

## **Burley Gate C E Primary School**

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# **Complaints Policy**

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## **1.0 Concerns and Complaints Procedure**

### **1.1 Who can make a complaint?**

This complaints procedure is not limited to parents or carers of children that are registered at the school. Any person, including members of the public, may make a complaint to Burley Gate C E Primary School about any provision of facilities or services that we provide. Unless complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions), we will use this complaints procedure.

### **1.2 The difference between a concern and a complaint**

A concern may be defined as *'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'*.

A complaint may be defined as *'an expression of dissatisfaction however made, about actions taken or a lack of action'*.

It is in everyone's interest that concerns and complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to use the formal stages of the complaints procedure; this informal stage will be referred to as Stage 1. Burley Gate C E Primary School takes concerns seriously and will make every effort to resolve the matter as quickly as possible. Those raising a concern, or complaint, should realise that the relevant staff will intend to resolve the issue without having to move to the formal Stage 2 and Stage 3 level.

If you have difficulty discussing a concern with a particular member of staff, we will respect your views. In these cases, Miss B J Donald will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern Miss B J Donald will refer you to another staff member. The member of staff may be more senior, but does not have to be. The ability to consider the concern objectively and impartially is more important.

We understand, however, that there are occasions when people would like to raise their concerns formally. In this case, Burley Gate C E Primary School will attempt to resolve the issue internally, through the stages outlined within this complaints procedure.

### **1.3 How to raise a concern or make a complaint**

A concern or complaint can be made in person, in writing or by telephone. They may also be made by a third party acting on behalf on a complainant, as long as they have appropriate consent to do so.

## **2.0 Stage 1**

Concerns should be raised with either the Class Teacher, Head of Department, Head of Year or Key Stage, member of the Senior Leadership Team or Headteacher. We encourage people with concerns to use the structure at the appropriate level, and the Headteacher may, in the initial stages, direct those with a concern to contact those staff who have responsibility for the area of concern. If the issue remains unresolved, the Headteacher would then try to resolve the issue informally. This process will be entitled "Stage 1". However, if the Headteacher cannot resolve this

issue via discussion, mediation and/or action, the next step is to make a formal complaint, and move to Stage 2.

Complainants should not approach individual Local Academy Board (LAB) Members to raise concerns or complaints. They have no power to act on an individual basis and it may also prevent them from considering complaints at Stage 3 of the procedure.

Complaints against school staff (except the Headteacher) should be made in the first instance, to Miss B J Donald via the school office; please mark them as Private and Confidential.

Complaints that involve, or are about, the Headteacher should be addressed to Mrs S Moody/Mrs D Mould (the Chairs of The Local Academy Board), via the school office. Please mark them as Private and Confidential.

Complaints about the Chair of The LAB, any individual LAB Member, or the whole Local Academy Board should be addressed to Karen Bowen, Diocese of Hereford Multi-Academy Trust, at the DHMAT office. Please mark them as Private and Confidential.

For ease of use, a template complaint form is included at the end of this procedure. If you require help in completing the form, please contact the school office. You can also ask third party organisations like the Citizens Advice to help you.

In accordance with equality law, we will consider making reasonable adjustments if required, to enable complainants to access and complete this complaints procedure. For instance, providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations.

### **3.0 Anonymous complaints**

We will not normally investigate anonymous complaints. However, the Headteacher or Chair of the LAB, if appropriate, will determine whether the complaint warrants an investigation.

### **4.0 Timescales**

You must raise the complaint within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. We will consider complaints made outside of this time frame if exceptional circumstances apply.

### **5.0 Complaints received outside of term-time**

We will consider complaints made outside of term time to have been received on the first school day after the holiday period. School days are considered to be when the school is open to pupils/students.

## 6.0 Scope of this Complaints Procedure

This procedure covers all complaints about any provision of community facilities or services by Miss B J Donald other than complaints that are dealt with under other statutory procedures, including those listed below.

Exceptions	Who to contact
<ul style="list-style-type: none"> <li>• Admissions to schools</li> <li>• Statutory assessments of Special Educational Needs</li> <li>• School re-organisation proposals</li> </ul>	<p>Concerns about admissions, statutory assessments of Special Educational Needs, or school re-organisation proposals should be raised with Herefordshire Council 01432260000</p>
<ul style="list-style-type: none"> <li>• Matters likely to require a Child Protection Investigation</li> </ul>	<p>Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance.</p> <p>If you have serious concerns, you may wish to contact the local authority designated officer (LADO) who has local responsibility for safeguarding or the Multi-Agency Safeguarding Hub (MASH). LADO - Terry Pilliner 01432 261739/MASH Team 01432 260800</p>
<ul style="list-style-type: none"> <li>• Exclusion of children from school*</li> </ul>	<p>Further information about raising concerns about exclusion can be found at: <a href="http://www.gov.uk/school-discipline-exclusions/exclusions">www.gov.uk/school-discipline-exclusions/exclusions</a>.</p> <p><i>*complaints about the application of the behaviour policy can be made through the school's complaints procedure.</i></p>
<ul style="list-style-type: none"> <li>• Whistleblowing</li> </ul>	<p>We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors.</p> <p>The Secretary of State for Education is the prescribed person for matters relating to education for whistleblowers in education who do not want to raise matters direct with their employer. Referrals can be made at: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a>.</p> <p>Volunteer staff who have concerns about our school should complain through the school's complaints procedure. You may also be able to complain direct to the LA or the Department for Education (see link above), depending on the substance of your complaint.</p>
<ul style="list-style-type: none"> <li>• Staff grievances</li> </ul>	<p>Complaints from staff will be dealt with under the school's internal grievance procedures.</p>
<ul style="list-style-type: none"> <li>• Staff conduct</li> </ul>	<p>Complaints about staff will be dealt with under the school's internal disciplinary procedures, if appropriate.</p> <p>Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.</p>

<ul style="list-style-type: none"> <li>Complaints about services provided by other providers who may use school premises or facilities</li> </ul>	Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct.
<ul style="list-style-type: none"> <li>National Curriculum - content</li> </ul>	Please contact the Department for Education at: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a>

If other bodies are investigating aspects of the complaint, for example the police, local authority (LA) safeguarding teams or Tribunals, this may impact on our ability to adhere to the timescales within this procedure or result in the procedure being suspended until those public bodies have completed their investigations.

If a complainant commences legal action against Burley Gate C E Primary School in relation to their complaint, we will consider whether to suspend the complaints procedure in relation to their complaint until those legal proceedings have concluded.

## 7.0 Resolving complaints

At each stage in the procedure Burley Gate C E Primary School wants to resolve the complaint. If appropriate, we will acknowledge that the complaint is upheld in whole or in part. In addition, we may offer one or more of the following:

- an explanation
- an admission that the situation could have been handled differently or better
- an assurance that we will try to ensure the event complained of will not recur
- an explanation of the steps that have been or will be taken to help ensure that it will not happen again and an indication of the timescales within which any changes will be made
- an undertaking to review school policies in light of the complaint
- an apology.

## 8.0 Withdrawal of a Complaint

If a complainant wants to withdraw their complaint, we will ask them to confirm this in writing.

## 9.0 Stage 2

Formal complaints must be made to the Headteacher (unless they are about the Headteacher), via the school office. This may be done in person, in writing (preferably on the Complaint Form), or by telephone.

The Headteacher will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within **five** school days.

Within this response, the Headteacher will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see (**this is the point of received clarification**). The Headteacher can consider whether a face to face meeting is the most appropriate way of doing this.

*Note: The Headteacher may delegate the investigation to another member of the school's senior leadership team but not the decision to be taken.*

During the investigation, the Headteacher (or investigator) will:

- if necessary, interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish
- keep a written record of any meetings/interviews in relation to their investigation.

At the conclusion of their investigation, the Headteacher will provide a formal written response within five school days **of the point of received clarification.**

If the Headteacher is unable to meet this deadline, they will provide the complainant with an update and revised response date.

The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions Burley Gate C E Primary School will take to resolve the complaint.

The Headteacher will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 2.

If the complaint is about the Headteacher, or a member of the LAB (including the Chair or Vice-Chair), a suitably skilled LAB Member will be appointed to complete all the actions at Stage 2.

Complaints about the Headteacher or member of the LAB must be made to the Clerk, via the school office.

If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire LAB or
- the majority of the LAB

then, Stage 2 will be considered by an independent investigator appointed by the LAB or MAT. At the conclusion of their investigation, the independent investigator will provide a formal written response.

## **10.0 Stage 3**

If the complainant is dissatisfied with the outcome at Stage 2, and wishes to take the matter further, they can escalate the complaint to Stage 3 – a meeting with members of the LAB's Complaints Committee, which will be formed of two LAB members, and a third panel member who is independent of the management and running of the school. This is the final stage of the complaints procedure.

A request to escalate to Stage 3 must be made to the Clerk, via the school office, within five school days of receipt of the Stage 2 response.

The Clerk will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within 5 school days.

Requests received outside of this time frame will only be considered if exceptional circumstances apply.

The Clerk will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within 20 school days of receipt of the Stage 3 request. If this is not possible, the Clerk will provide an anticipated date and keep the complainant informed.

If the complainant rejects the offer of three proposed dates, without good reason, the Clerk will decide when to hold the meeting. It will then proceed in the complainant's absence on the basis of written submissions from both parties.

The Complaints Committee will be formed of two LAB Members, and a third panel member who is independent of the management and running of the school, all will have no prior involvement or knowledge of the complaint. Prior to the meeting, they will decide amongst themselves who will act as the Chair of the Complaints Committee. If there are fewer than two LAB members from Burley Gate C E Primary School available, the Clerk will source any additional, independent governors/LAB members through another local school or through their LA's Governor Services team, in order to make up the committee. Alternatively, an entirely independent committee may be convened to hear the complaint at Stage 3.

The committee will decide whether to deal with the complaint by inviting parties to a meeting or through written representations, but in making their decision they will be sensitive to the complainant's needs. If the committee feels that written representations are comprehensive, it may well proceed without inviting parties.

If the complainant is invited to attend the meeting, they may bring someone along to provide support. This can be a relative or friend. Generally, we do not encourage either party to bring legal representatives to the committee meeting. However, there may be occasions when legal representation is appropriate.

For instance, if a school employee is called as a witness in a complaint meeting, they may wish to be supported by union and/or legal representation.

The Clerk will provide procedural support to the Committee, to ensure that this policy is adhered to. The Clerk will also ensure that only the points raised within the complaint, and information pertinent to that complaint, are discussed. New information or complaints should not be discussed.

At the beginning of the meeting, the Clerk will ensure that the Committee are aware of the procedures and, ultimately, their duties in relation to the complaint

If the complainant/s, and the party subject to the complaint, are invited to answer questions, this will follow the following format:

1. The Chair will ask the other committee members to outline any questions that they may have of either party; these will be recorded by the Clerk and the Chair
2. The complainant/s will then be invited to the room that houses the committee receive questions
3. The Chair will put questions to the complainants, and seek clarification regarding any issues that require such clarification; the complainants will then leave the meeting, being informed that they will be notified of the committee's decision, in writing, within five school days
4. The Chair will then clarify with the committee if there are any additional questions to be asked of the subject of the complaint;

5. The Chair will then invite the subject of the complaint to the room; the Chair will put questions to the subject of the complaint, and seek clarification regarding any issues that require such clarification; the subject of the complaint will then leave the meeting, being informed that they will be notified of the committee's decision, in writing, within five school days
6. The Chair will then ensure that the committee reaches a decision as to whether to uphold, partially uphold or dismiss the complaint; the Chair will then draft a very structured response, in conjunction with the Committee members and the Clerk.

**Note: Complaints about staff conduct will not generally be handled under this complaints procedure. Complainants will be advised that any staff conduct complaints will be considered under staff disciplinary procedures, if appropriate, but outcomes will not be shared with them.**

Representatives from the media are not permitted to attend.

Recordings of conversations, either covert or otherwise, without the express permission of the member of staff, will NOT be allowed as part of this process, and can be viewed as being obtained illegally.

At least five school days before the meeting, the Clerk will:

- confirm and notify the complainant of the date, time and venue of the meeting, ensuring that, if the complainant is invited, the dates are convenient to all parties and that the venue and proceedings are accessible
- request copies of any further written material to be submitted to the committee at least three school days before the meeting (as stated below, any new complaints will not be dealt with by the committee)

Any written material will be circulated to all parties at least three school days before the date of the meeting. Again, the committee will not accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded (they may also invalidate future actions if accepted as representations).

The committee will also not review any new complaints at this stage or consider evidence unrelated to the initial complaint to be included. New complaints must be dealt with from Stage 1 of the procedure.

The meeting will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own disability or special needs require it. Prior knowledge and consent of all parties attending must be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.

The committee will consider the complaint and all the evidence presented. The committee can:

- uphold the complaint in whole or in part
- dismiss the complaint in whole or in part.



If the complaint is upheld in whole or in part, the committee will:

- decide on the appropriate action to be taken to resolve the complaint
- where appropriate, recommend changes to the school's systems or procedures to prevent similar issues in the future.

The Chair of the committee will provide the complainant and Burley Gate C E Primary School with a full explanation of their decision and the reason(s) for it, in writing, within five school days.

The letter to the complainant will include details of how to contact the Department for Education if they are dissatisfied with the way their complaint has been handled by Burley Gate C E Primary School.

If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire LAB or
- the majority of the LAB

Stage 3 will be heard by a committee of independent Governors/LAB members.

The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions Burley Gate C E Primary School will take to resolve the complaint.

The response will also advise the complainant of how to escalate their complaint should they remain dissatisfied.

The panel must make the findings and recommendations available, where relevant, to the person complained about and make them available for inspection on the school premises by the proprietor and the Headteacher

Academies will attempt to process complaints in line with all timescales; where there is a likelihood that timescales will not be met (due to extenuating circumstances, availability of various parties, clarification issues etc) the academy should communicate this with the complainants.

## Recording

A written record will be kept of all complaints under this process.

The record will state whether each complaint was resolved following a formal procedure, or was proceeded to a panel hearing, as well as outlining action taken by the school as a result of those complaints (regardless of whether they are upheld).

The school will ensure that 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 109 of the 2008 Act, requests access to them.

## 11.0 Stage 4

Should a complainant remain dissatisfied with the Stage 3 outcome, they may escalate the complaint to Stage 4 – *Management of Complaints to the Multi-Academy Trust*. The role of this committee would be to review the academy's handling of the complaint and to evaluate whether the academy followed the policy as reasonably and appropriately as it could; it may review a complaint if it feels the academy has failed to comply with the duty imposed upon it by the Secretary of State, or, if the Trust feels that an independent investigation is merited.

The Policy Relating to Management of Complaints to the Multi-Academy Trust is available on the DHMAT website.

## 12.0 Next Steps

If the complainant believes the academy did not handle their complaint in accordance with the published complaints procedure, or they acted unlawfully or unreasonably in the exercise of their duties under education law, they can contact the Department for Education after they have completed Stage 4.

The Department for Education will not normally reinvestigate the substance of complaints or overturn any decisions made by Burley Gate C E Primary School. They will consider whether Burley Gate C E Primary School has adhered to education legislation and any statutory policies connected with the complaint.

The complainant can refer their complaint to the Department for Education online at: [www.education.gov.uk/contactus](http://www.education.gov.uk/contactus), by telephone on: 0370 000 2288 or by writing to:

Department for Education  
Piccadilly Gate  
Store Street  
Manchester M1 2WD

## 13.0 Complaint Form

Please complete and return to Miss B J Donald, Head Teacher, who will acknowledge receipt and explain what action will be taken.

<b>Your name:</b>
<b>Pupil's name (if relevant):</b>
<b>Your relationship to the pupil (if relevant):</b>
<b>Address:</b>
<b>Postcode:</b> <b>Day time telephone number:</b> <b>Evening telephone number:</b>
<b>Please give details of your concern or complaint, including whether you have spoken to anybody at the school about it.</b>

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

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

**Signature:**

**Date:**

**Official use**

**Date acknowledgement sent:**

**By who:**

**Complaint referred to:**

**Date:**

# Roles and Responsibilities

## Complainant

The complainant will receive a more effective response to the complaint if they:

- explain the complaint in full as early as possible
- co-operate with the school in seeking a solution to the complaint
- respond promptly to requests for information or meetings or in agreeing the details of the complaint
- ask for assistance as needed
- treat all those involved in the complaint with respect
- refrain from publicising the details of their complaint on social media and respect confidentiality.

## Investigator

The investigator's role is to establish the facts relevant to the complaint by:

- providing a comprehensive, open, transparent and fair consideration of the complaint through:
  - sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved
  - interviewing staff and children/young people and other people relevant to the complaint
  - consideration of records and other relevant information
  - analysing information
- liaising with the complainant and the complaints co-ordinator as appropriate to clarify what the complainant feels would put things right.

The investigator should:

- conduct interviews with an open mind and be prepared to persist in the questioning
- keep notes of interviews or arrange for an independent note taker to record minutes of the meeting
- ensure that any papers produced during the investigation are kept securely pending any appeal
- be mindful of the timescales to respond
- prepare a comprehensive report for the Headteacher or complaints committee that sets out the facts, identifies solutions and recommends courses of action to resolve problems.

The Headteacher (Stage 2) or Complaints Committee (Stage 3) will then determine whether to uphold or dismiss the complaint, and communicate that decision to the complainant, providing the appropriate escalation details.

## **Complaints Co-ordinator** (this could be the Headteacher / designated complaints LAB member or other staff member providing administrative support)

The complaints co-ordinator should:

- ensure that the complainant is fully updated at each stage of the procedure
- liaise with staff members, Headteacher, Chair of the LAB, Clerk and LAs (if appropriate) to ensure the smooth running of the complaints procedure
- be aware of issues regarding:
  - sharing third party information
  - additional support. This may be needed by complainants when making a complaint including interpretation support or where the complainant is a child or young person
- keep records.

## **Clerk to the Local Academy Board**

The Clerk is the contact point for the complainant and the committee and should:

- ensure that all people involved in the complaint procedure are aware of their legal rights and duties, including any under legislation relating to school complaints, education law, the Equality Act 2010, the Freedom of Information Act 2000, the Data Protection Act (DPA) 2018 and the General Data Protection Regulations (GDPR)
- set the date, time and venue of the meeting, ensuring that the dates are convenient to all parties (if they are invited to attend) and that the venue and proceedings are accessible
- collate any written material relevant to the complaint (for example; stage 1 paperwork, school and complainant submissions) and send it to the parties in advance of the meeting within an agreed timescale
- ensure that the procedures outlined within this policy are adhered to
- record the proceedings
- circulate the minutes of the meeting
- notify all parties of the committee's decision.

## **Committee Chair**

The committee's chair, who is nominated in advance of the complaint meeting, should ensure that:

- both parties are asked (via the Clerk) to provide any additional information relating to the complaint by a specified date in advance of the meeting
- If the committee is conducted with written representations only, that committee members are familiar with all the materials presented, and understand their origin and intention
- the meeting is conducted in an informal manner, is not adversarial, and that, **if** all parties are invited to attend, everyone is treated with respect and courtesy
- complainants who may not be used to speaking at such a meeting are put at ease. This is particularly important if the complainant is a child/young person

- the remit of the committee is explained to the complainant
- written material is seen by everyone in attendance, provided it does not breach confidentiality or any individual's rights to privacy under the DPA 2018 or GDPR.

If a new issue arises it would be useful to give everyone the opportunity to consider and comment upon it; this may require a short adjournment of the meeting

- both the complainant and the school are given the opportunity to make their case and seek clarity, either through written submissions ahead of the meeting or verbally in the meeting
- the issues are addressed and key findings of fact are made
- the committee is open-minded and acts independently
- no member of the committee has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure
- the meeting is minuted and they liaise with the Clerk (and complaints co-ordinator, if the school has one).

## Committee Member

Committee members should be aware that:

- the meeting must be independent and impartial, and should be seen to be so

No LAB member may sit on the committee if they have had a prior involvement in the complaint or in the circumstances surrounding it.

- the aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant

We recognise that the complainant might not be satisfied with the outcome if the meeting does not find in their favour. It may only be possible to establish the facts and make recommendations.

- many complainants will feel nervous and inhibited in a formal setting

Parents/carers often feel emotional when discussing an issue that affects their child.

- extra care needs to be taken when the complainant is a child/young person and present during all or part of the meeting

Careful consideration of the atmosphere and proceedings should ensure that the child/young person does not feel intimidated.

The committee should respect the views of the child/young person and give them equal consideration to those of adults.

If the child/young person is the complainant, the committee should ask in advance if any support is needed to help them present their complaint. Where the child/young person's parent is the complainant, the committee should give the parent the opportunity to say which parts of the meeting, if any, the child/young person needs to attend.

However, the parent should be advised that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting that the committee considers is not in the child/young person's best interests.

- the welfare of the child/young person is paramount.

<p>Updates to this policy as directed by Education and Skills Funding Agency (ESFA)</p> <p>June 2021</p>	
<p>10. Stage 3, P6 &amp; 7 para 1 &amp; 7 – text added</p>	<p><i>‘which will be formed of two LAB Members, and a third panel member who is independent of the management and running of the school.’</i></p>
<p>10. Stage 3, P7 para 7</p>	<p><i>Change three to two</i></p>
<p>10. Stage 3 Insert new paragraph</p>	<p><b>Recording</b></p> <p><i>‘A written record will be kept of all complaints under this process.</i></p> <p><i>The record will state whether each complaint was resolved following a formal procedure, or was proceeded to a panel hearing, as well as outlining action taken by the school as a result of those complaints (regardless of whether they are upheld).</i></p> <p><i>The school will ensure that 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 109 of the 2008 Act, requests access to them.’</i></p>