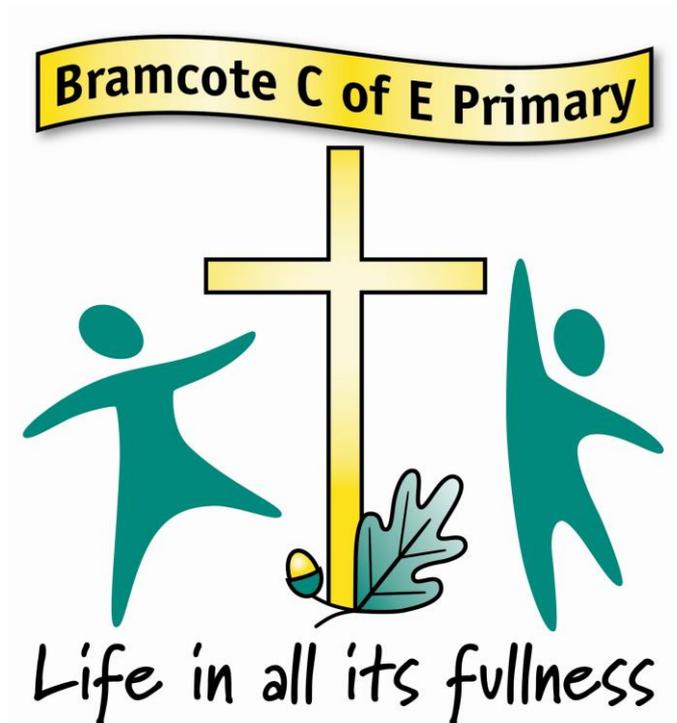


Bramcote C of E Primary School



SCHOOL COMPLAINTS PROCEDURE POLICY

Autumn 2018

Amendments to School Complaints Procedure

MARCH 2016	This policy was reviewed by F&GP committee and no amendments were made to the policy.
NOVEMBER 2017	<p>P3 – Point 2 –LEA changed to LA.</p> <p>P3 – Dealing with a complaint</p> <p>Point 5 – Moved from point 7 The Headteacher is the complaints co-ordinator and should be the person first contacted where formal procedures are considered necessary.</p> <p>Point 6 – Changes to wording to read – The complainant should put their complaint into writing using the complaint form (Appendix D) within this policy, addressed to the Headteacher or send via email to the assigned complaint email address which is complaints@bramcote.notts.sch.uk.</p> <p>Point 7 – Additional sentence - If the complaint is against the Headteacher then it needs to be sent to school in a sealed envelope marked confidential for the attention of the Chair of Governors or to the assigned email address which is chair@bramcote.notts.sch.uk . This email address is accessible by both the Chair and Vice Chair of governors.</p> <p>P5 – Removal of sub-heading Vexatious replaced by Serial and Persistent Complainers as advised by DFE 2016.</p> <p>P11 – Updated Bramcote C of E Primary School complaints form.</p>
November 2018	Policy re-written to take into account DFE policy, procedure and recommendations.

Overview

1. Since 1 September 2003 Governing Bodies (GBs) of all maintained schools and maintained nursery schools in England were required, under Section 29 of the Education Act 2002, summarised in Annex A, to have in place a procedure to deal with complaints relating to the school and to any community facilities or services that the school provides. The law also requires the procedure to be publicised. This policy is set out in accordance with the duties of Bramcote Church of England Primary (BCE)

2. A complaints procedure should cover all complaints about any provision of facilities or services that a school provides with the **exceptions** which are listed in Appendix A.

1. Introduction

At Bramcote C of E Primary School we aim for all our pupils to benefit from the best possible education, within a happy, safe, and caring environment. All our staff, teaching and non-teaching, are dedicated to this aim. If you think that we are not meeting your expectations we want to know about it so that we may have the opportunity to listen and consider your views.

If and when appropriate, we will strive to put things right. We would also like to hear about the things you feel we do well.

We strongly believe it is in everyone's interest that concerns and complaints are resolved at the earliest possible stage.

We will endeavour to keep you informed at every stage.

In writing this policy we considered and used the Department for Education "Best Practice Advice for School Complaints Procedure 2016".

