



**Bitham Brook**  
Primary School

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Policy Title	Complaints Policy & Procedure		
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**Policies to be read in conjunction**

Child Protection Policy  
Safeguarding Policy  
Allegations against School Staff Procedures  
Code of Conduct

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**Introduction**

Since September 1<sup>st</sup> 2003 the Governing Bodies of all maintained schools are required to have a procedure in place to deal with complaints relating to the school and to any community facilities or services that the school provides. This procedure must be publicised.

**Principles**

The fundamental objective of the school is to create and maintain a safe, happy and healthy learning environment where every pupil can achieve their full potential. Our ethos is to work in a spirit of co-operation between parents, carers, staff and governors.

We recognise that from time to time parents or carers may have issues with the way the school discharges its responsibilities to meet its obligations, and these issues may be raised as complaints directly with the school.

Our procedure seeks to:

- Encourage the resolution of problems by informal means wherever possible;
- Be easily accessible and publicised;
- Be straight forward and easy to understand and use;
- Be impartial;
- Be non-adversarial;
- Allow swift handling within established time limits for action and the keeping of people informed of the progress;
- Ensure, where necessary, a full and fair investigation by a person not concerned in the complaint;
- Respect people's desire for confidentiality;
- Address all the points at issue and provide an effective response and appropriate redress, where necessary;
- Provide information to the school's SMT so that services can be improved.

We acknowledge that there is a difference between a concern and a complaint. We endeavour to take informal concerns seriously at an early stage. We hope that this in turn will reduce the numbers of concerns that may develop into formal complaints.

We will always seek to handle concerns without the need for formal procedures. We seek resolutions with the person who receives the first approach (often the class teacher) endeavouring to resolve issues very rapidly. Where necessary and before formal proceedings are instituted, concerns may be referred to the Head Teacher. In the event that no resolution is possible, parents/carers will be offered the opportunity to use the formal parts of this procedure, a copy of which will be made available to them.

### ***Scope of formal Procedures***

The formal procedures will need to be invoked when initial attempts to resolve the issue are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further or where the complainant wishes to use the formal procedure from the outset.

The Head Teacher has the responsibility for the operation and management of the school's Complaints Procedure.

***A complaint is distinct from any formal disciplinary procedure. If it becomes apparent that the complaint is any form of disciplinary or capability issue, then the matter should be dealt with by following the appropriate procedure. The complainant should be notified that their complaint has been referred to the appropriate procedure; they do not have the right to know which procedure or the final outcome, but they can be reassured that it will be dealt with under normal personnel procedures.***

Complaints about the curriculum, collective worship, admissions, exclusion appeals, decisions about pupils special educational needs or grievances by the school staff are not covered by this procedure and are subject to separate procedures. Copies of these policies are available from the School office.

### ***Investigating Complaints***

The investigating person makes sure that they:

- Establish what has happened so far, and who has been involved;
- Clarify the nature of the complaint and what remains to be unresolved;
- Meet with the complainant or contact them if they need more information
- Clarify what the complainant feels would put things right;
- Interview those involved in the issue, allowing them to be accompanied if they wish;
- Conduct the interview with an open mind and be prepared to continue with the investigation until all issues have been addressed to the satisfaction of the investigator;
- Keep notes of the interview.

### ***Resolving Complaints***

At each stage of the procedure we should keep in mind the ways in which the complaint can be resolved. It may be sufficient to acknowledge that the complaint is valid in whole or part. It might be appropriate to offer one of the following:

- An apology;
- An explanation;
- An admission that the situation could have been handled differently;
- An assurance that the event complained of will not recur;
- An explanation of the steps that have been taken to ensure that it will not happen again;
- An undertaking to review school policies in the light of the complaint.

*We seek to make clear that an admission that we could have handled the situation better is not the same as an admission of negligence.*

***Equally, it may be appropriate after due investigation to dismiss the complaint as being unfounded. In this case, every attempt will be made to couch this rejection in as considerate and tactful a way as is possible.***

### ***Persistent Complaints***

There may be occasions when, despite all stages of the procedure having been followed, the complainant remains dissatisfied. If the complainant tries to reopen the same issue, the Chair of Governors may decide to inform them in writing that the procedure has been exhausted and that the matter is closed.

