the DFE in August 2014.

There are other specific complaints procedures available for certain specialist areas (as listed below). If the complaint relates to any of the following, the appropriate procedure should be followed:

- the National Curriculum
- collective worship
- religious education
- pupil admissions
- pupil exclusion
- special educational needs
- child protection
- employee grievances and disciplinary proceedings.

A General Principles

This procedure contains advice for resolving complaints; flowcharts to indicate time limits; and advice on the conduct of meetings.

Every attempt will be made to adhere to the time limits specified in the flow charts and detailed procedures which follow, but these may in exceptional circumstances be exceeded. In such cases the School/ Governors will advise the reasons and set a new time-scale.

A complaint will usually be considered as 'out-of-time' if it is raised more than three months after the matter is known to the complainant.

Anonymous complaints will not be investigated, except in exceptional circumstances – such as child protection issues.

The aim of this policy is to resolve concerns at the earliest opportunity, and effect reconciliation if there has been friction. If the complaint needs to be formalised, the complainant will be asked to write down the substance of the complaint on a form, an example of which is found in Annex C. This form will also invite a view about what actions might be felt to resolve the problem.

B. Possible resolutions

Many concerns may be resolved by explanations, others by a simple apology. Other complaints may result from a school procedure which could have been handled differently. Such an acknowledgement would be an appropriate resolution, as would assurances that events complained about, (if justified) will not recur. Others may be resolved by an undertaking to review school policies in the light of a complaint.

C. Later Stages.

Where concerns are not resolved on an early timescale, the procedure allows for formal consideration by the Headteacher, and later still, by an IAB Complaints Panel.

D. Unresolved Complaints

Occasionally, a complainant may remain dissatisfied, even though this procedure has been used through all its stages. However, it will not normally be possible to re-open the same issue. In such circumstances, the Chair of the IAB will inform the complainant that the procedures have been exhausted and that the matter is closed.

E. Vexatious Complaint

If a complainant remains dissatisfied and tries to re-open the same issue, when all stages have been followed, the Chair of the IAB is able to inform them in writing that the procedure has been exhausted and that the matter is now closed. If the complainant writes again on the same issue, then the correspondence may be recognised as vexatious and there will be no obligation on the part of the school to respond.

F. School Complaints Stages in Detail

This school will monitor and record parents/carers compliments, concerns and complaints. This will endorse and ensure the continuation of our good practice.

It is acknowledged that, where concerns are raised, they are often raised with a more senior person, for example, a Phase Leader, or the Headteacher. The first stage, therefore, could if appropriate, be dealt with informally by one of a number of possible people.

Stage 1 (Informal)

Where any member of staff becomes aware of a voiced concern, they should deal with it themselves if it is appropriate, and they feel comfortable in doing so. Many concerns can be resolved by simple clarification or the provision of information. It is anticipated that most concerns can be readily resolved at this informal stage. Where the person approached feels uncomfortable with dealing with the matter directly, they should involve, for example, their line manager.

In the case of serious concerns (or where the school deems it more appropriate to do so) it may be necessary to refer these matters directly to the Headteacher.

Where the complaint is specifically about the Headteacher, similarly the parent/carer should discuss this with him/her at this stage first.

It is not appropriate for a complaint to be directed through a Governor. Any Governor receiving a complaint will give advice that there is an established procedure and refer the complainant to the appropriate person. (This is because a Governor acting unilaterally could prejudice the involvement of Governors at a later stage)

The concern will be noted (including the outcome) and copied to the Headteacher. Where the subject of the complaint is the Headteacher, he/she will copy the record to the Chair of the IAB.

Where informal attempts by the school have failed to bring about a satisfactory resolution for the parent/carer, the parent/carer is entitled to request that the complaint be treated more formally. Unless the complaint directly concerns the Headteacher, it will be him/her who deals with this next stage (Stage Two).

If the complaint is specifically about the Headteacher, and s/he has had the opportunity in Stage 1 to discuss the matter, the parent/carer can then directly contact the Chair of the IAB about Stage 2.

Stage 2 (Formal)

Dealt with by Headteacher

[If the complaint concerns the Headteacher, the Chair of the IAB is personally responsible for following the procedures in Stage 2. Otherwise, the Headteacher deals with this Stage.

This stage can be initiated if/ when dissatisfaction with the outcome of Stage 1 is received by the school. At this point, a copy of these Procedures and Policy will be sent to the complainant within three school days, together with the formal complaint form (Annex C).