2. General Principles of complaints

The difference between a concern and a complaint.

A 'concern' may be defined as '*an expression of worry or doubt over an issue considered to be important for which reassurances are sought*'.

A complaint may be generally defined as '*an expression of dissatisfaction however made, about actions taken or a lack of action*'.

Framework of Principles

We hope to have an effective Complaints Procedure that will:

- encourage resolution of problems by **informal** means wherever possible;
- be easily **accessible** and **publicised**;
- be **simple** to understand and use;
- be **impartial**;
- be **non-adversarial**;
- allow **swift** handling with established **time-limits** for action and keeping people informed of the progress;
- ensure a full and **fair** investigation by an independent person where necessary;
- respect people's desire for **confidentiality**;
- address all the points at issue and provide an **effective** response and **appropriate** redress, where necessary;
- provide **information** to the school's senior management team so that services can be improved.

3. Procedures for dealing with a parental concerns & complaints

The majority of concerns from parents, carers and others are handled under the following general procedures. Appendix B briefly sets out the schools complaints procedure. With time limits for each action within each stage.

However, where further investigations are necessary, new time limits can be set and the complainant sent details of the new deadline and an explanation for the delay.

The procedure is divided into three stages:

- **The informal stage** aims to resolve the concern through informal contact at the appropriate level in school.
- **Stage one** is the first formal stage at which written complaints are considered by the headteacher or the designated governor, who has special responsibility for dealing with complaints.
- **Stage two** is the next stage once stage one has been worked through. It involves a complaints appeal panel of governors.

Details of the procedure are outlined below.

Informal stage – your initial contact with the school

- i. 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.
- ii. Once your concern is made known to us, we will see you, or contact you by telephone or in writing, as soon as possible. If it is necessary, all members of staff know how to refer to the appropriate person with responsibility for your particular issues. He or she will make a clear note of the details and will check later to make sure that the matter has been followed up.
- iii. Any actions or monitoring of the situation that has been agreed, will be communicated clearly and we will confirm this in writing to you.
- iv. If necessary we will contact appropriate people who may be able to assist us with our enquiries into your concern.
- v. We will normally update you on the progress of our enquiries within 10 school days. Once we have responded to your concern, you will have the opportunity of asking for the matter to be considered further.
- vi. If you are still dissatisfied following this informal approach, your concern will become a formal complaint and we will deal with it at the next stage.

Stage one - 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.

- i. Normally, we ask your written complaint should be addressed to the Headteacher or sent to our assigned email complaints@bramcote.notts.sch.uk. If, however, your complaint concerns the Headteacher then it should be sent to the Chair of Governors at chair@bramcote.notts.sch.uk or if it is a member of the governing body it goes to the HT complaints@bramcote.notts.sch.uk
- ii. We will acknowledge your complaint in writing as soon as possible after receiving it. This will be within five school days.

- iii. We will enclose a copy of these procedures with the acknowledgement.
- iv. 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 the delay and let you know when we hope to be able to provide a full response.
- v. 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 reasons for your complaint.
- vi. The headteacher, or chair of governors may also be accompanied by a suitable person if they wish.
- vii. Following the meeting, the headteacher, investigating officer or chair of governors will, where necessary, talk to witnesses and take statements from others 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.
- viii. 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 a pupil has specifically said that he or she would prefer the parent or carer not to be involved. In such circumstances, we will ensure that another member of staff, with whom the pupil feels comfortable, is present.
- ix. If the complaint is against a member of staff, it will be dealt with under the school's internal confidential procedures, as required by law.
- x. The headteacher or chair of governors will keep written/typed, signed and dated records of all meetings and telephone conversations, and other related documentation.
- xi. Once we have established all the relevant facts, we will send you a written response to your complaint. This will give an explanation of the headteacher's or chair of governors decision and the reasons for it. If follow-up action is needed, we will indicate 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.
- xii. The person investigating your complaint may decide that we have done all we can to resolve the complaint, in which case we may use our discretion to close the complaint at this point.
- xiii. If you are unhappy with the way in which we reached our conclusions, you may wish to proceed to stage two, as described on the next page.