### ***Time Limits***

Complaints need to be considered and resolved, as quickly and as efficiently as possible. We have realistic time limits for each action within each stage. However, where further investigations are necessary, new time limits can be set and the complainant sent details of the new deadline and an explanation for the delay.

### ***Managing and Recording Complaints***

Details of all complaints, progress and the final outcome should be recorded and the records should be held centrally in a confidential state. There is a pro forma available for all records. This process will be managed by the Head Teacher.

### ***Governing Body Review***

The Governing Body can monitor the nature and level of complaints and review outcomes to ensure the effectiveness of the procedure and make changes where necessary. Information shared with the Governing Body will not name individuals. The Head Teacher may consult with the Chair of the Governing Body as necessary, during which process full details may be revealed in the pursuit of clarity and transparency of the issues.

***The Governing Body shall review the Procedures biennially and where necessary amending them in the full Governing Body.***

### ***Publicising the Procedure***

Details of the Complaints Procedure will be published in:

- The school prospectus;
- Induction information made available to new parents when their children join the school;
- At least annually through the school newsletter;
- The school website.
- The procedure will be readily available on request from the school office.

Reviewed by the Pupil Support Committee:

***Adopted by the Full Governing Body:***

***Review Date:***

**COMPLAINTS PROCEDURE FOR PARENTS, CARERS AND STAFF**

We want all children, parents, carers and staff to be happy with their experience of Bitham Brook School. If you are unhappy or upset about something, we want you to be able to let us know.

We welcome feedback and see this as an opportunity to improve our School. We will give careful consideration to your concerns and complaints and we are committed to dealing with them fairly and honestly; we aim to resolve your concerns and complaints through open dialogue and mutual understanding.

**Stage 1a: Informal Stage – your initial contact with the school**

It is natural that you may, occasionally, be concerned about an aspect of your child's education or welfare at school and we welcome enquiries from parents or carers about your child's school life.

To enable us to resolve your concern as quickly as possible, please contact your child's class teacher and explain:

- what your concern is/what has happened
- 1. what you would like them or other staff in the School to do to help you.

The Class Teacher will:

- try to help you straight away and provide you with a response
- if it is not possible to help you straight away, let you know what they are going to do and keep you informed, until they can provide you with a response
- check that you are happy with their response and with any action that they propose.

**Stage 1b: Informal Review by the Head Teacher**

If you are not satisfied with the help offered by the Class Teacher or if you would like to speak to someone else, you can also speak informally to the Head Teacher.

The Head Teacher will:

- Offer you an appointment to discuss the matter as soon as possible
- Listen carefully to your concerns and try to help you straight away
- If it is not possible to help you straight away, let you know what they are going to do and keep you informed. This may include involving other members of staff, doing some research or talking to other children
- Make sure that you receive a timely response, and check that you are happy with their response and with any suggestions or resolution that they propose
- While this is happening you are welcome to contact to the Head Teacher for an up-date.

We hope that we will be able to respond to your concerns in a satisfactory way, without recourse to our formal complaints procedure.

**Stage 2: Formal Complaint – formal consideration of your complaint**

If you are still not happy or you think nature of complaint requires it, you can make a formal complaint.

To make a formal complaint, please write to the Head Teacher or complete a complaint form including information about:

- details of your complaint and any actions taken by you or others so far to resolve the problem
- any supporting evidence that you may have
- your views on what might put things right

Complaint forms and copies of our complaints procedure are available from the School office.

### **Investigation**

***The Head Teacher will investigate complaints about:***

- ***The day to day running of the school***
- ***The interpretation of school policies***
- ***The actions or inactions of the staff at the school***

***The Chair of Governors or a governor nominated by the Chair will investigate complaints about:***

- ***School policies as determined by the Governing Body***
- ***The actions or inactions of the governing body***
- ***The Head Teacher***

On receipt of your complaints the Head Teacher/Governor will:

- Acknowledge receipt of your complaint within 2 working days
- Investigate your complaint and gather any evidence, including talking to witnesses and taking statement from others
- Inform you of the outcome of your complaint in writing within 7 working days of receipt of your complaint or, if it has not been possible to resolve your complaint within that timeframe, explain to you the reason for this and when you can expect an outcome.

During the investigation you may be invited to meet with the Head Teacher/Governor to explain your complaint. You can choose to be accompanied to this meeting by someone to help you explain your complaint. The Head Teacher/Governor can also choose to be accompanied by a suitable person.

If the complaint concerns children at the school the Head Teacher/Governor may talk to the child or other children who may be involved either, usually in the presence of a parent/carer. If that is not possible, then the Head Teacher/Governor will speak to them in the presence of another member of staff with whom the child feels comfortable.

### **Resolution**

Following complaints which are upheld by the Head Teacher/Governor, we hope to offer you an explanation and a resolution to your complaint that you are satisfied with. This may include a meeting to discuss the outcome of your complaint.

Equally, it may be that your complaint is not upheld and we will inform you of the reasons behind that decision.

### **Stage 3: Review by a Governors Review Panel**

If you are not satisfied with the result of your complaint from Stage 2, you can refer your complaint for review by a panel of the three of the School Governors. You should provide your written request to the school within 7 working days of the completion of Stage 2.

The Review Panel will consist of three Bitham Brook School governors who have no detailed prior knowledge of the complaint or connection with the complainant. Their remit is to consider how your complaint was investigated and to determine whether this has been conducted fairly. It is there to establish facts and make recommendations which will reassure you that we have taken the complaint seriously. The Panel will not re-hear your complaint.

The Chair of the Review Panel will:

- Acknowledge receipt of your request for a review within 5 working days
- Arrange a meeting of the Panel within 15 working days of your request and give you 5 working days' notice of the meeting
- Write you to and:
  - Provide copies of any relevant correspondence or reports about your complaint
  - invite you to provide any further written evidence in support of your appeal (insofar as it relates to the fairness of the investigation)
  - Explain what will happen at the Panel meeting and that you are entitled to attend the meeting and be accompanied to the meeting by someone to support you, witness the proceedings and also speak on your behalf if you choose
- Ask the complaint investigator to provide a written report about your complaint for the Panel to consider at the meeting
- Give the investigator the same opportunities to attend the meeting and be accompanied.
- Request additional information from other sources if necessary

Following the meeting the Panel will provide you with a written response within 5 working days. The Panel may:

- Dismiss the complaint in whole or part;
- Uphold the complaint in whole or part;
- Decide on the appropriate action to be taken to resolve the complaint;
- Recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not recur.

Their written response should give you all the information you need but you can also request a copy of the minutes of the Panel meeting, at the discretion of the Panel Chair.

The decision of the Panel is final.

### **Persistent Complaints**

We hope that this procedure will resolve most complaints satisfactorily.

In the rare case of repeated or protracted complaints we may take a decision to close a complaint, even if the complainant is still dissatisfied, in the interests of the whole school community.

In exceptional circumstances, closure may occur before a complaint has reached Stage 3 of the complaints procedure. The Chair of Governors may decide that every reasonable action has been undertaken to resolve the complaint and that a complaints review panel would not help to move things forward.

### **Further Options**

If you are still not satisfied after your complaint has been considered by the Governor Appeal Panel, you have two further possible routes to follow.

#### **1. The Local Authority**

***If you are unsatisfied with the way the school has handled your complaint, you can complain to the Wiltshire Local Authority. The Authority can investigate to ensure that the school has correctly followed its procedures. It will not over-turn the decision or re-investigate the complaint.***

There are 2 specific exceptions where the Local Authority has specific procedures that they may invoke where school-based procedures have not brought satisfaction. These are where complaints are about:

- The curriculum;
- School exclusions.

