

Bredenbury Primary School

COMPLAINTS POLICY

March 2018

Signed and dated:
Chair of Governors
Headteacher

STATUS: Statutory

It is in everyone's interest that complaints about our school are resolved at the earliest possible stage. The experience of the first contact between the complainant and the school can be crucial in determining whether the complaint will escalate. To that end we must be clear about the procedures we will apply when we receive a complaint.

THE RESPONSIBILITY OF THE SCHOOL

Governing Bodies of all maintained schools are required to have in place a procedure to deal with complaints relating to the school.

The Governing Body has overall responsibility for the school and for ensuring that all pupils receive an appropriate high standard of education. The Headteacher is responsible for making decisions on a daily basis and the school's internal management and organisation. **Parents and others should direct complaints to the school rather than the Governing Body in the first instance.**

There is a legal requirement for this Complaints Procedures to be publicised. Bredenbury Primary School will include a summary of this information in the pack provided to new parents when their children join the school, (Appendix 2). A full copy will be on the school website and in the Policy File held in the school office.

Rewritten in:	March 2018
Consultation with parents, governors and staff in:	March 2018
Ratified by governors on:	26.3.2018
Equality Statement added:	June 2018
To be reviewed by governors in:	September 2021

Concerns about allegations of **child abuse and staff discipline** must be dealt with through the separate agreed procedures that have been adopted for these purposes.

SAFEGUARDING

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Bredenbury Primary School has a duty of care and responsibility towards pupils, parents/carers and staff. The care and safety of the individual is the key issue behind this document.

EQUALITY STATEMENT

At Bredenbury Primary School, we are committed to ensuring equality of opportunity for all pupils, staff, parents and carers irrespective of race, gender, disability, belief, sexual orientation, age or socio-economic background. We aim to develop a culture of inclusion and diversity in which all those connected to the school feel proud of their identity and ability to participate fully in school life.

At Bredenbury Primary School, we believe that diversity is a strength which should be respected and celebrated by all those who learn, teach and visit us.

CONFIDENTIALITY is important in securing the confidence of all concerned.

Conversations and correspondence must be treated with discretion and investigations should be sensitive to the feelings of those involved. Parents need to feel confident that a complaint will not disadvantage their child. However, the parties to a complaint need to be aware that some information may have to be shared in order to carry out a thorough investigation.

If the investigation of a complaint shows that it is justified, then the school should consider how to make amends in an appropriate way.

All complaints should be recorded and monitored to identify issues and allow any lessons to be learned by the school.

PROCEDURE

At Bredenbury Primary School we encourage all parents and pupils to approach any member of staff in the first instance if they have a concern or complaint.

- In the event that these initial approaches fail to resolve a complaint this policy lays out the procedures that should be followed to allay any concerns about a particular issue.
- Your complaint will then be investigated fully, ensuring all relevant facts are taken into consideration.

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For further information about current government legislation please see Appendix 1.

PROCEDURES FOR DEALING WITH COMPLAINTS

The procedure is divided into three stages.

- **Stage 1** is the Informal Stage – aims to resolve the concern through informal contact at the appropriate level in school.
- **Stage 2** is the first Formal Stage at which written complaints are considered by the Headteacher (or the Chair of Governors if the complaint is against the Headteacher), who has special responsibility for dealing with complaints.
- **Stage 3** is the next stage once stage once has been worked through. It involves a complaints appeal panel of governors.

How each of the three stages operates is explained below:

Stage 1 Informal Stage: Your initial contact with the school

1. Many concerns will be dealt with informally when you make them known to us. The first point of contact should be your child's teacher.
2. Once your concern is made known to us, we will see you, or contact you by telephone, email or in writing, within **3 school days**.
3. Any actions or monitoring of the situation that has been agreed will be clearly communicated and we will normally confirm this in writing, or in person, to you within **10 school days**.
4. If necessary we will contact appropriate people who may be able to assist us with our enquiries into the concern.
5. Once we have responded to your concern, you will have the opportunity of asking for the matter to be considered further.
6. If you are still dissatisfied following the informal approach, your concern will become a formal complaint and we will deal with it at the formal stage.

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Stage 2 - Formal consideration of your complaint

This stage in our procedures deals with written complaints. It applies where you are not happy with the informal approach to dealing with your concern, as outlined above.

1. The Complaints Form - **Appendix 1 found at the end of this Policy must be fully completed** and returned in order that the formal stage of the complaints procedure can commence.
2. Normally, your written complaint should be addressed to the Headteacher. If, however, your complaint concerns the Headteacher personally, it should be sent to the school marked “for the attention of the Chair of Governors”.
3. We will acknowledge your complaint within **3 school days**.
4. We will enclose a copy of these procedures with the acknowledgement.
5. The Headteacher may appoint any of the following as an Investigating Officer:
 - The Headteacher
 - An independent person agreed by the Chair of Governors
 - A designated Governor
6. If the complaint is regarding the Headteacher, the Chair of Governors will appoint an investigating officer to investigate your complaint.
7. Normally we would expect to respond in full within **15 school days** but if this is not possible we will write to explain the reason for delay and let you know when we hope to be able to provide a full response.
8. As part of our consideration of your complaint, we may invite you to a meeting to discuss the complaint and fill in any details required. If you wish, you can ask someone to accompany you to help you explain the reason for your complaint.
9. The Investigating Officer may also be accompanied by a suitable person if they wish.

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10. Following the meeting, the Investigating Officer will, where necessary, talk to witnesses and take statements from other involved. If the complaint centres on a pupil, we will talk to the pupil concerned, and, where appropriate, others present at the time of the incident in question.
11. We will normally talk to pupils with a parent or carer present, unless this would delay the investigation of a serious or urgent complaint, or where there is a potential safeguarding issue. In such circumstances, we will ensure that another member of staff, with whom the pupil feels comfortable, is present.
12. If the complaint is against a member of staff, it will be dealt with under the schools internal confidential procedures, **as required by law.**
13. The Investigating Officer will keep written, signed and dated records of all meetings and telephone conversations, and other related documentation.
14. The Investigating Officer will establish all relevant facts, and the Headteacher will send you a written response to your complaint. This will give the explanation of outcomes and the reason for them. If follow-up action is needed, we will indicate, where appropriate, what we are proposing to do. We may invite you to a meeting to discuss the outcome as part of our commitment to building and maintaining good relations with you.
15. We resolve the right not to consider complaints that:
- Are malicious
 - Use obscenities, racist or homophobic language
 - Contain personally offensive remarks about members of staff
 - Are repeatedly submitted with only minor differences after we have fully addresses the complaint
 - Have been fully answered in previous correspondence.
16. If you are unhappy with the way in which we have reached our conclusions, you may wish to stage two: consideration by a governors' appeal panel.

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Stage 3 – consideration by a Complaints Panel

If the complaint has already been through stage one and you are not happy with the outcome as a result of the way in which the complaint was handled, you can take it further to a Complaints Panel. This is a formal process, and the ultimate recourse at school level.

The purpose of this arrangement is to give you the chance to present your arguments around whether the investigation has been conducted fairly and that correct procedure has been followed. This will be done in front of a panel who have no prior knowledge of the details of the case and who can, therefore, consider it without prejudice.

The Panel will consist of three persons not directly involved in the matters detailed in the complaint and one whom shall be independent of the management and running of the school.

The aim of the panel is not to rehear the complaint. It is there to review how the complaint has been investigated and to determine whether this has been conducted fairly. It is there to establish facts and make recommendations which will reassure you that we have taken complaints seriously.

The complaints panel operates according to the following formal procedure:

1. The Governing Body will convene a panel and will aim to arrange for the panel meeting to take place within **20 school days** of receiving your request to review the process. Your request for a review should be lodged with the Chair of Governors within **10 school days** of receiving the School's response to your initial complaint.
2. The Headteacher and/or Investigating Officer will be asked to prepare written reports for the panel, highlighting the process followed as part of the investigation and any recommendations made. The panel can request additional information from other sources if necessary.

