



## Birch Copse Primary School Complaints Policy

This document sets out the policy for dealing with comments, grievances and complaints. The content complies with Best Practice Advice for School Complaints Procedures 2016 (Department for Education - January 2016)

Any person, including members of the general public, may make a complaint about any provision of facilities or services that a school provides, unless separate statutory procedures apply (such as exclusions or admissions).

### **The Procedure**

A 'concern' is defined as '*an expression of worry or doubt over an issue considered to be important for which reassurances are sought*'. The school takes informal concerns seriously and makes every effort to resolve the matter as quickly as possible.

A complaint is generally defined as '*an expression of dissatisfaction however made, about actions taken or a lack of action*'. There are occasions when complainants would like to raise their concerns formally. In those cases, the school's formal procedure should be used - through the stages outlined within the procedure.

This procedure should be used for:

- Complaints relating to the schooling of your child
- Complaints about the education and care provided to pupils at the school
- Complaints about the school's operational arrangements

This policy should not be used for:

- Complaints about the actions of a governor — please write to the Clerk to the Governing Body c/o the school office
- Complaints by staff relating to grievances about their employment
- Whistle-blowing
- Complaints about the actions of another parent
- Complaints about services provided by other providers who may use school premises or facilities.

### **How to make a complaint**

A complaint may be made in person, by telephone, or in writing (including email). The complainant should explain their concerns and also explain what they think might resolve the issue.

### **Timeliness**

This procedure is limited to matters which can reasonably be investigated. We expect complaints to be made as soon as possible after an incident arises (three months is generally considered to be an acceptable time frame in which to lodge a complaint); However, we will consider exceptions if there are special circumstances which have led to a delay in making the complaint.

## **Status**

Section 29 of the Education Act 2002 states the need to have in place a procedure to deal with complaints relating to the school and to any community facilities or services the school provides. The law also requires the complaints procedure to be publicised.

## **Purpose**

The school and the governing body believe that feedback is an important ingredient in self-evaluation and raising standards. All stakeholders should feel that their concerns or complaints can be voiced and will be considered seriously.

The school takes informal concerns seriously and aims to resolve them at the earliest stage in order to reduce the numbers that develop into formal complaints. The underlying principle is that concerns will be handled, if at all possible, without the need for formal procedures. The requirement to have a complaints procedure will not in any way undermine efforts to resolve the concern informally. Staff will endeavour to resolve issues on the spot.

Formal procedures will be used when initial attempts to resolve the issue are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further.

## **Investigating Complaints**

At each stage the person investigating the complaint will ensure that they:

- establish what has happened so far, and who has been involved;
- clarify the nature of the complaint and what remains unresolved;
- meet with the complainant or contact them (if further information is necessary);
- clarify what the complainant feels would put things right;
- interview those involved in the matter and/or those complained about, allowing them to be accompanied if they wish;
- conduct the interview/s with an open mind and be prepared to persist with questioning;
- keep notes of any interview or meeting
- communicate with the complainant at each stage over discussions and agreements reached.

## **Resolving Complaints**

At each stage in the procedure, successful resolution of the complaint will take priority. If appropriate one or more of the following may be offered:

- an apology;
- an explanation;
- an admission that the situation could have been handled differently or better;
- an assurance that the event complained of will not recur;
- an explanation of the steps that have been taken to ensure that it will not happen again;
- an undertaking to review school policies in light of the complaint.

Complainants will be encouraged to state what actions they feel might resolve the problem at any stage.

If, at any stage of the process, the complainant starts legal action in relation to the matters under consideration, the complaints process will automatically cease, and all further correspondence will be with the Schools' legal representatives.

### **Time Limits**

Complaints will be considered and resolved as quickly and efficiently as possible. Realistic time limits will be set for each action within each stage. However, where further investigations are necessary, new time limits may need to be set and the complainant sent details of the new deadline and an explanation for the delay.

On occasion, the school may need to extend the time to respond to a complaint. This may be because of resource or capacity issues, or because additional information needs to be obtained to investigate the complaint. In such cases, the school will provide a holding letter, explaining the reason for the delay, and providing a date by which a response will be supplied.

*Response times given refer to Monday to Friday inclusive, term time only.*

A dissatisfied complainant can always take a complaint to the next stage.

### **Record Keeping**

We will comply with their obligations under the Equality Act 2010.

All complaints should receive a written response.

A copy of all written communication should be retained for reference. Complainants have a right to copies of these records under the Freedom of Information and Data Protection Acts.

Only complaints relating to the schooling of a specific child would be kept within the child's files. Other issues will be filed separately in a secure location and will be retained for a period of 7 years.

### **Governing Body Review**

If the whole governing body is aware of the substance of a complaint before the final stage has been completed, we may arrange for an independent panel to hear the complaint.

Complainants have the right to request an independent panel, if they believe there is likely to be bias in the proceedings. We will consider the request but ultimately, the decision on whether to use an independent panel will be made by the Governing Body.

## PROCEDURE

We will comply with their obligations under the Equality Act 2010. It is common practice to ask for complaints to be made by using a complaint form or in writing, but we recognise that a complainant may have communication preferences due to disability or learning difficulties. Therefore, a complaint may be made in person, by telephone, or in writing (including email);

### STAGE ONE (informal):

Concern/Complaint heard by relevant staff member (when not the subject of the complaint).

Where a complainant is unhappy with an issue in school they should contact a member of staff in the first instance. In most cases this will be either a child's teacher or the school office staff. The complainant should explain their concern and also explain what they think might resolve the issue.

The member of staff receiving the complaint will either:

- Provide a response to the complainant (after discussions with relevant colleagues if necessary) or
- Refer the complaint to the appropriate person within the school.

Where the complaint concerns the Headteacher, the complainant should proceed to Stage 2b.

If the complainant indicates that he/she would have difficulty discussing a complaint with a particular member of staff, or the complaint relates to the staff member, the complainant may be referred to another staff member (or the Headteacher). The ability to consider the complaint objectively and impartially is crucial.

The school will respond in writing *within five school days*, with a brief summary of the complaint and a response.

If the complainant wishes to move to Stage 2, a request must be submitted to the school *within 15 school days*. Otherwise the matter is considered closed, and will not be considered further. The letter must explain why the complainant is dissatisfied with the outcome of Stage 1.

<p>Complaints must not be referred to individual governors. Where the first approach is made to a governor, the complainant should be referred to the appropriate person above and advised of the procedure. Governors must not act on an individual complaint outside the formal procedure or be involved at the early stages in case they are needed to sit on a panel at a later stage of the procedure.</p>
---

## **STAGE TWO (formal):**

*If the complaint is about the headteacher, the complainant should move to Stage 2b.*

### **2a) Concern/Complaint heard by Headteacher**

If dissatisfied with the outcome at Stage One, the complainant should contact the Headteacher about the issue. (At this point, the complainant may be dissatisfied with the way the complaint was handled at stage one as well as pursuing their initial complaint.) The headteacher will provide a response to the complainant (after discussions with relevant colleagues, if necessary).

The school will respond in writing *within 15 school days*, with a summary of the complaint and a response.

If the complainant wishes to move to Stage 3, a request must be submitted to the school in writing *within 15 school days*. Otherwise the matter is considered closed, and will not be considered further. The letter must explain why the complainant is dissatisfied with the outcome of Stage 2a.

### **2b) Concern/Complaint heard by Chair of the Governing Body**

If the complaint is about the headteacher, the complainant should contact the Chair of the Governing Body about the issue. The Chair can be contacted by letter addressed to the school. The Chair of the Governing Body will discuss the concerns with the headteacher and provide a response to the complainant.

Under Law, where the Chair of the Governing Body is absent, the Vice Chair (or a representative nominated by the full Governing Body) will assume the responsibilities outlined in this procedure.

The Chair will respond in writing *within 15 school days*, with a summary of the complaint and a response.

If the complainant wishes to move to Stage 3, a request must be submitted to the Chair in writing *within 15 school days*. Otherwise the matter is considered closed, and will not be considered further. The letter must explain why the complainant is dissatisfied with the outcome of Stage 2b.

### **STAGE THREE (review):**

Complaint heard by the Governing Body's Complaints Panel

If dissatisfied with the outcome at Stage Two, the complainant may write to the Chair of the Governing Body about the complaint, and the Chair will convene the Governing Body's Complaints Panel to review the handling of the complaint at Stage 2 and to examine the decision reached. The complainant should explain why they are requesting a review, and why they consider the response they have received to be unsatisfactory.

The Governing Body will determine which governors sit on the Governing Body Complaints Panel. The membership of the Panel will not include the Chair as s/he will have considered the complaint under Stage 2. Staff governors and the headteacher are also excluded, as are any governors who have a prior involvement in the case.

Individual complaints will not be heard by the whole governing body at any stage, as this could compromise the impartiality of any panel set up for a disciplinary hearing against a member of staff following a serious complaint. It is not appropriate for the details of complaints to be shared widely amongst the Governing Body.

#### **The Remit of the Complaints Panel**

The governor chairing the Panel will acknowledge receipt of the complaint *within five school days*.

The Panel will convene to examine the complaint *within 15 school days* of receipt of the complaint. The Complaints Panel is not convened to merely rubber-stamp previous decisions. It will investigate the complaint promptly and impartially.

If the matter is complex and requires more time to investigate, a letter may be sent to the complainant outlining the reasons for any delay and the subsequent timescale for the complaint. Every effort must be made to respond to complaints in a timely manner.

The Complaints Panel will decide on the method of investigation depending on the nature of the complaint. The Complaints Panel can:

- dismiss the complaint in whole or in part;
- uphold the complaint in whole or in part;
- decide on the appropriate action to be taken to resolve the complaint;
- recommend changes to the school's systems, policies or procedures to ensure that problems of a similar nature do not recur.

Panel members must not have a conflict of interest and must not have been involved in the matters under review.

#### **Outcome of the Complaints Panel meeting**

The complainant will receive a written explanation of the outcome and action taken *within five school days* of the Panel's meeting.

## **WHEN THE SCHOOL'S PROCEDURE HAS BEEN COMPLETED**

If a complaint has completed the school procedure and the complainant remains dissatisfied, they have the right to refer their 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 or practical to do so.

The School Complaints Unit (SCU) considers complaints relating to LA maintained schools in England on behalf of the Secretary of State. The SCU will look at whether the complaints policy and any other relevant 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 schools.

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 that the school has not handled a complaint in accordance with its procedure, the SCU may request that the 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.

Further information can be obtained from the SCU by calling the National Helpline on 0370 000 2288 or going online at: [www.education.gov.uk/help/contactus](http://www.education.gov.uk/help/contactus) or by writing to: Department for Education School Complaints Unit 2nd Floor, Piccadilly Gate Store Street Manchester M1 2WD

**Policy responsibility:**

Board of Governors

**Date Policy established:**

16<sup>th</sup> March 2016

**Date last reviewed:**

11<sup>th</sup> March 2020

**Date of next review:**

March 2023