The form is structured so that each party has a common understanding about the complaint. As the main purpose of the process is to achieve reconciliation, parents/ carers are also asked what actions might resolve the problem.

After the formal complaint form is returned, it will be acknowledged within three school days and the investigation will commence.

This is the first stage of the formal complaints process and as a result, all communications between parties will be recorded.

Before proceeding with a formal investigation, the Headteacher may wish to meet with the individual and discuss his/her concerns and wishes. It may still be appropriate and satisfactory to reach an informal resolution at this point. If not, the Headteacher will decide whether the individual's complaint will be dealt with by this policy or another statutory procedure. In the latter case, the Headteacher will advise the complainant on what will need to be done.

The Headteacher may delegate the task of collating the information to another staff member, but not the decision on the action to be taken. The investigation should involve the review of any relevant documentation and information. If necessary, witnesses will need to be interviewed and statements taken from those involved. If the complaint centres around a pupil, the pupil will also usually be interviewed.

The outcome of the investigation should be communicated to parents/carers, either at a meeting (followed up in writing) or as a written response. This response should explain the outcome and should be supported by reasons for reaching this decision and what action, if any, will be taken. (If management action is subsequently required against an employee of the school, the parents/carers will not have access to this information).

This response should be provided within 10 school days of acknowledging the complaint.

If the complainant is still dissatisfied with the response given and would like to take the complaint further, they should make this clear in writing to the Headteacher. On receipt, s/he will send on the complaint form and all associated information to the Chair of the IAB. [In the case of the Headteacher, if the complainant is still dissatisfied, and wishes to take it further, the Chair should be so advised, and Stage 3 initiated]

Stage 3 (Formal)

Dealt with by IAB Complaints Appeal Panel

On receipt of the information from the Headteacher, the Chair of the IAB will verify that the parent/carer has properly exhausted all Stage 2 procedures. If not satisfied, the Chair will refer the matter back to the Headteacher. When satisfied, the Chair will contact the Clerk and liaise with him or her to make preparatory arrangements for the IAB Complaints Panel Meeting.

Governors Services and external advisors will support the school throughout this process.

The Clerk may be the Clerk to the IAB, or, in exceptional circumstances, another Governor acting as Clerk, (over and above those selected for the Panel).

The Chair of the IAB will identify three governors chosen from an agreed pool of governors to form the Complaints Panel, and the Panel will appoint its own chair. At least one member of the panel will be

independent from the day to day running of the school. In exceptional circumstances, an Independent Panel may be used by the school due to the nature of the complaint and make-up of Governors presently at the school.

The Chair of the IAB or Clerk to the Governors' Complaints Panel will acknowledge (to the complainant) receipt of the information from the Headteacher within five school days.

This letter will inform the parent/carer that the complaint will be heard by the Complaints Panel within 15 school days. In exceptional circumstances, the parent/carer will be notified where this timed period will need to be extended and the reasons for this.

The Clerk of the Panel will convene a meeting of the Complaints Panel, (as identified by the Chair of the IAB) and arrange a time and date for the meeting. All relevant documentation from the Headteacher and the parent/carer will be distributed to all parties, (including the Panel members) in advance of the meeting.

The Panel has discretion as to how it will carry out its duties, some of which are itemised in Annex B. As part of this, parents/carers will be asked to attend a meeting of the Panel (with accompanying relative or friend if desired).

In order for the Complaints panel to run efficiently witnesses will each be given a 30 minute maximum opportunity to present their case.

The Chair of the Panel needs to ensure that the parent/carer is notified of the Panel's decision in writing **within five school days** of the meeting. The response will include action (if any) that needs to be taken and, where appropriate, suggest changes to, or review of, the school's systems or procedures to ensure that similar problems do not happen again. If the complaint runs into a school's holiday then the clerk may write to the parents requesting an extension on the five school days response time.

If the parent/carer is dissatisfied with the response they have been given, and would like to take the complaint further, they should be referred to stage four of this procedure.

Equally, if the Headteacher perceives due process has not been followed, s/he may wish to refer the matter to Stage 4 for adjudication.

