



Brodetsky Primary School
Governing Body Documents



Brodetsky Primary School Policies

Policy Name: Complaints Policy

Date Agreed: December 2017 (amended 19.06.18 following OFSTED visit)

Review Date: September 2018

Committee Responsible: PS

For website publication: Y

Contents

- 1.0 Introduction
- 2.0 Stage One: Informal Resolution
- 3.0 Stage Two: Formal Complaints
- 4.0 Stage 3: Independent resolution: panel hearing
- 5.0 Appeal to the Education Funding Agency
- 6.0 Monitoring Complaints
- 7.0 Confidentiality and Record-keeping
- 8.0 Monitoring and Evaluation
- 9.0 Publicising our Complaint Procedure
- 10.0 Approval by Trust and Review Date

Appendix A

Appendix B

Appendix C

1.0 Introduction

At Brodetsky Primary School we have a strong commitment towards working in positive partnership with the whole school community. A school is a busy place where there are many interactions between students, complainants/carers and staff as part of the everyday life of the school. We have an ethos of respecting the rights of all members of the school community and as part of our curriculum teaching we work to instil this in our students. From time to time something may go wrong, or you may think we can do something better. Where any concerns are raised we aim to resolve these as quickly and as efficiently as possible. Usually concerns that are raised can be resolved very quickly through the school's day to day communication between complainants and the school staff without anxiety and in the knowledge that concerns and complaints will be treated seriously, impartially and, except where disclosure is legally required, confidentially.

Where a complainant may feel that an issue has not been dealt with appropriately it is important, for all involved, that there is a clear and transparent process for a complaint to be looked into and followed up.

This procedure is available to all complainants via the school's website. This policy can also be made available in a different language or more accessible format, on request. The school will make such reasonable adjustments as necessary to the complaints procedure to ensure it is readily accessible to those people with a disability.

The kinds of issues that might lead to a formal complaint being made may include:

- The school environment
- Staff conduct
- Bullying
- Discrimination on the grounds of race or gender

In each of these cases the responsibility for action lies with the school. In some cases a complaint may lead to a disciplinary or an appeal against a decision in which case it may be appropriate for the issue to be dealt with separately from the complaints procedure.

The complaints procedure cannot deal with complaints for which procedures already exist for dealing with each of the following issues:

- Complaints about the EHCP process for children with special educational needs.
- Disciplinary issues relating to members of staff (although sometimes this may come about as a result of a complaint).
- Allegations of abuse.
- Admissions and exclusions.
- Provision of collective worship and religious education.
- Child Protection matters

2.0 Stage 1: Informal resolution

Resolution

Complainants should wherever possible seek an early and informal resolution of all concerns. The school will wish to take whatever measures are necessary to sort out any

problems effectively before they turn a concern into a complaint; such measures will include some or all of the following:

- giving advice or reassurance;
- explaining the context of an incident or decision;
- gathering information from other staff or from students;
- finding information from other sources;
- referring the concern or potential complaint to a senior colleague;
- reviewing or amending practice; giving feedback to complainants; and
- apologising for a mistake or oversight.

Making Contact

A complainant with a concern or potential complaint should normally first contact their child's class teacher. However, there may be occasions where the first contact may be with an alternative, normally more senior, teacher. Other staff (for example, the Deputy Head, or Executive Headteacher) may need to be involved or consulted if the class teacher cannot resolve the matter alone. If the complaint does not relate to a pupil contact should be made to the Deputy Head

Record Keeping

Class teachers will keep a written record of concerns raised with them and the date on which they were received. In common with other correspondence from complainants, details of concerns made in this way are kept in students' confidential files.

Timescales

In the event that a complainant (or exceptionally, a student using this procedure) remains dissatisfied that a satisfactory resolution has not been reached through the school's response and within a reasonable time (fifteen (15) school days unless otherwise notified), then the complainant is entitled to proceed with a formal written complaint in accordance with the procedure below.

3.0 Stage 2: Formal complaints

Stage 2(i) – Formal resolution by a member of the school's management team

If the concern or complaint has not been resolved informally, the complainant should put it in writing (a form is enclosed for this purpose), stating that a complaint is being made and stating the complainant's desired outcome, addressed to the Executive Headteacher, who will decide after consideration the appropriate course of action to take. At this point a formal complaint will be registered and acknowledged. Where necessary, the Executive Headteacher will meet with the complainant, within ten (10) school days of receiving the complaint, to discuss the matter and if possible to reach a resolution at this stage. Where a complaint is received during a school holiday, it will be deemed to have reached the school on the first full school day following its arrival. It may be necessary to carry out further investigations. The Executive Headteacher will keep written records of all complaints and of meetings held in relation to them. Once the Executive Headteacher is satisfied that all the relevant facts have been established, a response to the complainant's or carer's complaint will be made and the complainant will be informed in writing, within ten (10) school days: the nature of the response will depend on the nature of the complaint but it will always give a judgement whether and to what extent, if at all, the complaint is justified, and reasons; the response may include actions which the school intends to take or a decision. A complainant who is not satisfied should proceed to the next stage.

Stage 2(ii) – Formal resolution by appeal to the Executive Headteacher

If Stage 2(i) has not resolved the complaint satisfactorily, the complainant should write to the Executive Headteacher within ten (10) school days, stating why an appeal for resolution by the Headteacher is requested and, wherever possible, the action which the complainant wishes the school to take to resolve the problem. The procedure to be followed by the Executive Headteacher will involve the same steps, timescale, record keeping and form of response as set out for resolution by the Executive Headteacher in Stage 2(i). A complainant who is not satisfied, after receiving the Executive Headteacher's decision should proceed to Stage 3.

A complainant or a student in the school may, for complaints of a particularly serious nature or a complaint relating to the actions or conduct of the Executive Headteacher, may choose to address the complaint directly to the Governor with responsibility for Complaints. In this instance governor with responsibility will decide on the most appropriate course of action to investigate and resolve the complaint. In this instance the complaint may be investigated by the Governor with responsibility for complaints, and in these instances will undertake the tasks associated with the Executive Headteacher in this policy and procedure.

4.0 Stage 3: Independent resolution: panel hearing

If Stage 2 has not resolved the complaint to the satisfaction of the complainant, he/she should write within ten (10) school days to the Executive Headteacher, requesting a hearing before the complaints panel. The Executive Headteacher will acknowledge the letter of complaint within five (5) school days.

The Chair of the panel will determine, prior to the panel meeting, if the seriousness of the complaint is one that warrants consideration by the Governing Body. It is possible that it may be referred back to the Headteacher or to the panel for further consideration. If it is referred back to the headteacher it will return to Stage 2 (and if this results in no final resolution this will be recorded formally.)

The panel will not consider any new areas of complaint which have not been previously raised as part of the complaints procedure.

The panel's task is to establish the facts surrounding the complaints that have been made. If the panel considers that the complaint is valid, it will uphold the complaint. If the panel consider that the complaint is without foundation, it will dismiss the complaint. The panel will make these decisions on the balance of probability. It is not within the powers of the panel to make any financial award, nor to impose sanctions on staff, students or complainants. The panel may make recommendations on these or any other issue to the Executive Headteacher.

A panel of three, consisting of two members of the governing body and a third independent member will be convened to hear the complaint, within fifteen (15) school days. This independent member will not be associated in any way with the school or the Trust and will be a person of with professional competence (usually a serving or retired Head) or failing that through the appointment of an Independent Person, who would meet the standard for independence, as defined by the requirement that is laid down in The Children Act 1989 Representations Procedure (England) Regulations and Guidance, "Getting the Best from Complaints". None of these members will have been involved in the matters detailed in the complaint

It is important that the complaint panel should not only be independent, but be seen to be so. The full governing body should not consider individual complaints in case the investigation leads to a disciplinary hearing that would need to be heard by a separate group of governors. Similarly, some governors may have prior knowledge of a problem, which might make them unable to give fair and unbiased consideration to the issue.

The school will appoint a clerk to the panel from amongst their staff. Members of the panel will have access to all relevant documentation and will be able to ask the school and the complainant for any other relevant information or documentation. It is intended that the process should not be legalistic. Complainants may be accompanied at this meeting by another family member, if appropriate and by another person (e.g. relative, friend or a relevant specialist). If possible, the panel will resolve the complainant's or carer's concern without further investigation. Where further investigation is needed, the panel will decide how to carry out the investigation.

After due consideration of all relevant facts, the panel will give a written finding in response to the complaint: the finding will depend on the nature of the complaint but the panel will always give a judgement whether and to what extent, if at all, the complaint is justified, and the panel's reasons. The finding may include recommendations or actions which the panel requires the school to take. The finding of the panel will be final. A copy of the finding will be sent to the complainant, Executive Headteacher and any, where relevant, person who is the object of the complaint by electronic mail. Where electronic mail is not appropriate, a copy will be given or sent in the post. A written response to the complainant will be made as soon as possible but in any case within 15 school working days of the panel

5.0 Appeal to the Local Authority.

In most instances there is no formal right of appeal to the Local Authority. The Local Authority can be contacted for advice and guidance and will keep a log of all such contact.

However if the complainant is still not happy by this stage, an appeal can be made to the Local Authority who will only investigate complaints about:

- Allegations that the School has failed to comply with a duty imposed on it under law.
- Allegations that the School has failed to comply with any other legal obligation placed on it, except in cases where there is another body or organisation that is, in the view of the Local Authority, better placed to consider and if necessary, take further action in connection with the issue.

The Local Authority will not usually investigate complaints until the School's own complaints procedure, including any hearing, has been exhausted. The Local Authority may decide to investigate before the School's procedure has been exhausted if it has reason to believe either that:

- A complaint was made to the School and the School has had a reasonable opportunity to investigate it and respond, but has failed to do so; or
- There are circumstances which mean it is not reasonable for the matter to be brought to the attention of the School.

The Local Authority will not usually investigate complaints about:

- Examination results or curriculum content where a more appropriate form of redress would be the examining body or Ofqual;
- Educational Health & Care Plans where there is an appeal to the First-tier Tribunal (SEND);
- Matters that are the subject of legal action.

The Local Authority will not investigate complaints more than 12 months after the decision or action was taken unless the complainant has good reason for the delay in making the complaint.

Further detail concerning the procedure the Local Authority will undertake in dealing with complaints can be obtained from Local Authority.

6.0 Monitoring complaints

The school will monitor complaints. Details to include:

- Name of complainant
- Details of the complaint
- How the complaint was investigated and by whom
- When the complaint was made
- The results and conclusions of the investigation(s)
- Any action taken as a result

7.0 Confidentiality and Record-keeping

A record will be kept of all complaints, including a note of the stage at which the complaint was resolved. All complaints resolved at the formal stage will be recorded in the school's complaint book. A copy of the panel's findings and recommendations will be available on the school premises for inspection by the Executive Headteacher and Governing Body. Correspondence, statements and records relating to individual complaints are kept confidential except where the Secretary of State or a body conducting an inspection under section 162A of the 2002 Act, as amended, requests due access to them.

A record of complaints will be kept for at least three years.

8.0 Monitoring and Evaluation

The Executive Headteacher and Governing Body will review this policy statement annually and update it in consultation with key staff, in line with current best practice as s/he considers necessary.

9.0 Publicising our Complaint Procedure

Details of our complaint procedure will be available on the School website and also on request through the main school office.

All school staff and governors will be aware of the complaints procedure, to ensure a consistent approach in dealing with concerns.

A copy of this complaints procedure is available on request in large print.

10.0 Approval by Governing Body and Review Date

This policy has been formally approved and adopted by the Governing Body at a formally convened meeting.

Signed: Lisa Baker

Date: 19/06/18

Review date: September 2018

Appendix A
BPS – Complaint Form

Your name:

Pupil's name:

Your relationship to pupil:

Your address and postcode:

.....

.....

.....

Your daytime telephone number: ☎
.....

Your evening telephone number: ☎
.....

Your complaint is (include details of actions already taken by the school to try to resolve the situation):

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

(If you run out of space, please use extra paper)

What would you like as an outcome from your complaint?

.....

.....

.....

.....

.....
.....
.....
.....
.....

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

Your signature: Date:

All functions of the complaints procedure must adhere to the requirements of the Data Protection Act, 1998 and the Freedom of Information Act, 2000.

The School will, in following this procedure, refer to any relevant legislation including all human rights based legislation.

Please complete and return to the school office. Your complaint will be acknowledged with an explanation of what happens next.

For office use only: Date acknowledgement sent ()
Responsible member of staff ()

Monitoring

Are you: Male Female Do you have a disability? Yes No
 Any other group – specify if you wish

White

- British**
- Irish**
- Greek or Greek Cypriot**
- Turkish or Turkish Cypriot**
- Albanian excluding Kosovan**
- Kosovan**
- Any other White background – specify if you wish:

Asian or Asian British

- Indian**
- Pakistani**
- Bangladeshi**
- Any other Asian background – specify if you wish:

Chinese

- Chinese**

Mixed

- White and Black Caribbean**
- White and Black African**
- White and Asian**
- Any other Mixed background – specify if you wish:

Black or Black British

- Caribbean**

African

- Nigerian**
- Somali**
- Congolese**
- Any other African background – specify if you wish:

Any other ethnic category

Appendix B

Procedure for a complaints panel (Stage 3)

When should a complaints panel be convened?

If a complainant is unhappy about the investigation made by the Executive Headteacher at stage 2 of the complaints process, and the complaint is deemed serious enough to warrant Governing Body review, the procedures outlined below should be followed.

The complaint must be made in writing, outlining what action has been taken by the School so far and what desirable outcome the complainant would like.

Acknowledgment

A written acknowledgement of the complaint should usually be made within ten (10) school working days. The acknowledgement should inform the complainant that the complaint is to be heard by a panel comprising two members of the school's governing body and a member who is independent of the school within fifteen (15) school working days of receiving the complaint. The letter should also explain that the complainant has the right to submit any further documents relevant to the complaint. These must be received by at least five school working days before the panel date for the documents to be sent to the three members.

The panel

The Chair of the governing body should arrange to convene a complaints panel elected from two members of the governing body and an independent member. It may be necessary for the governing body to appoint reserves to this panel to ensure that three governors are available to carry out their task within the set time.

The panel members should be governors who have had no prior involvement with the complaint. The Chair of the complaints panel should chair the meeting.

Timescale

The panel Chair will ensure that the panel will hear the complaint within fifteen (15) school working days of receiving the request to move to stage 3. All relevant correspondence regarding the complaint should be given to each panel member as soon as the composition of the panel is confirmed. If the correspondence is extensive, the Chair should prepare a thorough summary for sending to panel members.

The Chair will write and inform the complainant, Executive Headteacher, any relevant witnesses, and members of the panel of the date, time and place of the meeting. This should be done at least ten school working days in advance. The notification to the complainant should also inform him or her of the right to be accompanied to the meeting by a friend or advocate or interpreter. The Executive Headteacher will also be informed of his/her right to be accompanied by a representative. The letter will also explain how the meeting will be conducted and the complainant's right to submit further written evidence to the panel within 5 school working days.

Who should attend?

The Chair should invite the Executive Headteacher to attend the panel meeting and prepare a written report for the panel in response to the complaint. The Executive Headteacher may also invite members of staff directly involved in matters raised by the complainant to respond in writing or in person to the complaint. Any relevant documents including the Executive Headteacher's report should be received by all concerned – including the complainant – at least 5 school working days prior to the meeting.

The involvement of staff other than the Executive Headteacher is subject to the discretion of the Chair. It is the responsibility of the Chair to ensure that the meeting is properly minuted.

The meeting

The aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant. However, it has to be recognised that sometimes it may only be possible to establish facts and make recommendations which will satisfy the complainant that his or her complaint has at least been taken seriously.

The panel should remember that many complainants are unused to dealing with groups of people in formal situations and may feel inhibited when speaking to the panel. The Chair should therefore ensure that the proceedings are as informal as possible.

If either party wishes to introduce previously undisclosed evidence or witnesses, it is in the interests of natural justice to adjourn the meeting so that the other side has time to consider and respond to the new evidence.

The meeting should allow for:

- The complainant to explain their complaint and for the Executive Headteacher to explain the school's response
- The Chair to seek clarification about the complaint with the complainant and/or the Executive Headteacher
- The complainant to question the Executive Headteacher and/or other members of staff about the school's response (at the discretion of the Chair, and questions to be asked through the Chair)
- The Executive Headteacher to question the complainant (at the discretion of the Chair, and questions to be asked through the chair)
- Panel members to have an opportunity to question through the Chair both the complainant and the Executive Headteacher
- Any party to have the right to call witnesses (subject to the approval of the Chair) and all parties having the right to question all the witnesses
- Final statements by both the complainant and the Executive Headteacher
-

The decision

The Chair will explain to the complainant and the Executive Headteacher that the panel will now consider its decision, and a written decision will be sent to both

parties within 15 school working days. The complainant, Executive Headteacher, other members of staff and witnesses will then leave.

The panel will then consider the complaint and all the evidence presented and:

- Reach a unanimous, or at least a majority, decision on the complaint.
- Decide upon the appropriate action to be taken to resolve the complaint.
- Where appropriate, suggest recommended changes to the school's systems or procedures to ensure that problems of a similar nature do not happen again.

A written statement outlining the decision of the panel must be sent to the complainant and Executive Headteacher.

The school should ensure that a copy of all correspondence and notes are kept on file in the school's records. These records should be kept separately from the student's personal records.

Checklist for the panel hearing

- The hearing should be as informal as possible.
- Witnesses are only required to attend for the part of the hearing for which they give their evidence.
- After introductions, the complainant is invited to explain their complaint and what outcomes from the meeting they seek.
- The Executive Headteacher may question the complainant and any witnesses (through the Chair)
- The panel may ask questions at any point.
- The Executive Headteacher is then invited to explain the school's actions, followed by any witnesses for the school.
- The complainant may question both the Executive Headteacher and the witnesses (through the Chair)
- The complainant is invited to sum up their complaint.
- The Executive Headteacher is invited to sum up the school's response to the complaint.
- The Chair explains to the complainant and Executive Headteacher when they can expect to hear from the panel.
- The complainant and the Executive Headteacher leave together to allow the panel to reach a decision, which would generally be communicated formally in writing.

Appendix C:

Number of complaints registered under the formal procedure during the year

Schools are required to publish the number of complaints registered under the formal procedure during the preceding year. The figure will be recorded in the Governing Body minutes.

Appendix D:

Complaints Direction Flow Chart (To be added)