Stage two - consideration by a governors appeal 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 has been handled, you can take it further to a governors' appeal 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 in front of a panel of governors who have no prior knowledge of the details of the case and who can, therefore, consider it without prejudice.
- However, the aim of a 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 the complaint seriously.

The governors' appeal panel operates according to the following formal procedures:

- i. The governing body will convene a panel of three governors who have not been previously involved at stage 1, and will aim to arrange for the panel meeting to take place within 20 school days of receiving your request for a panel meeting.
- ii. You will be asked whether you wish to provide any further written documentation in support of your appeal.
- iii. The headteacher or complaint investigator will be asked to prepare a pack of the documentation related to the investigation and the outcome for the panel. The panel can request additional information from other sources if necessary.
- iv. 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 the school but we will do what we can to make alternative arrangements if you prefer.
- v. With the letter, you will receive any relevant correspondence or reports regarding stage one and you will be asked whether you wish to submit further written evidence to the panel. Any additional documentation should be submitted prior to the review panel meeting.
- vi. The letter will explain what will happen at the panel meeting and that 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.
- vii. If it is necessary in the interests of ratifying the investigative process, the complaint investigator may, with the agreement of the chair of the panel, invite relevant witnesses directly involved in matters raised by you to attend the meeting.
- viii. 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 or her best to put you at your ease.
- ix. As a general rule, no evidence or witnesses previously undisclosed should be introduced into the meeting by any of the participants. If either party wishes to do so a request must be made to the panel and, if allowed, the meeting will be adjourned so that the other party has a fair opportunity to consider and respond to the new evidence.
- x. The chair of the panel will ensure that the meeting is properly minuted. Please understand that any decision to share the minutes with you, the complainant, is a matter for the panel's discretion and you do not have an automatic right to see or receive a copy as the minutes are the property of the governing body. Since such minutes usually name individuals, they are understandably of a sensitive and, therefore, confidential nature.
- xi. 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 it would be helpful if you could indicate this in advance.
 - i. During the meeting, you can expect there to be opportunities for:
 - xii. the panel to hear you explain your case and your argument for why it should be heard at stage two;
 - xiii. the panel to hear the complaint investigator's case in response;
 - xiv. you to raise questions via the chair;
 - xv. you to be questioned by the complaint investigator through the chair;
 - xvi. the panel members to be able to question you and the complaint investigator; and

- xvii. you and the headteacher/complaint investigator to make a final statement.
 - a. 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 within three school days. All participants other than the panel and the clerk will then leave.
 - b. The panel will then consider the complaint and all the evidence presented in order to:
 - xviii. reach a unanimous, or at least a majority, decision on the case;
 - xix. decide on the appropriate action to be taken, if necessary; and
 - xx. recommend, where appropriate, to the governing body changes to the school's systems or procedures to ensure that similar problems do not happen again.
 - a. The clerk will send you and 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.
 - b. We will keep a copy of all correspondence and notes on file in the school's records but separate from pupils' personal records.

4. Closure of complaints

- i. Very occasionally, the school will feel that it needs, regrettably, to close a complaint where the complainant is still dissatisfied.
- ii. 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 of the complainant's wishes. Sometimes it is simply a case of "agreeing to disagree".
- iii. If a complainant persists in making representations to the school – to the headteacher, designated governor, chair of governors or anyone else – or to the LA, this can be extremely time-consuming and can detract from our responsibility to look after the interests of all the children in our care.
- iv. 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 action to resolve the complaint and that the complaint has exhausted our official process.
- v. In exceptional circumstances, closure may occur before a complaint has reached stage two of the procedures described in this document. This is because a complaints panel takes considerable time and effort to set up and we must be sure that it is likely to assist the process of investigating the complaint.

The chair of governors or a designated governor may decide, therefore, that every reasonable action has been undertaken to resolve the complaint and that a complaints review panel would not help to move things forward.

Where you have been through the school's internal complaints procedures (with or without recourse to a complaints review panel) and are still unhappy with the outcome or decision from the governing body, you can contact the Secretary of State for Education via the DfE website www.education.gov.uk, by telephoning 0370 000 2288 or by writing to the address below:

The School Complaints Unit (SCU)
 Department for Education
 Piccadilly Gate
 Store Street
 Manchester
 M1 2WD

Please enclose with your letter to the DfE a copy of the complaint outcome. This will save time in that the DfE will not need to ask for our view of what has happened.