Stage 4 (Formal)

If parents are not satisfied about the handling of their complaint, or believe the academy has not complied with its own complaints procedure, the Education Funding Agency (EFA) as the agency responsible for ensuring academies comply with their funding agreements, can be contacted at:

<https://www.gov.uk/government/organisations/education-funding-agency>

The Role of the Department of Education

The Secretary of State can intervene in the actions taken by Governing Bodies where he believes that a Governing body has acted unreasonably. Unreasonably in this context means in a way that no sensible Governing Body, with due appreciation of its responsibilities, would have acted. **The Secretary cannot substitute his judgement for that of a Governing Body and issue a direction for how it could have acted differently.**

Parents can write to The School Complaints Unit (SCU) at:

Department for Education
2nd Floor, Piccadilly Gate
Manchester
M1 2WD

The Department of Education will look again at all the paperwork concerning the complaint.

Model School Complaints Procedure/Policy Flowchart

Stage 1
(informal)



Complaint heard by staff member (if appropriate)

- Ensure Headteacher is informed of outcome

Issue resolved

Issue not resolved: formal complaint form provided within 3 school days of learning of dissatisfaction – form on website

Stage 2
(formal)



Complaint heard by Headteacher

- Acknowledge receipt of formal complaint form (within 3 school days)
- Write to complainant with outcome of investigation (within 10 school days of original acknowledgement)

Issue resolved

Issue not resolved: information sent on.

Stage 3
(formal)



Governors' Complaints Panel Meeting (3/5 Governors)

- Acknowledge receipt of complaint (within 5 school days)
- Invite complainant to meeting (within 15 school days)
- Issue letter confirming panel decision (within 5 school days)

Issue resolved

Issue not resolved

Stage 4
(formal)



Department for Education

- Acknowledge receipt of complaint Requests all relevant paperwork and collates additional information
Review procedures have been followed by school
- Issues letter confirming outcome
- Makes recommendations to school, if necessary

Worcestershire Children's Services ANNEX A2
Model School Complaints Procedure/Policy Flowchart – Race

Summary of Dealing with Complaints

**Stage 1
(informal)**



Complaint heard by staff member (if appropriate)

- Ensure Headteacher is informed of outcome

Issue resolved

Headteacher to ensure that complaint is logged as having a racist element

Issue not resolved

School will provide a formal complaint form within 3 school days of learning of dissatisfaction.

**Stage 2
(formal)**



Complaint heard by headteacher

- Acknowledge receipt of complaint form (within 3 school days)
- The headteacher will inform Children's Services and Chair of Governors (and for VA Schools the Diocesan Officer)
- The headteacher may approach the WREC for advice
- Write to complainant with outcome of investigation (within 10 school days of original acknowledgement)
[copy to Children's Services /Diocese]

Issue resolved

Issue not resolved: information sent on to Chair of Governors

**Stage 3
(formal)**



Governors Complaints Panel Meeting

- Acknowledge receipt of complaint (within 5 school days)
- Issue letter inviting complainant to meeting (within 15 school days)
- Send copy of complaints form to Children's Services (and Diocese, if appropriate)
- Chair of Panel to seek advice from Children's Services /Diocese
- Issue letter confirming panel decision (within 5 school days)

Issue resolved

Issue not resolved

**Stage 4
(formal)**



Department for Education

- Acknowledge receipt of complaint Requests all relevant paperwork and collates additional information
- Review procedures have been followed by school
- Issues letter confirming outcome
- Makes recommendations to school, if necessary

MODEL PROCEDURE FOR THE CONDUCT OF A GOVERNORS' PANEL HEARING TO CONSIDER A COMPLAINT

It is important that the members of the Governor Panel are impartial and independent, and seen to be so. The Panel members should have no prior involvement with the case, and be sensitive to the constitution of the Panel with regard to issues of equality.

It may be the case that parents/carers feel anxious that they will not be provided with opportunities for them to be heard or that the procedure is not seen to be fair (i.e. parents may perceive the Governors' view to be weighted in the school's favour). Panel members need to be aware these perceptions may exist and endeavour to demonstrate openness and objectivity in their actions.

THE HEARING

Reports and statements submitted to the Panel should be made available to all parties in advance of the hearing.

The Chair of the Panel must determine in advance the most appropriate method of conducting the hearing into the complaint so that the Panel may achieve 'best evidence'. The decision will be influenced by the contents of the Complaints Form and other information to hand. Some possibilities are listed below, but they are not exhaustive:

Option One

To consider the written statements, reports and evidence provided in advance, and to question the originators about their substance.

This approach is likely to be least effective, as it might result in a time-consuming search for additional information and cross-referencing.

Option Two

Interviewing separately the complainant and the school representative, and other parties deemed relevant by the Chair, in order to hear statements and collect additional directly related evidence.

Option Three

With the agreement of all parties, to hold a hearing with both sides present and available to respond to questions put by the Panel, and through the Chair. Such a meeting should be non-adversarial.

Option Four

With the agreement of all parties, to hold a meeting with both sides present, to follow an Agenda on the lines of the following Model: Witnesses are only required to attend for the part of the hearing in which they give their evidence.

Model Agenda

- 1) Complainant explains reasons for making the complaint, and calls witnesses if desired.
- 2) Headteacher and Panel members may ask questions
- 3) Headteacher invited to explain the school's actions and call witnesses if desired
- 4) Complainant and Panel members may ask questions
- 5) Complainant is invited to sum up the complaint
- 6) Headteacher is invited to sum up the school's actions and response to the complaint
- 7) The parties leave together, and the Panel considers its decision

It is essential to recognise at all times, that the procedure for any of the above options deals only with establishing the validity of a parental complaint and does not constitute a hearing connected with any disciplinary process.

The complainant is welcome to bring an accompanying relative or friend if desired, and witnesses if appropriate.

The school representative will be the person who dealt with Stage Two.

[The Headteacher usually, but the Chair of the IAB if the complaint related to the Headteacher] S/he may bring a friend if desired.

If other members of staff or other witnesses are needed because of their perceived involvement in the substance of the complaint, each, too, may be accompanied by a friend.

The Clerk to the IAB Panel will be responsible for inviting participants into the room at the relevant times, and make introductions as necessary.

The Clerk to the IAB Panel should keep an accurate record of the discussion at the meeting. The Governors may need to refer to this to assist them in their consideration of the case. It may be helpful to the parent/carer for them to be informed if these notes will be made available to them. If, as a result of the complaint being upheld there is any disciplinary action towards a member of staff, the parent/carer is not permitted any knowledge of this. Therefore, if any notes are made available to complainants, any such references should be removed before being sent.

The Chair should explain the Panel's Remit and that the purpose of the hearing is to review the complaint and try to resolve the issues to enable reconciliation between the parent/carer and the school. It may only be possible to establish the facts and recommend future actions.

The Chair should reassure all parties that they will have every opportunity to state their case.

The Chair should explain the procedure decided upon for the hearing. It may be helpful to have printed copies of this available to all parties.

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 appropriate action to be taken to resolve the complaint
See possible resolutions on below
- Recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not recur

The Panel should consider: -

- The evidence (written and oral) from the school representatives and the parent/carer.
- The relevant school policies and procedures (e.g. anti-bullying, race equality, dress code, and discipline).
- The extent to which the school's action is consistent with the appropriate school policy (i.e. have the school managed the issue in the manner defined in their documentation?).
- The response of the Panel to the parent's/carer's complaint, having considered the information made available to them, providing reasons for their decision.
- Areas of agreement identified between the parties.
- Misunderstandings identified, which can be remedied.

Possible resolutions. (re-printed from adopted Procedure)

Many concerns may be resolved by explanations, others by a simple apology. Other complaints may result from a school procedure which could have been handled differently. Such an acknowledgement would be an appropriate resolution, as would assurances that events complained about, (if justified) will not recur. Others may be resolved by an undertaking to review school policies in the light of a complaint.

- Any recommendations to review/ revise school policies and procedures as necessary. This should identify a reasonable timescale and a nominated person who will be responsible for this to be achieved, and progress should be monitored by the IAB.
- The appropriate action to be taken by the school, if necessary.
- Recommendations on changes to school policies and procedures in the light of this experience, if necessary.

Reminder: If as a result of the complaint being upheld, there is disciplinary action contemplated towards a member of staff, the complainant is not permitted any knowledge of this.

The Panel's decision, with reasons, should be confirmed in writing to the parent/carer, Headteacher and Chair of the IAB within 5 school days.

Complaint Form to be supplied with a copy of the adopted procedure

Please complete and return to the Headteacher who will acknowledge receipt.
The Procedure, at Stage 2, explains what action will be taken after receipt.

Your name:

Pupil's name:

Your relationship to the pupil:

Address:

Postcode:

Day time telephone number:

Evening telephone number:

Please give details of your complaint.

What action, if any, have you already taken to try and resolve your complaint.
(Whom did you speak to, when, and what was the response)?

What actions do you feel might resolve the problem?

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

Signature:

Date:

Official use

Date acknowledgement sent:

By whom?:

Complaint referred to:

Date: