

Concerns and Complaints Policy

Signed (chair): D Whinham	Name:	Date: 30.09.19
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Reviewed by: A Hodge	Reviewed on: 24.09.19	Note of Revisions: none needed
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Equality Impact Assessment (EIA) Part 1: EIA Screening

Policies, Procedures or Practices		Date	
EIA CARRIED OUT BY:		EIA APPROVED BY:	

Groups that may be affected:

Are there any concerns that the policy could have a different impact on any of the following groups? (please tick the relevant boxes)	Existing or potential adverse impact	Existing or potential for positive impact
Age (young people, the elderly: issues surrounding protection and welfare, recruitment, training, pay, promotion)		
Disability (physical and mental disability, learning difficulties; issues surrounding access to buildings, curriculum and communication).		
Gender Reassignment (transsexual)		
Marriage and civil partnership		
Pregnancy and maternity		
Racial Groups (consider: language, culture, ethnicity including gypsy/traveller groups and asylum seekers)		
Religion or belief (practices of worship, religious or cultural observance, including non-belief)		
Gender (male, female)		
Sexual orientation (gay, lesbian, bisexual; actual or perceived)		

Any adverse impacts are explored in a Full Impact Assessment.

Introduction

Bromley Heath Junior School aims to work in partnership with parents and carers 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. Complaints will be handled through open dialogue.

Referral of Complaints

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

- Admission to the school
- Statutory Assessment of Special Educational Needs (see appendix 3)
- Exclusion of pupils from the school
- Concerns or allegations against staff or volunteers
- Safeguarding related issues or allegations of child abuse
- Any complaint about the action of the Governing Body

If your complaint falls within any of these six categories, it must be sent directly to the Local Authority at the address given at the end of the school policy 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. Schools must now consider these complaints.

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. Contact details are given at the end of this policy.

Unless the complaint is about the Governing Body itself, the Governors will have the prime responsibility for dealing with any complaint 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 complaint 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.

Stage 1 Class teacher Level

An appointment should be made with the class teacher, 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. At each contact with the complainant the teacher might make and keep informal notes for future reference.

The class teacher may need time to carry out an investigation or put corrective measures in place and then determine their effectiveness. This stage may require several meetings to reach a conclusion that is satisfactory to all parties. During the appointment, discuss should cover desired actions for the school and parent/carer, timescales, and further meetings. If the complaint cannot be resolved, then the second stage is to make an appointment with the Headteacher.

Stage 2 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 of the complaint. 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 normally be completed within **10 school days** and there will be 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 subsequent meetings may resolve the concern.

The Headteacher will make written notes of the 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 escalating, 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 Head teacher 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**.

If the complaint is about the Headteacher, then the above procedures apply (using the form in Appendix 2) but the Chair of Governors, or a designated governor, will undertake the investigation, unless the Chair decides that it is necessary to move straight to Stage 3 - Governing Body.

Stage 3 - Governing Body

When the Chair of Governors has received a formal complaint, 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.

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 parents/ carers. If the Panel is not able to reach a conclusion one way or the other, perhaps because there is inconclusive evidence, it may reach an 'inconclusive outcome' decision.

The Complaints Panel will invite written statements / 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 a friend who can speak on their behalf if necessary and by invitation. All parties will be given an 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
- The Complainant makes a statement of the complaint and the outcome sought

- The Panel will question the Complainant
- The Complainant may make a final statement

The separate meetings between the parties to the complaint and the Panel will be minuted. The minutes of the separate meetings with the Panel will only be shared with the meeting's attendees by mutual consent.

Care will be taken in identifying a clerk. It may be appropriate for a member of staff, such as the school secretary, 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. It will also be reported back to the next meeting of the Full Governing Body. Only a brief summary to the full Governing Body will be provided, with no detailed or named information. This will ensure that any further actions will not be jeopardised.

Written replies to Complainant 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.

When a formal complaint is received by the Chair of Governors a letter of acknowledgement and a request for a written statement/ evidence 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 statements/ evidence. Once membership of the Complaints Panel has been established and the Chair nominated, the parties will be informed.

Any written statements/ evidence should be sent to the nominated Chair of the Complaints Panel. The Panel will convene the complaints meetings within a reasonable time with the aim of holding 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 Panel will provide a written response to the complaint within **15 school days**.

If the Panel is not able to reach a conclusion one way or the other, perhaps because there is inconclusive evidence, it may reach an 'inconclusive outcome' decision.

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

Appeal to the Secretary Of State

A complaint may be made to the Secretary of State for Education 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 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

Department for Education
The School Complaints Unit
2nd Floor, Piccadilly Gate,
Store Street,
Manchester
M1 2WD

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

Monitoring and Review

The Governing Body will review this complaints policy annually. The Headteacher will log all formal complaints received by the school and will record how they were resolved. Governors will examine the complaints log 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 Local Authority's Human Resources Department 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.

Staff Complaints

If a member of school staff is making a complaint, s/he should refer to the Staff Handbook for guidance. The school will consult with South Gloucestershire Human Resources Department.

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
- Confidentiality will be respected at all times
- Responses to any complaint will be prompt (timescales are detailed below)
- 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 regarding a complaint then that Governor will refer the parent to this complaints procedure. Individual Governors cannot act unilaterally by investigating a complaint or by making any prior judgement about it. The Governor can only refer the parent 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, using the form in Appendix 3.

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. If an anonymous complaint raises child protection issues then the complaint will be referred immediately to the Local Authority.

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.

Appendix 1

Complaints dealt with by the Department for Children, Adults and Health

If your complaint or query relates to any of the following, you can contact The Complaints and Freedom of Information team on 01454 865924; at CAHFeedabck@southglos.gov.uk or using the postal address:

Department for Children, Adults and Health
Council Offices
Badminton Road
Yate
Bristol
BS37 5AF

Complaints about exclusions

Complaints about admissions to school

Complaints about statutory assessment of a child's special educational needs

Complaints concerning child protections/allegations of child abuse

School Transport

Home tuition

Concerns or allegations against staff or volunteers

Child Protection

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Agreed actions to address the problem at this stage?

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Follow Up / Review Meeting Date:-

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Signature Parent	
Signature Staff	
Date	

Appendix 3

Complaint Form (Stage 3 - Formal Governing Body)

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 =

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:			

Appendix 3:

Special Educational Needs (SEN)

The provision for pupils with special educational needs is the responsibility of the Governing Body and any complaints about SEN provision should be addressed using the complaints procedure.

Complaints about any aspect of the SEN Service should be made following the South Gloucestershire Council Complaints Procedure which is available on the South Gloucestershire Website.

If the Local Authority has refused to carry out a Statutory Assessment of a child's SEN or the parents disagree with their child's proposed statement of SEN, they should first ask for a meeting with a Local Authority Officer. If they are not satisfied, they are entitled to ask for a formal Disagreement Resolution process.

Parents also have a statutory right of appeal if the Local Authority has

- refused a request to begin a Statutory Assessment of their child's SEN
- refused to issue a EHCP at the end of a Statutory Assessment
- issued a Final EHCP and the parents disagree with a section/ s
- ceased to maintain a child's statement of SEN or EHCP
- refused to change the name of the school in Part 4 of a child's statement or section I of an EHCP, provided the statement/ EHCP is at least 12 months old and the parent is asking for another maintained school.

The appeal rights are to the SEN and Disability Tribunal and last for two months from the date of the formal notification of the Authority's decision.