5. Equality Implications

Where a complainants may have communication preferences due to a disability or learning difficulties or having English as an additional language, school will accept that a complaint may be made verbally either in person, over the telephone or via an interpreter. This will then be recorded via the school complaints form. (Appendix C)

6. Serial and Persistent Complainants

13. We hope that our complaints procedure will limit the number of complaints that become protracted. However, there will be occasions when, despite all stages of the procedures having been followed, the complainant remains dissatisfied. If the complainant tries to reopen the same issue, the chair of the Governing Body will inform them in writing that the procedure has been exhausted and that the matter is now closed.

7. Unreasonable complaints

Bramcote C of E Primary School defines unreasonable complainants as “those who, because of the frequency or nature of their contacts with the school, hinder our consideration of their or other people’s complaints”.

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

- i. Refuses to articulate their complaint or specify the grounds of a complaint or the outcomes 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
- ii. Refuses to accept that certain issues are not within the scope of a complaints procedure
- iii. Insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice
- iv. Introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on, or raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales
- v. Makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced
- vi. 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)
- vii. Refuses to accept the findings of the investigation into that complaint where the school’s complaints procedure has been fully and properly implemented and completed including referral to the Department for Education
- viii. Seeks an unrealistic outcome
- ix. Makes excessive demands 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 in writing or electronically: maliciously; aggressively; using threats, intimidation or violence; using abusive, offensive or discriminatory language
- x. Knowing it to be false
- xi. Using falsified information
- xii. Publishing unacceptable information in a variety of media such as in social media websites and newspapers.

8. Recording Complaints

The complaints co-ordinator is responsible for the recording complaints and their outcomes and holds them centrally.

9. Governing Body Review

The GB will monitor the level and nature of complaints and review the outcomes on a regular basis to ensure the effectiveness of the procedure and make changes where necessary. Preferably, complaints information shared with the whole GB will not name individuals.

As well as addressing an individual's complaints, the process of listening to, and resolving complaints will contribute to school improvement. When individual complaints are heard, schools may identify underlying issues that need to be addressed. The monitoring and review of complaints by the school and the GB is used as a tool in evaluating the school's performance.

10. Publicising the Procedure

There is a legal requirement for the Complaints Procedures to be publicised. It is up to the GB to decide how to fulfil this requirement but details of the Complaints Procedures could be included in:

- the information given to new parents when their children join the school;
- the home-school agreement;
- the school website.

