

Toton Bispham Drive Junior School

**Complaints Policy and
Procedure**

July 2018

Review Nov 2019

Introduction

We aim for all our pupils to benefit from the best possible education, within a happy, safe, and caring environment. All our staff, teaching and non-teaching, are dedicated to this aim. If you think that we are not meeting your expectations we want to know about it so that we may have the opportunity to listen and consider your views. If and when appropriate, we will strive to put things right. We would also like to hear about the things you feel we do well.

We practice a culture of trust and openness and see any complaints as an opportunity to review existing school practice and procedures. We use them to consider our justification for our actions and whether changes would contribute to school improvement and effectiveness.

Concern or 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 generally defined as 'an expression of dissatisfaction however made, about actions taken or a lack of action'.

It is in everyone's interest that concerns are alleviated and complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to invoke formal procedures. At Bispham Drive we take informal concerns seriously and make every effort to resolve the matter as quickly as possible.

Concern Stage Key contact - Class Teacher

If you have a worry or doubt for which you are seeking reassurance, your first contact should be with the class teacher. They may be contacted at the end of the school day in person, by calling the office to arrange for a call back or face to face meeting or by emailing parentqueries@bipshamdrive.net adding the teacher and class name in the subject box.

Staff will usually respond within 2 school days. The majority of concerns are resolved at this stage. The class teacher will inform the Headteacher as a matter of course.

On occasion complainants may wish to formalise their concerns in the form of a complaint. At this point the school's formal procedures should be invoked through the stages outlined below. Full details about each stage may be found in Appendix A.

Stage 1 - Complaint Key contact - Headteacher

If there is a matter that you are dissatisfied about and wish to raise as a formal complaint please contact the Headteacher, who will record the details of your complaint and investigate it. Alternatively you may submit the complaint in writing either in a letter, an email to parentqueries@bipshamdrive.net or by using the form in Appendix B.

The Headteacher will always endeavour to contact the complainant within 24 hours. She will always aim to carry out the investigation and respond in full by letter within 5 school days. If there is any delay to this timescale the complainant will be kept informed of the progress and reason for the delay.

Stage 2 Complaint

Key contact - Chair of Governors via school Complaints Officer

If a complainant is dissatisfied after the Headteacher's investigation s/he can appeal to the Chair of Governors to make a judgement on the way the investigation has been carried out. The complaint will not be re-investigated, but the Chair will ensure that all procedures have been followed. Appeals can be made on two grounds: the Headteacher's decision or the Headteacher's method of handling the complaint.

This complaint should be submitted in writing to the Complaints Officer in the school office, who will pass this to the Chair of Governors. The Chair will write to the complainant within 3 school days of receipt giving a timeline for their review of the process. The review should be completed within 20 school days. If there is any delay to this timescale the complainant will be kept informed of the progress and reason for the delay.

The complainant will receive a response in writing once the review is complete.

Any complaints against the Headteacher will be investigated by the Chair under Stage 2. If a complaint is received about the conduct of the Chair of Governors, this will be investigated by a Vice Chair.

Stage 3 Complaint

Key contact - Complaints Panel via school Complaints Officer

If a complainant remains dissatisfied, a panel of governors is convened and reviews the procedures followed by the Headteacher and Chair of Governors.

The remit of the panel is not to rehear the complaint but to investigate whether the Complaints Policy and Procedures have been followed. Their role is to decide whether:

1. The complaint has been investigated properly
2. The action taken was appropriate

The panel will be convened no more than 5 school days after the complainant has expressed their dissatisfaction. The panel will respond in writing to the complainant within 5 school days of the panel sitting.

Who can make a complaint ?

Although it is usually parents/carers who will make a complaint, they can also be received from other members of the public. Whatever the source of the complaint, it will be dealt with according to the policy and procedures detailed in this document.

Who can receive a complaint ?

Formal complaints should always be sent to the Headteacher, as outlined in Stage 1. Should any other member of staff or a governor receive a complaint, they should refer the complainant to the Headteacher and inform the Headteacher straightaway. If the complaint concerns the Headteacher's conduct, then the complaint should be referred to the Chair of Governors via the Complaints Officer in the school office. All relevant staff will have received training on how to handle concerns and complaints appropriately. If a complaint is made in person or by telephone, brief notes will be made for future reference (See Appendix B) and filed by the school's Complaints Officer.

What is the role of the Complaints Officer ?

The Complaints Officer is the school's Business Manager and can be contacted in the school office. The role of the Complaints Officer is to keep a confidential file where complaints are logged. Details of the initial complaint and a record of the progress of the complaint and the final outcome will be kept in this file. This ensures that a record is kept of all incidents and enables the school to spot trends, repetitions and if necessary, review the action taken and responses given.

All formal complaints will be recorded on a database by the Complaints Officer and reported by the Headteacher to the Senior Leadership Team and the Governing Body termly. The report will identify the number, nature and current status of the complaints handled (without giving individual details) and will report the lessons learned and changes made as a result of complaints.

The reason the Complaints Officer is not the Headteacher is because if the complaint is concerning the Headteacher's conduct, it will need to be passed to the Chair of Governors via the Complaints Officer.

What is the role of the Governors ?

It is the responsibility of the Governing Body to develop a complaints procedure and monitor its implementation and effectiveness. Much of this monitoring will be through reports given by the Headteacher to the Governing Body at each termly meeting.

The Chair of Governors will receive appeals where the complainant remains dissatisfied after Stage 1. The role of the Chairperson is not to re-investigate the complaint, but should be seen as part of the monitoring role of the Governing Body. The Chair will assess whether the Headteacher has adhered to relevant policies and followed the procedures put in place by the Governing Body. If the Complaint is regarding the Headteacher's conduct, this will be investigated by the Chair Of

Governors. If a complaint is received about the conduct of the Chair of Governors, this will be investigated by a Vice Chair.

It is vital that the Chair of Governors does not discuss the complaint or investigation with any other members of the Governing Body, as they may be involved later in the process. If the Chair of Governors requires support, s/he should seek it from the Local Education Officer or Governor Services Officer.

During the investigation, the Chair will make notes which will allow an appeal panel to examine the process followed by the Chair if necessary. These notes may include:

- Minutes of any meetings held
- Records examined such as school logs and communications
- Notes on how well the school has followed its own policies and procedures

Once the investigation is complete, these notes together with the final outcome will be passed to the school's Complaints Officer and confidentially filed.

If Stage 3 is reached, three governors from the Governing Body will form an independent panel of governors, who have had no part in the previous proceedings. Their role is to decide whether the complaint has been investigated properly and whether the action taken was appropriate.

All Governors have been invited to attend the Governors' training session on Handling Complaints. The Chair of Governors and Vice Chairs will have attended this training.

What about confidentiality ?

Your complaint will be treated confidentially and will not be discussed with anyone not involved with the investigation of the complaint. The details of any children or families cited within a complaint will not be disclosed to the complainant. Any disciplinary actions undertaken as a result of complaints will not be disclosed to the complainant. Complainants are expected not to discuss the details of their complaint publicly, including on social media.

What happens if the complainant remains dissatisfied after Stage 3 ?

The school considers the decision of the panel to be final. The complainant, the Headteacher and the Chair of Governors will be informed of the panel's decision, in writing. The complainant has the right to appeal to the Secretary of State who has a duty to consider all complaints raised, but will only intervene where the Governing Body has acted unlawfully or unreasonably. Further information can be obtained from the School Complaints Unit online at www.education.gov.uk/help/cotactus, by calling the National Helpline on 0370 000 2288, or by writing to the Department for Education, School Complaints Unit, 2nd Floor, Piccadilly Gate, Store Street, Manchester, M1 2WD. Please enclose with your letter a copy of the complaint outcome. This will save time in that the DfE will not need to ask for our view of what has happened.

How long after an incident can a complaint be made ?

Complaints should be made as soon as possible after an incident arises. However, we are always open to hearing your views and complaints will be investigated up to three months after an incident. After this three month period, complaints will be considered on a case by case basis, but the investigation process becomes more problematic as the time that passes before lodging the complaint increases.

How many complaints can be made by one complainant ?

We are open to any complaints that arise. However, once a complaint has been closed, the school will not re-hear the same complaint from the same complainant. This does not mean that a complainant cannot make another complaint to the school.

If a complainant persists in making representations to the school following the closure of a complaint, this can be extremely time consuming and can detract from the school's responsibility to look after the interests of all the children in its care. For this reason the school has a policy for dealing with Persistent and Vexatious Complaints and a Parental Code of Conduct, which are available upon request from the school office. If the complainant is abusive or aggressive in making their complaint, or negatively affects the well-being of staff or students, the school will instigate the policy for dealing with Persistent and Vexatious Complaints.

Are there any complaints that are not covered by the procedures in this document ?

Some complaints have separate, statutory procedures that must be followed. If the complaint relates to any of the following, the statutory procedure will be followed:

Admissions; Child Protection; Drugs; Equalities; Exclusions; Health and Safety; Sex Education; National Curriculum; Religious Worship; Special Educational Needs; Staff Capability; Staff Discipline; Staff Grievance; Whistleblowing; School Re-Organisation; Complaints about other service providers.

What is the procedure in detail ?

The steps that will be followed for each stage of the procedure are provided in detail in Appendix A.

APPENDIX A

Concern Stage

Concerns will generally be informal, arising from day-to-day matters, misunderstandings or clarification of action already taken and are dealt with by the class teacher or other members of staff as appropriate.

	ACTION	COMPLETE
1.	When the class teacher receives a concern, s/he will deal with it as soon as possible and within 2 school days.	
2.	The class teacher informs the Headteacher as a matter of course	
3.	Should the person raising the concern not be happy with the response, the matter will then will be dealt with as a complaint.	

Stage 1 Complaint

All formal complaints need to be referred to the Headteacher.

	ACTION	COMPLETE
1.	The Headteacher will discuss the complaint with the complainant within 24 hours of the complaint being received.	
2.	The complainant is asked to set out their desired resolution.	
3.	The complaint is logged in the Complaints Database and the Governing Body is informed in general terms that a complaint has been made.	
4.	The Headteacher will acknowledge receipt of the complaint in writing within 1 school day. The letter will inform the complainant of the action she intends to take and provide a timescale for the investigation.	
5.	The Headteacher will carry out the investigation and respond to the complainant with a letter within 5 school days.	
6.	If the Headteacher is unable to adhere to that timescale, she will keep the complainant informed of her progress and the reason for any delay.	
7.	The Headteacher will record the outcome of the complaint and report it to the Senior Leadership Team and the Governing Body.	

Stage 2 Complaint

If a complainant is dissatisfied after the Headteacher's investigation, they can ask the Chair of Governors to make a judgement on the way the investigation has been carried out.

	ACTION	COMPLETE
1.	The Complaints Officer logs the complaint and passes it to the Chair of Governors on the day it is received.	
2.	The Chair of Governors informs the Governing Body in general terms if s/he becomes involved in a complaint. The details of the complaint and the investigation are <u>not</u> discussed.	
3.	The Chair of Governors will contact the complainant by letter or email within 3 school days and give a timeline for the review of the process.	
4.	The Chair will receive all paperwork regarding the original complaint from the Headteacher within 2 school days of their request.	
5.	The Chair will meet with the Headteacher to ascertain whether the correct procedures have been followed.	
6.	After consideration, the Chair will reach a decision, either that the matter has been treated seriously and dealt with properly, or that there remain concerns regarding the outcome or process of the original investigation.	
7.	If the Chair believes that the complaint has been dealt with properly, s/he should inform the complainant of this decision in writing	
8.	If the Chair determines that concerns remain regarding the outcome or process of the original investigation, s/he can request that the Headteacher re-opens the investigation and undertakes a more thorough consideration. The Headteacher must then report the fresh outcome(s) to the Chair within an agreed timeline.	
9.	The Chair and Headteacher should agree the outcome and the Chair should inform the complainant.	
10.	Should the Chair consider that there has been a dereliction of duty by the Headteacher, s/he must decide whether disciplinary action is necessary.	
11.	The Chair should aim to complete the investigation within 20 school days. If s/he is unable to adhere to that timescale, s/he should keep the complainant informed of progress and the reason for the delay.	

Stage 3 Complaint

If a complainant remains dissatisfied, a Complaints Panel will be convened. The Panel will consist of three governors from the Governing Body, who have had no part in the previous proceedings. The Panel will review the procedures followed by the Headteacher and the Chair of Governors.

	ACTION	COMPLETE
1.	The Panel is convened no more than 5 school days after the complainant expresses their continued dissatisfaction.	
2.	The Panel Chair may appoint a Local Authority Clerk, who will communicate with the complainants and the Panel Chair to convene a suitable date for a formal hearing.	
3.	The Clerk will request that all relevant parties provide any supporting documentation to the Hearing Panel for consideration not later than 10 school days prior to the hearing date; and distribute to all parties accordingly.	
4.	At the Hearing the Panel will look at all of the documentation and interview the complainant, the Headteacher and the Chair separately, before their deliberations.	
5.	The role of the Panel is to decide whether the complaint has been investigated properly and/or the action taken was appropriate.	
6.	The Clerk will inform the complainant, the Head Teacher and the Complaints Governor of the Panel's decision, in writing, within three school days.	

Secretary of State Review

If a complaint has completed all the local procedures (described above) and the complainant remains dissatisfied, they have the right to appeal to the Secretary of State. The Secretary of State has a duty to consider all complaints raised but will only intervene where the Governing Board has acted unlawfully or unreasonably and where it is expedient or practical to do so.

	ACTION	COMPLETE
1.	Head Teacher to report to the Governing Board if a review decision is notified by the Secretary of State.	



APPENDIX B

Complaints / Feedback form

Personal Details

Name:

Address:

Postcode:

Daytime telephone number:

Evening telephone number:

If applicable, name of child(ren) and year at school:

.....

Your relationship to the school, e.g. parent, carer, neighbour, member of the public, student:

.....

Please give details of your complaint:

What action, if any, have you already taken to try and resolve your complaint ? Who did you speak to, when and what was the response?



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

Signature

Date

Official Use:

Date of acknowledgment

By whom

Complaint referred to