Details are available from the Customer Liaison Officer at County Hall, Trowbridge.

## **2. Department for Children, Schools and Families**

In extreme circumstances, you can refer the issue to the Secretary of State on the grounds that the Governing Body and/or the Local Education Authority is acting or proposing to act unreasonably or has failed to discharge its duties under the Education Act.

## **Annex I**

### ***Procedures for Governing Body Complaints Panel***

The panel can be drawn from the school's nominated members and may consist of 3 people. Where 3 unconnected governors are not available the Governing Body will seek to complete the panel with representatives drawn from Governing Bodies in other schools. The panel will choose its own chair.

#### **Remit**

The panel can:

- Dismiss the complaint in whole or part;
- Uphold the complaint in whole or part;
- Decide on the appropriate action to be taken to resolve the complaint;
- Recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not recur.

*Any governor sitting on a complaints panel needs to be aware that:*

It is important that the hearing is independent and impartial and that it is seen to be so. No governor may sit on the panel if they have had a prior involvement in the complaint, in the circumstances surrounding it or connection with the complainant. In deciding the make up of the panel, governors need to try and ensure that it is a cross-section of the categories of governor and sensitive to the issues of race, gender and religious affiliation.

The aim of the hearing which needs to be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant. However it has to be recognised the complainant might not be satisfied with the outcome if the hearing does not find in their favour. It may only be possible to establish the facts and make recommendations which will satisfy the complainant that his or complaint has been taken seriously.

An effective panel will acknowledge that many complainants feel nervous and inhibited in a formal setting. Parents often feel emotional when discussing an issue that affects their child. The panel chair will ensure that the proceedings are as welcoming as possible. The layout of the room will set the tone and care is needed to ensure the setting is informal and not adversarial.

The governors sitting on the panel need to be aware of the Complaints Procedure.

#### ***Roles and Responsibilities***

The Panel will be clerked by the Clerk to the Governors. The Clerk will:

- Set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible;
- Collate any written material and send it to the parties in advance of the hearing;
- Meet and welcome the parties as they arrive at the hearing;
- Record the proceedings;
- Notify all parties of the panel's decision;

#### **The Role of the Chair of the Governing Body or the Nominated Governor**

He or she will:

- Check that the correct procedure has been followed;
- If a hearing is appropriate, notify the clerk to arrange the panel

#### **The Role of the Chair of the Panel**

The Chair of the Panel will ensure that:

- The remit of the panel is explained to the parties and that each party will be invited to meet the panel and have the opportunity of putting their case without undue interruption;
- The issues are addressed;
- Key facts are identified and clarified as appropriate;
- Those not used to speaking at such a hearing are put at ease;
- The panel is open minded and acting independently;
- No member of the panel has a vested interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure.

### **Notification of the Panel's Decision**

**The Chair of the Panel needs to ensure that the complainant is notified of the panel's decision in writing within 5 days of the hearing.**

#### **The Panel Working Process**

- **The meeting will be as informal as possible;**
- **The complainant will be asked to submit the details of the complaint in writing to be made available to panel members before the meeting.**
- **The school representative will submit in writing details of actions taken before the meeting.**
- **The complainant or their representative will be invited to address the panel if they choose.**
- **The panel may ask questions at any appropriate point.**
- **The complainant will leave the meeting.**
- **The school representative will be invited to address the meeting.**
- **The panel may ask questions at any point.**
- **The school representative will leave the meeting.**
- **The panel will deliberate.**
- **The decision will be announced within 5 working days**

School Complaints Record

*Please complete and return to: The Head Teacher or Chair of Governors as appropriate, who will acknowledge receipt and explain what action will be taken.*

**Your name:**

**Pupil's name:**

**Address:**

**Post Code:**

**Day time telephone number:**

**Evening Telephone number:**

**Details of your complaint:**

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

**Page 1.**

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

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

**Your signature:**

**Date:**

**Official use**

**Date acknowledgement sent:**

**By whom:**

**Complaint referred to:**

**Date:**

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**To be filed in Confidential File**

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