



Sandy Lane Primary School Policies

Complaints Policy		
Type of policy	Statutory	
Policy owner	HT	
Committee reviewing policy	AQAO	
Date last reviewed	January 2018	
Date of next review	January 2019	
On school website	Yes	
Change Control between reviews		
Date	Owner	Changes made

Sandy Lane Primary School

Complaints Procedure Policy

The key principles of the policy


Legal context

The School Standards and Framework Act 1998 provided an additional function of the Board of Governors to establish and publish procedures for dealing with complaints relating to the school, other than those covered by legislation and formal procedures elsewhere.

After defining some key principles, this document sets out the six separate stages of the procedure itself.

Summary

This document sets out the procedures, which Sandy Lane Primary School will follow whenever it receives a complaint of this sort.

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|------|---|---|
| 1 | Informal discussion and resolution | Informal Stage |
| 2 | Investigation by Headteacher | Formal Stage |
| 3(a) | Review by Chairman of Governors and Headteacher |  |
| 3(b) | Complaints Committee hearing | |
| 4 | LA investigation | |
| 5 | Further recourse | |

Each of these stages must occur in order and there should usually be no return to previous stages (any exceptions to this are noted within the procedure).

It is stressed that the majority of complaints are resolved on an informal basis (stage 1).

When this procedure should not be used

This guidance does not refer to areas where Bracknell Forest Borough Council (BFBC), as the Local Educational Authority (LA), has the lead role and for which different procedures must be followed. These areas are:

- Complaints about the National Curriculum
- Collective Worship
- Religious Education
- Non-approved External Qualifications or Syllabuses
- Temporary Withdrawal of pupils from all or part of the National Curriculum

Pupil admissions
Pupil exclusions

Issues related to child protection, criminal investigations and employee grievances must also all be handled differently.

This complaints procedure is distinct from formal staff disciplinary proceedings and this should be made clear to all concerned. There may be occasions where a complaint gives rise to disciplinary procedures which put the complaints process on hold. If and when this occurs, the complainant should be informed. Any non-disciplinary aspects of the complaint should continue to be dealt with through the usual complaints procedures.

If another procedure is more appropriate than this complaints procedure for any given situation then it should be used in preference to it.

This procedure does not cover complaints made against Bracknell Forest Borough Council. Any complaint of this sort should be dealt with in accordance with the *Corporate Complaints Procedure*.

Who is allowed to complain?

This procedure may be used by anyone who has a concern or complaint about the school. In the main this will mean the parents and carers of the school's pupils, but may include neighbours of the school, or any other members of the local community.

Aims and objectives of the policy

This complaints procedure aims to:

- Encourage the resolution of problems by informal means wherever possible;
- Ensure that concerns are dealt with quickly, fully and fairly and within clearly defined time limits;
- Provide effective responses and appropriate redress;
- Maintain good working relationships between all people involved with the school.

Other relevant documents

The following documents may be relevant to those reading or implementing this policy:

- 'How to complain about a Bracknell Forest School' (public guidance Leaflet)
- 'Bracknell Forest Borough Council Corporate Complaints Procedure'

Monitoring complaints

At all formal stages of the complaints procedure, the following information should be recorded:

- The name of the complainant
- The date and time at which complaint was made
- The details of the complaint
- The desired outcome of the complainant
- How the complaint is investigated (including written records of interviews held)
- Results and conclusions of investigations
- Any action taken
- The complainant's response (satisfaction or further pursuit of complaint)

Upholding or not upholding complaints

At each stage of the complaints procedure, the conclusion will be either:

- 1 That the complaint is upheld (in part or in full) and that recommendations for action are made.
- Or
- 2 That the complaint is not upheld and reasons for this are clearly given.

In the first instance, the action taken may be an apology, some form of redress or any other action taken against a member of staff under the disciplinary procedure. This depends entirely on the circumstances and details of the complaint itself as well as the form of action the complainant is seeking.

If the complaint is not upheld, the complainant may either choose to take no further action or to take their complaint to the next relevant stage.

Publicity and communication

All staff and members of the Board of Governors should be made aware of the complaints procedure and the various stages involved.

This policy will be included within the school's handbook and, where possible, its web site so that parents and carers are able to access it.

At all stages of the complaints procedure, everybody involved needs to be clear about what is happening and what their responsibilities are. In addition, the complainant should be told how to proceed to the next stage of the procedure if and when their complaint is not upheld.

Confidentiality

Confidentiality is vital. All conversations and correspondence will be treated with discretion. Complainants have the right to know what use will be made of personal information and, accordingly, personal information will only be shared between staff on a 'need to know' basis.

Equal access, accompaniment and representation

Appropriate steps should be taken to ensure that any individual has the opportunity to raise their concerns or submit a formal complaint. This includes the right to be accompanied or represented by a friend or relative at discussions and hearings and/or to submit formal complaints that have been written by another individual on their behalf.

Should any meeting need to be held where any parties would have difficulties in terms of access, BFBC can assist with providing an appropriate venue.

It is an expectation that equal respect will be granted to each person involved within the process and that differences between people will be respected and understood.

Support offered by Bracknell Forest Borough Council (BFBC)

BFBC Education Department offer advice and guidance to Headteachers and Governing Bodies who feel they need extra support when dealing with a complaint.

If a complaint concerns the Headteacher, the Board of Governors will be required to work with BFBC from the outset.

In exceptional circumstances, BFBC is able to investigate on behalf of either the Headteacher or School Governors. Where possible, the intention will always be for BFBC to support the school in its own investigations rather than take complete responsibility for them itself.

STAGE 1: Informal discussion

Introduction

The vast majority of concerns and complaints can be dealt with informally. There are many occasions where concerns are resolved straight away without the need to submit a formal complaint. Indeed, many concerns raised at this level might not be classified as complaints.

When a complaint is made directly against the school's Headteacher, stages 1 and 2 are not required and the procedure begins at stage 3(a).

Who to speak to informally

Individuals may decide to raise their concerns with a member of school administrative staff, class teacher, senior teacher or Headteacher depending on their wishes and the type of issues they want to discuss.

Monitoring

It is not necessary to record or monitor complaints at this level.

Time scales

There are no specific time scales for dealing with concerns at this stage. However, as at all stages, issues should be considered and dealt with as quickly and effectively as possible.

Response

The individual who raised the issue should be informed of any action to be taken to resolve the issue. If appropriate, this might be confirmed in writing.

Options for complainant

If the individual is dissatisfied with the response they have been given and would like to take their complaint further, they should be referred to the school's complaints procedure and accompanying public guidance Leaflet and told how to move on to the next stage.

STAGE 2: Referral to the Headteacher

Introduction

This is the first stage of the formal complaints process and, as a result, all communications between parties need to be carefully recorded and monitored as set out in the 'monitoring complaints' section of this document.

Informal discussion with Headteacher

Before proceeding with a formal investigation, the Headteacher will meet with the individual and discuss their concerns and wishes. It may still be appropriate and satisfactory to reach an informal resolution at this point. If not, the Headteacher will decide whether the individual's complaint will be dealt with by this procedure or another statutory procedure and advise them on what they will need to do.

Submitting a formal complaint

By this stage it must be clear that the concern is a definite complaint which will be dealt with through this procedure and should be formally submitted in writing to the Headteacher.

As indicated within the 'equal access, accompaniment and representation' section of this document, all complainants have the right to submit formal complaints, at this or any stage, which have been written by another individual on their behalf.

Acknowledgement and time scales

The Headteacher should formally acknowledge the complaint within 3 school days of receiving it and begin an investigation.

The investigation

The Headteacher will need to investigate the complaint and review any relevant documentation and information. If necessary, the Headteacher will interview witnesses and take statements from those involved. If the complaint centres on a pupil, the pupil will also usually be interviewed.

As indicated within the 'equal access, accompaniment and representation' section of this document, all individuals have the right, at this or any other stages, to be accompanied or represented by a friend or relative at discussions and hearings. This includes the right of teachers to be accompanied by a representative from their Trade Union.

When pupils are interviewed, an additional member of staff should always attend.

Response

The Headteacher will provide the complainant with a full written response within 10 school days of acknowledging it. This response will determine whether or not the complaint has been upheld, the reasons why, and what (if any) action will be taken.

Options for complainant

If the individual is dissatisfied with the response they have been given and would like to take their complaint further, they should be referred to the school's complaints procedure and accompanying public guidance Leaflet and told how to move on to the next stage.

STAGE 3(a): Review by Chairman of Governors and Headteacher

Introduction

Complaints do not usually reach this formal level but it is important that those involved are prepared to deal with them if and when they do.

Generally, complaints at this stage are dealt with by the Chairman of Governors and the Headteacher who will work together to review the complaint, coordinate any further action and agree upon a response.

However, this is the first stage at which complaints submitted against the Headteacher directly are dealt with. When this is the case, the Chairman of Governors will work collaboratively with Bracknell Forest Borough Council (BFBC) instead of the Headteacher to do the same.

Submitting a formal complaint

The complainant requests a review of their complaint by writing to the Chair of Governors, care of the school, making it clear:

- Why they are complaining
- Who they have already spoken to
- What they would like to happen as a result of their complaint.

Acknowledgement and time scales

The Chairman of Governors will formally acknowledge this written complaint within 3 school days and begin making arrangements with the Headteacher (or BFBC as applicable) to review it.

In acknowledging the complaint, the Chairman will explain the powers of the Board of Governors and the limitations of its power in relation to the complaint in question.

Review of complaint

The Chairman of Governors and Headteacher (or BFBC as applicable) will:

- Review the details of the original complaint
- Review all original relevant documentation alongside that generated by the complaint so far
- Review what action has been taken and what conclusions have been drawn and discuss the validity of these
- Decide what additional action, if any, needs to be taken with regard to investigating the original complaint, including repeating any previous actions where appropriate i.e. re-interviewing
- Discuss the issue and agree upon a response (which may or may not be different from that given by the Headteacher in the previous stage)

Response

The Chairman of the Governors will provide the complainant with a full written response within 15 school days of acknowledging it. This response will determine whether or not the complaint has been upheld, the reasons why and what (if any) action will be taken.

Options for complainant

If the individual is dissatisfied with the response they have been given and would like to take their complaint further, they should be referred to the school's complaints procedure and accompanying public guidance leaflet and told how to move on to the next stage.

STAGE 3(b): Review by Board of Governors Complaints Committee

Introduction

Complaints only rarely reach this formal level, but it is important that governing bodies are prepared to deal with them.

If required, BFBC will offer support and guidance to the Clerk to the Board of Governors and the members of the complaints committee on procedural issues but will not play any part in reviewing the details of the complaint itself.

The committee

It is recommended that School Governing Bodies annually designate five governors who will be able to form part of a complaints committee if and when this becomes necessary at any point. The three governors appointed to the complaints committee in any case will usually be chosen from this group of five.

The committee will generally consist of three governors who have not previously been involved with dealing with the complaint. This excludes the Headteacher and the Chairman of governors from being members of the committee as they will have been involved during the previous two stages. The committee should elect its own Chair.

Submitting a formal complaint

The complainant must submit a written request to the Clerk to the Board of Governors for their complaint to be considered by a complaints committee.

Acknowledgement and time scales

The Clerk should acknowledge receipt of this letter within 3 school days by writing to the complainant and informing them that their complaint will be heard by a Complaints Committee within 15 school days.

Preparation

The Clerk should then convene a meeting of the complaints committee. At this meeting, the membership of the complaints committee will be confirmed, a date and time will be arranged for a hearing and all existing relevant documentation will be given to the three appointed governors.

The Clerk should then formally write to the complainant, the Headteacher and any other relevant staff or witnesses and inform them:

Of the date, time and venue of the hearing

Of the aims and objectives of the hearing and how it will be conducted

That any documentation they wish the committee to consider must be returned to the Clerk no later than 5 school days before the hearing takes place

Of the rights of equal access, accompaniment and representation as set out within this document

How and when the committee will reach their decision

It is the responsibility of the Clerk to ensure that all parties receive all relevant documents at least three school days before the date of the hearing so as to allow individuals to familiarise themselves with them.

The hearing

The hearing should allow each party involved to explain their understanding or interpretation of events and for other parties to question them. The hearing will, therefore, usually operate according to the following format:

The Chair will introduce all parties to one another and explain the principles, objectives and format of the hearing

The complainant will be given the opportunity to explain their complaint. Following this the Headteacher and the Complaints Panel will be allowed to ask the complainant questions.

The Headteacher will then be given an opportunity to explain the school's official response, interpretation or view about the complaint. Following this the complainant and panel will be allowed to question the Headteacher.

Every party will be given the opportunity to call witnesses and question witnesses called by other parties.

The Headteacher and the complainant will both be given the chance to give final statements.