Reviewed by P&P committee: November 2018

Next Review: November 2019

School Complaints Procedure

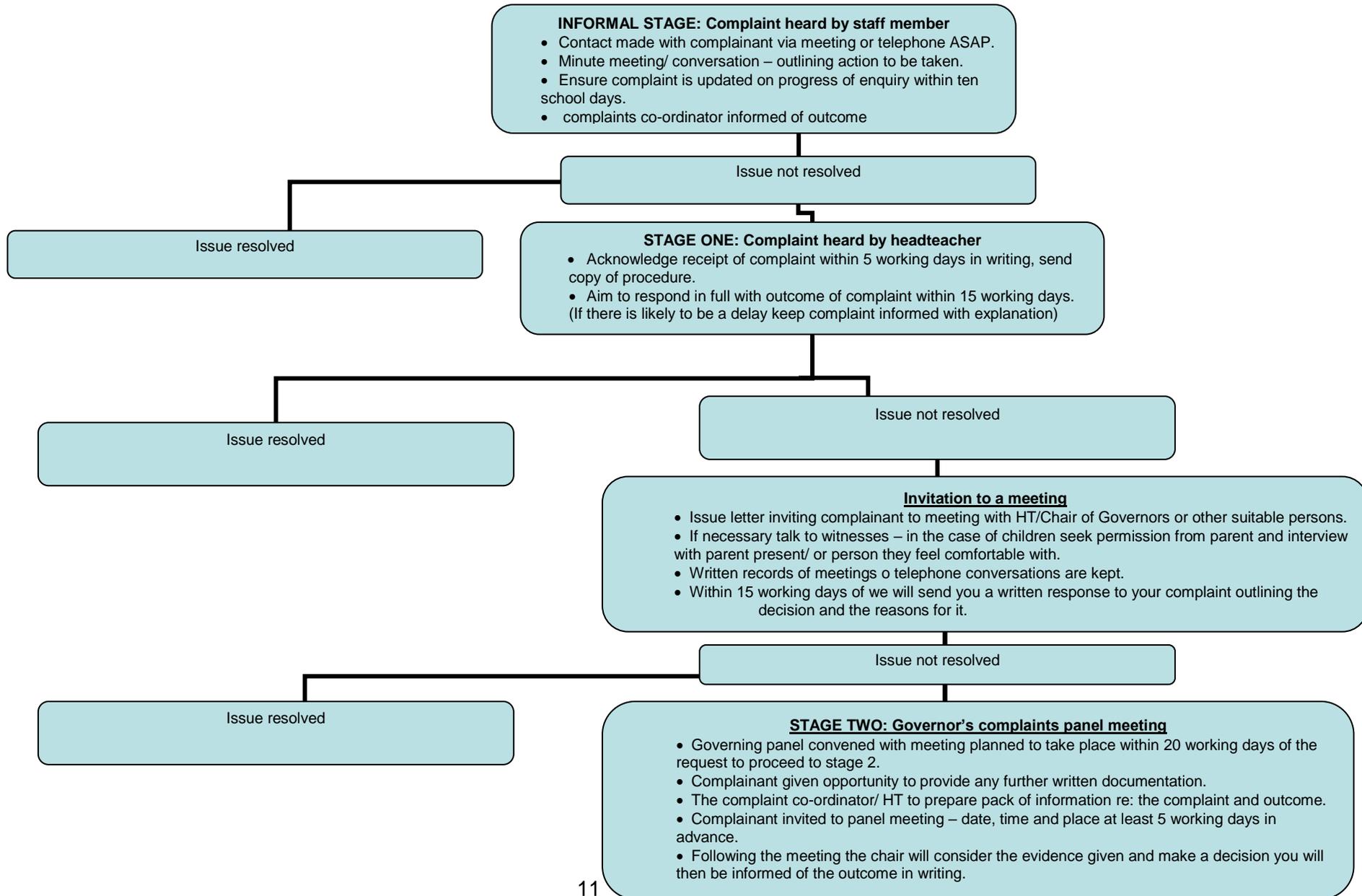
Appendix A

EXCEPTIONS	WHO TO CONTACT
<ul style="list-style-type: none"> • Admissions to school • Statutory assessments of Special Educational Needs (SEN) • School re-organisation proposals • Matters likely to require a Child Protection Investigation 	<p>Concerns should be raised direct with local authorities (LA). For school admissions, it will depend on who is the admission authority (either the school or the LA). Complaints about admission appeals for maintained schools are dealt with by the Local Government Ombudsman.</p>
<ul style="list-style-type: none"> • Exclusion of children from school 	<p>Further information about raising concerns about exclusion can be found at: www.gov.uk/school-discipline-exclusions/exclusions.</p>
<ul style="list-style-type: none"> • Whistleblowing 	<p>Schools have an internal whistleblowing procedure for their employees and voluntary staff. Other concerns can be raised direct with Ofsted by telephone on: 0300 123 3155, via email at: whistleblowing@ofsted.gov.uk or by writing to: WBHL, Ofsted Piccadilly Gate Store Street Manchester M1 2WD. The Department for Education is also a prescribed body for whistleblowing in education.</p>
<ul style="list-style-type: none"> • Staff grievances and disciplinary procedures 	<p>These matters will invoke the school's internal grievance procedures. Complainants will not be informed of the outcome of any investigation.</p>
<ul style="list-style-type: none"> • Complaints about services provided by other providers who may use school premises or facilities. 	<p>Providers should have their own complaints procedure to deal with complaints about service. They should be contacted direct.</p>

School Complaints Procedure

Flowchart

Summary of Dealing with Complaints





School Complaints Procedure

Appendix C

Bramcote C of E Primary School Complaints

Please complete and return to the complaints co-ordinator 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:

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)?

School Complaints Procedure

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 who:

Complaint referred to:

Date: