



Brilliance, through Bosland Best

Concerns and Complaints Policy

Author/Person Responsible	Head
Date of Ratification	16 March 2018
Review Group	Resources Committee
Ratification Group	FGB
Review Frequency	2 years
Review Date	March 2020
Previous Review Amendments/Notes	16 March 2018
Related Policies	Safeguarding
Chair of Governors Signature	



Brilliance, through Bosland Best

Concerns and Complaints Policy

Rationale

Bosland Green Primary School aims to work in partnership with families in the best interests of all our children and families. Any concern or complaint will be given careful consideration and will be dealt with fairly and honestly. We will provide sufficient opportunity for any concern or complaint to be fully discussed, and aim to resolve it through open dialogue.

Referral of Complaints

The majority of formal complaints against the school will fall within the remit of the Governing Body to consider. However, there are five categories of complaint which the Local Authority Department for Children and Young People has responsibility for, not the Governing Body. These are as follows:

- Admission to the school
- Statutory Assessment of Special Educational Needs and Disabilities
- Exclusion of pupils from the school
- Child protection related issues or allegations of child abuse
- Any complaint about the action of the Governing Body

In any of these five categories, your complaint must be sent directly to the Local Authority by following the guidance in Appendix 1.

The Education Act 2011 removed the duty on Local Authorities to consider complaints against the curriculum, sex education and religious worship in maintained schools. These complaints must now be considered by schools.

From 1st August 2012 complaints about maintained schools not resolved by the school that would previously have been considered by the local authority should be addressed to the Secretary of State for Education.

Unless the complaint is about the Governing Body itself, the Governors will have the prime responsibility for dealing with any complaints which it has not been possible to resolve at school level. If the complainant has contacted South Gloucestershire Council directly, then the council will refer the complaint back to the Chair of Governors for consideration.

There may be occasions when the Governors wish the Local Authority to investigate and hear a complain on their behalf as the Governing Body is unable to do so, for example because all members of the Governing Body have previously discussed an issue and cannot be impartial. In such circumstances, the Local Authority will, where possible carry out the investigation. However, it will only do so where the Governing Body agrees that it will abide by the decision made by the panel (as if it were the school's own Complaint Panel). The panel will be made up of a senior officer and two Governors from other maintained schools. The Governing Body could also ask another Governing Body to investigate and hear the complaint on their behalf.



Brilliance, through Bowland Best

Stage 1 (Informal) - Classteacher Level

An appointment should be made with the classteacher, to discuss the complaint. Appointments to see the class teacher or telephone consultations can be made at a mutually convenient time through the school office. **Appendix 2 provides a form to support this stage and will be completed during the meeting, a copy will then be retained by both parties.**

When meeting with the class teacher to raise your concerns, please be patient, the class teacher may need time to perform an investigation or put corrective measures in place and then determine their effectiveness. This informal stage may require several meetings to reach a conclusion satisfactory to all parties. Discuss desired actions for the school and Parent/Carer, timescales, and further meetings during your appointment. The school and Parent/Carer can discuss desired actions and timescales at this meeting. The informal stage may require several meetings to reach a conclusion which is satisfactory to all parties.

If the complaint cannot be resolved, then the second stage is to make an appointment with the Headteacher.

Stage 2 (Informal) - Headteacher Level

An appointment should be made with the Headteacher, to discuss the complaint.

Appendix 2 provides a form to support this stage.

If the Headteacher cannot resolve the complaint at the initial meeting then the school may carry out an investigation involving all parties, with permission to talk to the pupil agreed in advance of the meeting. It will be the Headteacher's responsibility to decide who should conduct the investigation. This may be the Headteacher or may be a member of the Senior Leadership Team, especially if there is the likelihood of a personnel issue emerging from the investigation.

The investigation will be completed within **10 school days** and a follow on meeting held with the Parent/Carer to discuss the results of the investigation. Further meetings may be held as required if both parties agree that the concern may be resolved by subsequent meetings, whilst still at the informal level.

The Headteacher will make written notes of any informal complaint. The notes will include details of the complaint, how it was dealt with, by whom and the outcome. In the event of the complaint proceeding to the formal stage, these notes will be made available to the Complaints Panel.

If discussions between the Headteacher and the Complainant fail to resolve the issue, then the Headteacher will advise the Complainant that they may make a formal complaint to the Governing Body, by putting the complaint in writing to the Chair of Governors **within 20 days**.

Stage 3 (Formal) – Appeal To Governing Body

When a formal complaint is received by the Chair of Governors a panel of three Governors will be convened to hear the complaint, and make a decision regarding the complaint on behalf of the Governing Body. The Governors appointed to the panel will have had no previous involvement in the complaint.

Appendix 3 provides a form to support this stage.

A letter of acknowledgement and a request for additional written evidence (if necessary) will be sent to the Complainant **within 5 school days**. All other parties to the complaint will receive a letter outlining the complaint and requesting written evidence. All parties will be informed of the convened panel, including the Chair of the panel and should declare any objections to the Chair of Governors at this stage.



Brilliance, through Bowland Best

The panel will convene the complaints meetings within a reasonable time with the aim to hold these within **20 school days** of the complaint being received, at mutually acceptable times. Following the conclusion of the complaints meetings with all parties, the chair of the panel will provide a written response to the complaint within **15 school days**.

N.B. - Where it is not possible to respond to a complaint within the stated timescales, all parties will be informed in writing of the reason for the delay and given an anticipated response date.

The primary function of the Complaints Panel is to decide on the merits or otherwise of the complaint. However, the panel will also play an important role in attempting to resolve the complaint. The panel will reach a decision on whether the complaint is upheld or rejected and may call for certain action to be taken by the school or the parent/carer.

The Complaints Panel will invite written evidence from all parties to the complaint. Any written evidence will be circulated to all parties prior to any meetings. The Complaints Panel will then meet with all parties to the complaint, formally and separately. Each party may be accompanied by work colleague or trade union representative for support, but they may not speak on behalf of the Complainant. All parties will be given a fair opportunity to express their point. The procedure for each meeting will be as follows

- Introductions will be performed by the Chair of the Complaints Panel to ensure all parties are knowledgeable of, and comfortable with the membership
- The Complainant will give a statement of their complaint and the outcome sought
- The panel will question the Complainant
- The Complainant may make a final statement before leaving the meeting
- The Defendant will respond to the complaint and give their point of view
- The panel will question the Defendant
- The Defendant may make a final statement
- The Defendant will leave the meeting

The meetings will be minuted. Care will be taken in identifying a clerk. It may be appropriate for a member of staff such as the Business Manager to act as clerk, although consideration will be given to the sensitivity of the particular complaint.

The decision reached by the panel will be notified in writing to the Complainant and the Defendant. It will also be reported back to the next meeting of the Full Governing Body.

Written replies to Complainants will aim to answer all the points of concern, be factually correct, avoid jargon, and tell the Complainant what to do next if they are still not satisfied. It may be appropriate for the nominated complaints governor to telephone the Complainant regarding the outcome. However this will always be followed up with a letter to make sure there is no misunderstanding.

Appeal to The Secretary Of State

A complaint may be made to the Secretary of State for Children, Schools and Families if a person believes that a Governing Body or Local Authority is acting 'unreasonably', or is failing to carry out its statutory duties properly (see Sections 496 and 497 of the Education Act 1996). However, intervention can only occur



Brilliance, through Bosland Best

if the Governing Body or the Local Authority has failed to carry out a legal duty or has acted unreasonably in the performance of a duty. Intervention would have to be expedient in the sense that there would have to be something that the Secretary of State could instruct either party to do to put matters right. The Secretary of State must be satisfied that a decision is unreasonable in the sense that no reasonable authority or governing body, acting with due regard to its statutory responsibilities, would have reached that decision. The Secretary of State cannot do anything until the school has finished looking into the complaint. Any appeals should be sent to the following address

Secretary of State for Education
Sanctuary Buildings
Great Smith Street
Westminster
London SW1P 3BT

Monitoring and Review

The Governing Body will review this complaints policy on a biennial basis. The Headteacher will log all formal complaints received by the school and will record how they were resolved. The Chair of Governors will examine the complaint records on an annual basis and will consider the need for any changes to the procedure.

Staff Disciplinary Procedures

It may be necessary to suspend the complaints procedure in respect of a complaint which indicates that there may be a need for disciplinary action to be taken against a member of staff. The decision to suspend the complaints procedure will be taken when it has been established that there may be a case to answer. In this instance the advice of the HR Traded Support Agency will be sought.

The Complainant will be notified that the complaints procedure has been suspended and the likely timescale for its reactivation. The resolution of the complaint will be notified to the Complainant at the conclusion of any disciplinary proceedings. However the details of any disciplinary proceedings will not be released to the Complainant.

Vexatious Complaints

South Gloucestershire Council Policy states: 'A complaint may become vexatious when it has been properly considered and dealt with, but the complainant is not prepared to accept the conclusion or persists in making the same or substantially the same complaint'. Continuing with such complaints can unreasonably take up time and resources and detract from the responsibility to others in the school community. The decision regarding whether a complaint has become vexatious will be made by the Chair of Governors on behalf of the Governing Body.

Notes

This complaints policy has been compiled using the South Gloucestershire Education Service document 'Complaints Against Schools, General Principles and Procedural Guidance' (revised April 2003) and endeavours to condense that document into a simple to understand and use policy.

General Principles Regarding Any Complaint

The following principles will apply to any complaint

- The complaint will be handled with care and sensitivity
- All stages of the complaints procedure will be investigatory rather than adversarial



Brilliance, through Bowland Best

- Confidentiality will be respected at all times
- Responses to any complaint will be prompt
- The Complainant will be given adequate feedback and kept informed of timescales
- The Complainant will be kept informed of the options to appeal during the process
- Any investigation will be thorough and fair
- Any investigation will address all the points at issue

If any Governor is contacted directly by a Parent/Carer regarding a complaint then that Governor will refer the Parent/Carer to this complaints procedure. Individual Governors cannot act unilaterally by investigating a complaint or making any prior judgement about it. The Governor can only refer the Parent/Carer to the class teacher, the Headteacher or the Chair of Governors as appropriate.

If the complaint is one that may result in disciplinary or legal action against the Headteacher, or the complaint is regarding the Headteacher, then the complaint should immediately be escalated to Stage 3 via a letter to the Chair of Governors.

If at any stage of a complaint it becomes apparent that the Complainant is seeking some sort of financial compensation then any investigation will be halted whilst advice is sought from the Local Authority Risk and Insurance Manager.

If an anonymous complaint is received, or the Complainant requests anonymity, then the Complainant will be urged to identify themselves in the interests of fairness and of dealing effectively with the complaint. However if the anonymous complaint is of a sufficiently serious nature then the Headteacher or Chair of Governors will decide whether action is appropriate – for example, in the case of safeguarding an anonymous complaint will always be investigated and the appropriate agencies informed.

The Complainant should not attempt to bypass steps in the complaints procedure. Escalation to the Local Authority or Secretary of State levels before the formal school procedures have been exhausted will result in the Complainant being referred back to the schools procedure by those bodies.



Brilliance, through Bowland Best

Appendix 1

Complaints dealt with by the Local Authority

Guidance from the South Gloucestershire Council Website

<http://www.southglos.gov.uk/education-and-learning/schools-and-colleges/school-complaints/>

You should initially make a complaint directly to the school (including a Free School or an academy) by following their complaints procedure.

It is the responsibility of the governing body or Academy Trust to have and to publish a procedure to deal with complaints relating to the school. They are also responsible for dealing with any complaints which school staff could not resolve.

If you contact South Gloucestershire Council with your complaint, then the council will refer you back to the school.

If you have exhausted the school's own complaints process, you can forward your complaint to the Department for Education addressing your complaint to the Secretary of State. You should include all relevant documentation including correspondence.

Separate procedures apply to complaints about admission to school; about the statutory assessment of a child's special educational needs; the exclusion of pupils from school; school transport, home tuition, concerns or allegations against staff or volunteers; or child protection. If your query relates to any of these, you can contact the Complaints & FOI team on Tel: 01454 865924 or email: CAHFeedback@southglos.gov.uk



Brilliance, through Bowland Best

Appendix 2

Parent/Carer Concern (Stage 1 – Informal Classteacher/Headteacher level)

This section is to be completed by the Parent/Carer and Teacher during the meeting.

Parent / Carer Name:

Pupil's name [if relevant to your concern]:

Daytime telephone number:

Evening telephone number:

Concern Details [including dates, names of witnesses etc...], to allow the matter to be fully investigated:

Continue on separate paper, or attach additional documents, if required.

Number of Additional pages attached =



Brilliance, through Bosland Best

This section to be completed during the meeting with the classteacher

What actions have already been taken in relation to the concern?
[Who have they spoken or written to and what was the outcome?]

Agreed actions to address the problem at this stage?

Follow Up / Review Meeting Date:-

Signature Parent/Carer	
Signature Staff	
Date	



Brilliance, through Bosland Best

Appendix 3

Complaint Form (Stage 3 - Formal Governing Body Level)

Please complete this form and return it to the Headteacher (or Clerk to the Governing Body), who will acknowledge its receipt and inform you of the next stage in the procedure.

Your name:

Relationship with school

[e.g. Parent/Carer of a pupil on the school roll]:.....

Pupil's name [if relevant to your complaint]:.....

Your Address:

Daytime telephone number:

Evening telephone number:

Please give concise details of your complaint, [including dates, names of witnesses etc...], to allow the matter to be fully investigated:

You may continue on separate paper, or attach additional documents, if you wish.

Number of Additional pages attached =



Brilliance, through Bosland Best

What action, if any, have you already taken to try to resolve your complaint? [E.g. who have you spoken with or written to and what was the outcome?]

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

Signature:

Date:

School use:

Date Form received:

Received by:

Date acknowledgement sent:

Acknowledgement sent by:

Complaint referred to:			
Date:			