The hearing will be concluded by the Chair who should explain that the committee will consider its decision and write to both parties within 5 school days informing them of the outcome.

After the hearing

The committee 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 (if any) to be taken

Where appropriate, suggest changes to, or request a review of, the school's systems or procedures to ensure that problems of a similar nature do not happen again

This information will be included in both the letters to the Headteacher and the complainant.

Options for complainant

If the individual is dissatisfied with the response they have been given and would like to take their complaint further, they should be referred to the school's complaints procedure and accompanying public guidance leaflet and told how to move on to the next stage.

STAGE 4: Complaint to BFBC

Introduction

Complainants are entitled to complain to Bracknell Forest Borough Council (BFBC) Local Authority (LA) if they believe that their complaint was not handled fairly and in accordance to the school's complaints procedure. Complaints can only be considered once the school's procedures have been completed in full.

Complaints very rarely reach this level. However, it is important that the LA, the school are ready to deal with them if necessary and that the complainant is fully informed of how and when they can complain at this level.

Submitting a formal complaint

Complaints must be submitted, in writing, to the following address:

The Director of Children Young People and Learning
Education Department
Time Square
Market Street
Bracknell
Berkshire
RG12 1JD

This written complaint must include the following information:

- Details of the original complaint
- The judgement and action taken by the Board of Governors
- Reasons for believing that the original complaint was not dealt with fairly and in accordance with the school's complaint's procedure.
- The expected or desired outcome.

Acknowledgement and time scales

BFBC will write to the complainant and formally acknowledge their complaint within 3 working days of receipt.

BFBC will also write to the school's Headteacher and Chairman of Governors to inform them that a complaint has been made against the actions they have taken with regards to the original complaint.

The investigation

BFBC will examine all relevant documentation considered by the school in their original investigation as well as the records and correspondence produced at each stage.

The response

BFBC will write to the complainant and inform them of their findings within 20 working days of acknowledging their original complaint. Copies of this letter will be sent to the Headteacher and Chairman of Governors.

Possible outcomes

If BFBC decides that the school has failed to handle the original complaint fairly and according to its complaints procedure the matter will be referred back to the Board of Governors.

The Board of Governors will then be required to reinvestigate the complaint at stage 3(b) (Review by Board of Governors Complaints Committee). The Board of Governors will need to re-appoint a new complaints committee.

Again, BFBC Information and Governor Services section will be able to offer support to the Board of Governors in their investigations.

Options for complainant

If the individual is dissatisfied with the response they have been given and would like to take their complaint further, they should be referred to the school's complaints procedure and accompanying public guidance leaflet and told how to move on to the next stage.

STAGE 5: The Local Government Ombudsman and the Secretary of State

Introduction

Individuals have the right to contact to the Local Government Ombudsman or the Secretary of State for Education and Skills with regards to the way their complaint has been handled.

Neither will take any action until both the school and the council's procedures have been exhausted.

Complaining to the Local Government Ombudsman

If a complainant feels that there has been maladministration in the manner in which a complaint has been dealt with, they can take this to the Local government Ombudsman. The Ombudsman can investigate complaints about how something has been done but he or she cannot question what has been done simply because someone does not agree with it. The Ombudsman cannot investigate the internal management of schools or colleges.

Contacting the Local Government Ombudsman

The Ombudsman for Bracknell Forest is:

Local Government Ombudsman
PO Box 4771
Coventry
CV4 0EH

Telephone: 0300 061 0614

Fax: 024 7682 0001

For information on how to make your complaint, write to the Ombudsman's office or phone the Advice Line on **0300 061 0614**.

You can also use the Internet to see the Local Government Ombudsman web site at **www.lgo.org.uk**

Complaining to the Secretary of State

Complainants have a right of appeal to the Secretary of State for Education under sections 496 or 497 of the 1996 Education Act if they believe that the LA has acted unreasonably. If the Secretary of State agrees that a complaint is justified, the DfE has the power to require the LA to take certain actions including issuing instructions to school governing bodies in appropriate circumstances, although in practice this would be very rarely exercised.

Contacting the Secretary of State

The DfE Public Enquiry Unit can be contacted on:

Telephone: **0307 000 2288**

Fax: **0161 600 1332**

Email: **info@education.gsi.gov.uk**

The email address for all of the Department's Ministers is:

ministers@education.gsi.gov.uk

If you wish to write to the Secretary of State by post:

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