

# **Bedford Road Lower School Complaints Procedures September 2016**

## **General Information**

The following information is provided in line with the DfE document 'Best Practice Advice for School Complaints Procedures 2016' for Maintained schools.

The Complaints Procedure is available on the school website with hard copies being available from the school office.

There is a difference between a concern and a complaint. Sometimes parents, carers, pupils or other adults will have concerns about an aspect of the school's work. These concerns can usually be resolved by arranging a meeting to discuss the issue with the relevant member of staff. Informal concerns are taken seriously thus reducing the numbers that develop into formal complaints.

However, there may be occasions when a concern cannot be resolved by meeting and discussing this with the member of staff and then the parent/carer may decide to make a formal complaint.

Once a formal complaint has been made all parties are made aware the complaints procedure will be followed.

Complaints should be raised as soon as possible and within three months after the incident has occurred, wherever possible and unless there are exceptional circumstances.

Schools may nominate a member of staff to have responsibility for the operation and management of the school Complaints Procedure - the school's 'Complaints Co-ordinator'. At Bedford Road Lower, this is the Headteacher.

All the designated timescales in the Complaints Procedures apply during term time, additional time will be required over school holiday periods. However, there is an expectation that complaints will be dealt with as swiftly as possible in agreement with those investigating the complaint and the person making the complaint.

Where the Head teacher or Chair of Governors is unable to comply with the timescales, he/she will inform the complainant. This will only arise if the complaint is complex or the availability of key people is a problem.

An anonymous complaint will not be investigated unless there are exceptional circumstances. Please see the school's Whistle blowing policy which is available from the school office.

Some complaints fall outside the school's complaints procedures, for example, staff grievances or disciplinary procedures, please see Appendix Two for more information on this.

# **Bedford Road Lower School**

## **COMPLAINTS PROCEDURES**

**The purpose of the following procedure is to ensure a fair and consistent approach to dealing with complaints for all parties.**

### **Stage 1**

If the concern has not been resolved informally and the parent/carer wishes to pursue the issue, then a formal complaint should be made. A complaint may be made in person, by telephone, or in writing. Assistance with completing forms will be provided if required. (**Appendix 1: Complaints form**).

#### **The Complaints Co-ordinator or Head teacher will:**

- Acknowledge receipt of the complaint within 5 school days.
- Ensure that the complainant has a copy of the Complaints Procedures.
- Keep the complainant updated at each stage of the procedure.
- Keep records.
- Offer additional support to the complainant if required including interpretation support.

#### **The Investigator**

This person is involved in Stages 1 and 2 of the procedure. The person investigating will be the Head teacher, a Governor or the Chair of Governors depending on individual complaints. This person will:

- Establish what has happened so far and who has been involved.
- Clarify the nature of the complaint and what remains unresolved.
- Request information relating to the complaint from the member of staff (or Head teacher if the complaint is about the Head).
- Request information relating to the complaint from complainant. This may involve meeting or speaking with the complainant by telephone if a meeting is not possible. The complainant may be accompanied if they wish as may the Investigator conducting the interview.
- Neither party is able to bring legal representation with them. If after the hearing any party feels that legal action is necessary, please see the contact details at the end of the procedure.
- Conduct any interview with an open mind.
- Clarify what the complainant feels would put things right.
- Make notes throughout the investigation.

- Review the information provided.
- Identify solutions and recommend courses of action to resolve problems.
- Ensure that all people involved in the complaint procedure are aware of the legislation around complaints including the Equality Act 2010, Data Protection Act 1998 and Freedom of Information Act 2000.
- Keep records.
- Inform both parties in writing of the outcome of the investigation within 14 school days of acknowledging the complaint, using plain and clear language and providing a clear explanation of why the decision has been made.

**The outcome of the investigation will be:**

- To uphold the complaint and explain action to be taken.
- Partially uphold the complaint and explain action to be taken.
- To dismiss the complaint and give details of stage two appeal process including contact details of the clerk.
- Cannot uphold the complaint due to lack of evidence.

This should be the conclusion of the complaint.

**Stage 2**

If the complainant is not satisfied that the complaint has been addressed properly then the complainant may request that the Governing Board reviews the handling of the complaint.

A request to the Governing Board to review the complaint must be made within 7 school days of receiving the written conclusion of the previous investigation. This will normally be made to the Chair of Governors unless the complaint is about the Chair.

The complaint will then be reviewed by the Governing Board’s Complaints Panel. The Panel will meet within 21 school days of receiving the request to review the complaint.

**Complaints Panel**

The Chair of the Governing Board or person leading the process will appoint a Clerk.

**Panel Clerk**

The Clerk will be the contact point for the complainant for the Panel meeting and will:

- Acknowledge receipt of the request to review the complaint in writing within 5 school days.
- Convene a panel of three impartial Governors and for academies this has to include one independent member with no connection to the school (i.e. they will not be part of the governance or management of the school, will

not be a staff member, parent or pupil). All three panel members will have no prior knowledge of the content of the complaint.

- Where it is difficult to find three governors with no prior knowledge of the content of the complaint the school will contact a governor(s) from another school to sit on the appeal panel.
- Set the date, time and venue of the hearing, ensuring dates are convenient to all parties and that the venue and proceedings are accessible.
- Collate any written material and send it to all parties in advance of the hearing.
- Meet and welcome the parties as they arrive.
- Record the proceedings in the form of minutes.
- Circulate minutes and the outcome of the meeting.
- Notify all parties of the panel's decision.
- Liaise with the Complaints Co-ordinator.

#### **The procedure for the Panel Hearing will be:**

- The Panel will appoint a Chair who will work with the Clerk to ensure correct procedures are followed.
- The Chair will ensure everyone is treated with respect and courtesy.
- The complainant and the school will be asked to state their case.
- Any witnesses for the complainant or school will be asked to speak.
- Both parties will be asked to sum up their case.
- The Chair will explain that the Panel will write to both parties within 5 school days with the outcome of the review.
- The complainant, Head teacher, school staff witnesses will leave the meeting at the same time.

#### **The outcome of the review will:**

- Uphold the complaint, the Panel will give reasons and actions to be taken.
- Partially uphold the complaint and explain action to be taken.
- Dismiss the complaint, with the Panel giving reasons.
- Cannot uphold the complaint due to lack of evidence.

If the complaint is upheld, the Panel will refer the outcome and any recommendations to the Governing Board. The Governing Board will reassure the complainant that every effort will be taken to ensure that the same thing will not happen again and that school procedures and policies will be reviewed as a result of the complaint.

#### **Whatever the result of the review, this ends the Local complaints procedure.**

A complainant has the right to refer their complaint to the Secretary of State at the Department for Education. Department for Education, Schools Complaints Unity, 2<sup>nd</sup> Floor, Piccadilly Gate, Store Street, Manchester, M1 2WD.

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 or practical to do so.

### **Serial or Persistent Complaints**

Every reasonable effort will be made to address the complainant's needs. However, the Chair of Governors will close a complaint if it is deemed to be persistent. This will happen if it is clear there is insufficient evidence to pursue the case, but a complainant is persistently raising the same issue. Equally this may happen if a complaint has been investigated and no justification for the complaint found.

It will be acceptable for the Chair of Governors to close a complaint if the complainant refuses to co-operate with the school's relevant procedures, places excessive demands on the time of staff and Governors and if the complainant acts in an abusive or offensive manner.

### **Complaints about the Head teacher or the Governors**

The complainant should first directly approach the Head teacher in an attempt to resolve the issue informally. If the complainant is not satisfied with this outcome they should notify the Chair of Governors. A letter must be sent to the Chair of governors, addressed to the school and marked 'Private and Confidential'. The Stage One process will then commence, normally with the Chair of Governors as the individual responsible for the investigation.

Where a complaint regards a Governor, the same process applies as for the Head teacher. Where a complaint concerns the Chair of Governors, the complainant should write to the Clerk to the governors, addressed to the school. Letters should be marked 'Private and confidential'. Informal resolution will be sought, but where this fails, the complaints procedure at Stage Two will take effect. The Vice Chair will mediate any proceedings.

### **Safeguarding**

Wherever a complaint indicates that a child's wellbeing or safety is at risk, the school is under a duty to report this immediately to the Local Authority. Any action taken will be in accordance with the school's safeguarding policy, A copy of the safeguarding policy is available from the school office.

### **Social Media**

In order for complaints to be resolved as quickly and fairly as possible we request that the complainants do not discuss complaints publically via social media such as facebook and twitter. Complaints will be dealt with confidentially for those involved and we expect complainants to observe confidentiality also.

### **Data Protection Principals**

Personal information and a log of all correspondence in relation to the complaint will be kept in accordance with Data Protection Principles.

### **Monitoring and Review**

The Governing Board reviews the complaints procedure at regular intervals, in order to ensure that all complaints are handled properly. Details about individual



<b>What actions do you feel might resolve the problem at this stage?</b>
<b>Are you attaching any paperwork? If so, please give details.</b>
<b>Signature:</b>
<b>Date:</b>
<b>Official Use:</b> <b>Date acknowledgement sent:</b>
<b>By who:</b>
<b>Complaint referred to:</b>
<b>Date:</b>

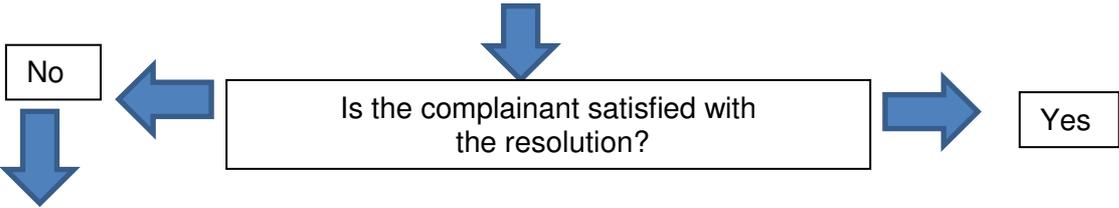
**Appendix 2:** (Provided by the DfE document ‘Best Practice Advice for School Complaints Procedures 2016’ for Maintained schools.

### Complaints not in scope of a procedure

This procedure covers all complaints about any provision of facilities or services that a school provides with the **exceptions** listed below, for which there are separate (statutory) procedures.

Exceptions	Who to contact
<ul style="list-style-type: none"> <li>• Admissions to schools</li> <li>• Statutory assessments of Special Educational Needs (SEN)</li> <li>• School re-organisation proposals</li> <li>• Matters likely to require a Child Protection Investigation</li> </ul>	<p>Concerns should be raised direct with local authorities.</p>
<ul style="list-style-type: none"> <li>• Exclusion of children from school</li> </ul>	<p>Further information about raising concerns about exclusion can be found at: <a href="http://www.gov.uk/school-discipline-exclusions/exclusions">www.gov.uk/school-discipline-exclusions/exclusions</a>.</p>
<ul style="list-style-type: none"> <li>• Whistleblowing</li> </ul>	<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: <a href="mailto:whistleblowing@ofsted.gov.uk">whistleblowing@ofsted.gov.uk</a> 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"> <li>• Staff grievances and disciplinary procedures</li> </ul>	<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"> <li>• Complaints about services provided by other providers who may use school premises or facilities.</li> </ul>	<p>Providers should have their own complaints procedure to deal with complaints about service. They should be contacted direct.</p>

Informal concern is raised with staff or Head teacher and a resolution is sort.

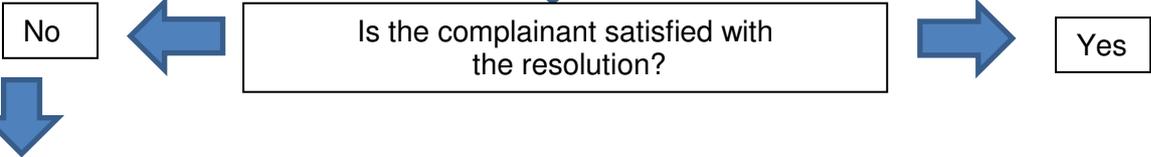


**Stage 1**

A formal complaint may be made in person, by telephone, or in writing. Assistance with completing forms will be provided if required.

The Head teacher will acknowledge receipt of the complaint within five school days.

Investigator will establish what has happened, take notes at meetings, identify solutions and outcomes and feed these back to all parties.



**Stage 2**

If the complainant is not satisfied that the complaint has been addressed properly they may request that the Governing Board reviews the handling of the complaint within 7 school days of receiving the written conclusion of the previous investigation. This will normally be made to the Chair of Governors unless the complaint is about the Chair.

The complaint will then be reviewed by the Governing Board's Complaints Panel. The Panel will meet within 21 days of receiving the request to review the complaint.

**The outcome of the review will either:**

- Uphold the complaint, the Panel will give reasons and actions to be taken.
- Partially uphold the complaint and explain action to be taken.
- Dismiss the complaint, with the Panel giving reasons.
- Be unable to uphold the complaint due to lack of evidence.

**THIS ENDS THE LOCAL COMPLAINTS PROCEDURE.**



The complainant may write to the Secretary of State if they are not satisfied with the outcome. (Maintained schools)