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3. You will be informed, at least **five school days** in advance, of the date, time and place of the meeting. We hope you will feel comfortable with the meeting taking place in school but we will do what we can to make alternative arrangements if you prefer.
4. With the letter, you will receive any relevant correspondence or reports regarding Stage One.
5. You are entitled to be accompanied to the meeting. The choice of person to accompany you is your own, but it is usually best to involve someone in whom you have confidence but **who is not directly connected with the school**. They are there to give you support but also to witness the proceedings and to speak on your behalf if you wish (not acting in a legal capacity).
6. If it is necessary in the interests of ratifying the investigation process, the Headteacher may, with the agreement of the chair of the panel, invite relevant witnesses, directly involved in matters raised by you, to the meeting.
7. The chair of the panel will bear in mind that the formal nature of the meeting can be intimidating for you and will do his/her best to put you at your ease.
8. As a general rule, no evidence or witness previously undisclosed should be introduced into the meeting by any of the participants. If either party wishes to do so, the meeting will be adjourned so that the other party has a fair opportunity to consider and respond to the new evidence.
9. The chair of the panel will ensure that the meeting is properly minuted.
10. Normally, the written outcome of the panel meeting, which will be sent to you, should give you all the information you require. If, however, you feel that you would like to have a copy of the minutes, be aware that due to the confidential nature some area/parties' names may be redacted.
11. During the meeting, you can expect there to be opportunities for:
 - The panel to hear you explain your case and your argument for why it should be heard at stage two;

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- The panel to hear the school's case in response;
- You to raise questions via the chair;
- You to be questioned by the Headteacher through the chair;
- The panel members to be able to question you and the Headteacher; and
- You and the Headteacher to make a final statement.

12. In closing the meeting, the chair will explain that the panel will now consider its decision and that written notice of the decision will be sent to you and the Headteacher (or Chair of Governors if the complaint is against the Headteacher) **within three school days.**

All participants other than the panel and clerk will then leave.

13. The panel will then consider the complaint and all the evidence presented in order to:

- Reach unanimous, or at least majority, decision in the case;
- Decide on the appropriate actions to be taken, if necessary; and
- Recommend, where appropriate, to the Governing Body changes to the school's systems or procedures to ensure that similar problems do not happen again.

14. The clerk will send you and the Headteacher (or the Chair of Governors if the complaint is against the Headteacher) a letter outlining the decision of the panel. The letter will also explain that you are entitled to have the handling of the complaint reviewed by the Secretary of State for Education.

15. We will keep a copy of all correspondences and notes on file in the school's records but separate from pupils' personal records.

Remit of the Panel – the Complaints Panel can:

- Dismiss the complaint in whole or in part;

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- Uphold the complaint in whole or in part;
- Decide the appropriate action to be taken to resolve the complaint;
- Recommend changes to the school's systems or procedures to ensure problems of a similar nature do not occur.

It may:

- Consider and, if appropriate, criticise the way in which the operational decision was communicated – **but cannot overturn the decision itself;**
- Consider the thoroughness with which the Headteacher investigated a complaint about a member of staff – **but cannot expect the Headteacher to provide confidential discussions with that staff member;**
- Consider the manner in which a complaint about any decision was addressed and ask for the decision to be reviewed – **but cannot expect the Headteacher to have changed the decision.**
- Consider and, if appropriate, identify limitations in the policy or procedures – **but cannot make changes to the policy.** (It can, however recommend the policy be reviewed by the Governing Body to ensure that problems of a similar nature do not recur, and individual panel members can subsequently play their part in improving the policy).
- Consider whether it should recommend that the Governing Body offer appropriate address.

Closure of Complaints

Very occasionally a school will feel that it needs, regretfully, to close a complaint where the complainant is still dissatisfied.

We will do all we can to help to resolve a complaint against the school but sometimes it is simply not possible to meet all the complainants wishes. Sometimes it is simply a case of “agreeing to disagree”.

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If a complainant persists in making representations to the school – to the Headteacher, Chair of Governors or anyone else, this can be extremely time consuming and can detract from our responsibility to look after the interests of all the children in our care.

For this reason, we are entitled to close correspondence (including personal approaches, as well as letters and telephone calls) on a complaint where we feel that we have taken all reasonable actions to resolve the complaint and that the complaint has exhausted our official process.

THE ROLE OF THE SCHOOLS COMPLAINTS UNIT

If the complaint has completed the local procedures and the complainant remains dissatisfied, they have the right to refer the complaint to the Secretary of State. The Secretary of State has a duty to consider all complaints raised but will only intervene where the Governing Body has acted unlawfully or unreasonably and where it is expedient and practical to do so.

The Schools Complaints Unit (SCU) considers complaints related to Local Authority maintained schools in England on behalf of the Secretary of State. The SCU will look at whether the Complaints Policy and any other statutory policies were adhered to. The SCU also looks at whether statutory policies adhere to education legislation. However, the SCU will not normally re-investigate the substance of the complaint. This remains the responsibility of the school.

The SCU will not overturn a school's decision about a complaint except in exceptional circumstances where it is clear the school has acted unlawfully or unreasonably. If the SCU finds the school has not handled the complaint in accordance with its procedures, we may request that complaint is looked at again.

If legislative or policy breaches are found, the SCU will report them to the school and the complainant, and where necessary, ask for corrective action to be taken. The SCU normally also seeks written assurances as to future conduct. Failure to carry out remedial actions or provide written assurances could ultimately result in a formal

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Direction being issued by the Secretary of State in accordance with their powers under sections 496 and 497 of the Education Act 1996.

Schools may wish to contact the SCU for advice on whether they have acted reasonably; for example: in closing down a complaint from a serial complainant before the local procedure has been completed. However, the SCU will not be able to advise on how to resolve the complaint.

Further information can be obtained from the SCU by calling the National Helpline on **0370 000 2288** or going online at www.education.gov/help/contactus

Or by writing to:

Department for Education
School Complaints Unit
2nd Floor, Piccadilly Gate
Store Street
Manchester M1 2WD

We would advise parents that, unless the school is shown to have behaved unreasonably or not to have followed their own procedures, there is likely to be little further action that can be taken, as Governing Bodies are empowered to deal with many issues without reference to either the local authority or the Secretary of State.

Unreasonable Complainants

We are committed to dealing with all complaints fairly and impartially, and to providing a high quality service to those who complain. We will not normally limit the contact complainants have with the school. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

We define unreasonable complainants as *“Those who, because of the frequency or nature of their contacts with the school, hinder our consideration of their and other people’s complaints”*.

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A complaint may be regarded as unreasonable when the person making the complaint:

- Refuses to articulate their complaint or specify the grounds of a complaint or the outcome sought by raising the complaint, despite offers of assistance;
- Refuses to co-operate with the complaints investigation process while still wishing their complaint to be resolved;
- Insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice;
- Introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on, or raising large numbers of details but unimportant questions, and insists they are fully answered, often immediately or to their own timescales;
- Makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced;
- Changes the basis of the complaint as the investigation proceeds;
- Repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed);
- Refuses to accept findings of the investigation into that complaint where the school's complaint procedure has been fully and properly implemented and completed including referral to the DfE;
- Seeks unrealistic outcomes;
- Makes excessive demand on school time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with.

A complaint may also be considered unreasonable if the person making the complaint does so either face-to-face, by telephone or electronically;

- Maliciously;

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- Aggressively;
- Using threats, intimidation or violence;
- Using abusive, offensive or discriminatory language;
- Knowing it to be false;
- Using falsified information;
- Publishing unacceptable information in a variety of media such as in social media, websites and newspapers.

Complainants should limit the number of communications with the school while the complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text) as it could delay the outcome being reached.

Whenever possible, the Headteacher or Chair of Governors will discuss any concerns with the complainant informally before applying an “unreasonable” marking.

If the behaviour continues the Headteacher will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact us causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan.

This will usually be reviewed after 6 months.

CONCLUSION

If you do not understand any part of this policy please do not hesitate to contact the Headteacher or the Chair of Governors. Please contact the school office in confidence to obtain contact details.

LEGISLATION

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Section 29 of the Education Act 2002 requires that:

1. The Governing Body of a maintained school shall –
 - a) establish procedures for dealing with all complaints relating to the school or to the provision of facilities or services under section 27, other than complaints falling to be dealt with in accordance with any procedures required to be established in relation to the school by virtue of a statutory provision other than this section, and
 - b) Publicise the procedures so established.
2. In establishing or publicising procedures under subsection (1), the Governing Body shall have regard to any guidance given from time to time (in relation to England) by the Secretary of State.

Section 39 of the Education Act 2002 provides the following:

“Maintained school” means a Community, Foundation or Voluntary school, a Community or foundation special school or a maintained nursery school.

Appendix 1 BREDENBURY PRIMARY SCHOOL - COMPLAINTS FORM

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Please complete and return to the Headteacher (or the Chair of Governors if the complaint is about the Headteacher), who will acknowledge receipt and explain what action will be taken.

Your name:

Pupil's name:

Your relationship to the pupil:

Address:

Postcode:

Day time telephone number:

Evening telephone number:

Email address:

Please give details of your complaint.

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

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

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

Printed name:

Signature:

Date:

Official use:

Date acknowledgement sent:

By whom:

Complaint referred to:

Date:

Appendix 2

BREDENBURY PRIMARY SCHOOL

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Complaints procedure

Schools are expected to provide parents with good opportunities to raise issues of concern through the following general procedures:

Stage 1 - Informal Stage: your initial contact with the school

- **Talk to the teacher about your concerns** and explain them carefully -often this is all that is needed to find a solution.

If you still have concerns and do not feel that the teacher has addressed them adequately:

- **Make an appointment to talk to the Headteacher** -say that you have already talked to the teacher but you still have concerns. Please discuss the matter openly with the Headteacher.

If you still have concerns and do not feel that the Headteacher has addressed them adequately:

Stage 2 – Formal Stage

This stage in our procedures deals with written complaints. It applies where you are not happy with the informal approach to dealing with your concern, as outlined above.

- The Complaints Form (found at the end of this Policy) **must be fully completed** and returned in order that the formal stage of the complaints procedure can proceed.
- **You should send the completed Complaints Form to the Headteacher (or the Chair of the Governors if the complaint is about the Headteacher).**
- Your completed form should state clearly the concerns that you have and should contain all the relevant facts of which you are aware. If possible, include dates, times and the names of staff and/or pupils who know about the matter.
- We will acknowledge your complaint within **3 school days**.
- Any actions or monitoring of the situation that has been agreed will be clearly communicated and we will normally confirm this in writing, or in person, to you within **10 school days**.

If you do not feel that the Headteacher has addressed and dealt with your concerns to your satisfaction then:

Stage 3 – consideration by a Complaints Panel

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If the complaint has already been through Stage 2 and you are not happy with the outcome as a result of the way in which the complaint was handled, you can take it further to a Complaints Panel.

This is a formal process, and the ultimate recourse at school level.

- The purpose of this arrangement is to give you the chance to present your arguments around whether the investigation has been conducted fairly and that correct procedure has been followed.
- This will be done in front of a panel who have no prior knowledge of the details of the case and who can, therefore, consider it without prejudice. The Panel will consist of three persons not directly involved in the matters detailed in the complaint and one whom shall be independent of the management and running of the school.

The role of the schools complaints unit If the complaint has completed the local procedures and the complainant remains dissatisfied, they have the right to refer the complaint to the Secretary of State. The Secretary of State has a duty to consider all complaints raised but will only intervene where the Governing Body has acted unlawfully or unreasonably and where it is expedient and practical to do so.

The Schools Complaints Unit (SCU) considers complaints related to Local Authority maintained schools in England on behalf of the Secretary of State. The SCU will look at whether the Complaints Policy and any other statutory policies were adhered to. The SCU also looks at whether statutory policies adhere to education legislation. However, the SCU will not normally re-investigate the substance of the complaint. This remains the responsibility of the school.

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 - d) Publicise the procedures so established.
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