

**LOVE, COURAGE & RESPECT**

Learning and Achieving Through Love, Courage and Respect

# **BRIGHSTONE C.E. PRIMARY SCHOOL**



## **Complaints Policy and Procedure**

**Date Agreed:** September 2020

**Review Date:** September 2023

## BRIGHSTONE CE AIDED PRIMARY SCHOOL Complaints Policy and Procedure

### Revision Record

Revision No.	Date Issued	Prepared By	Approved	Comments
1	12 <sup>th</sup> December 2014	KH	FGB	New policy
2	February 2015	KH	FGB	Review
3	14.06.16	Clerk	FGB	Taken from LA template
4	28.06.17	Clerk	S&P	Amended to reflect current procedures
5	7.9.20	JC/RL	FGB	Amended to reflect current DfE guidance

It is the policy of Brighstone CE Aided Primary School to resolve a complaint at the earliest possible stage and to take seriously any informal concern that is raised. All communication/meetings will be recorded to evidence progress and how the procedure has been followed. A time-line of actions in relation to the complaint will be kept, in case a panel hearing is required.

Throughout this procedure all those involved will be sensitive to and comply with the nine protected characteristics under the Equality Act 2010. Every effort will be made to meet the required timescales, but should an extension be necessary at any part of the procedure, all parties will be notified and given a reason for the delay.

### 1. Who can make a complaint?

- 1.1 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 Brighstone CE Aided Primary School about any provision of facilities or services that we provide, within three months of the incident. Unless complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions), we will use this complaints procedure.

### 2. Scope of this complaints procedure

- 2.1 This procedure does not apply to the following complaints, for which there are separate procedures:
- School Admissions
  - Special Educational Needs Assessments (SEND)
  - School re-organisation proposals
  - Child Protection
  - Exclusion
  - Whistleblowing
  - Staff grievance and disciplinary procedures
  - Complaints about services provided by other providers who may use the school's premises or facilities
- 2.2 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.

- 2.3 If a complainant commences legal action against Brighstone CE Aided 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.

### **3. The difference between a concern and a complaint**

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

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

3.3 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. Brighstone CE Aided Primary School takes concerns seriously and will make every effort to resolve the matter as quickly as possible.

3.4 If you have difficulty discussing a concern with a particular member of staff, we will respect your views. In these cases, please contact the Family Liaison Officer who will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, the Family Liaison Officer will refer you to another member of staff or a member of the Senior Leadership Team. 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.

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

### **4. Anonymous complaints**

4.1 The school will not respond to anonymous complaints, but in such a case, the headteacher and/or chair of governors will consider whether the issue and fear of identification are genuine or the issue is one of child protection.

### **5. Timescales**

5.1 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.

### **6. Complaints received outside of term time**

6.1 We will consider complaints made outside of term time to have been received on the first school day after the holiday period.

### **7. Withdrawal of complaints**

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

## **8. Resolving complaints**

8.1 At each stage in the procedure, Brighstone CE Aided 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.

## **9. How to raise a concern**

9.1 A parent or any other person (the complainant) can raise an initial concern with a member of staff at the school or in writing or by telephone. They can be made on behalf of a complainant by a third party, provided appropriate consent is given by the complainant. The member of staff will take note and seek to identify the outcome that the complainant would hope to achieve and/or a resolution.

9.2 If the member of staff first contacted cannot immediately deal with the matter, s/he will make a clear note of the date, name, contact address or phone number and will agree a timescale for contact to be made with the complainant (normally 3 working school days). The member of staff will notify the headteacher or Family Liaison Officer, who will follow up with the member of staff or pass the details to another appropriate member of staff for action and to make contact with the complainant within the agreed timescale.

9.3 The school will respect the views of a complainant who indicates that he/she would have difficulty in discussing a concern with a particular member of staff.

9.4 Similarly, if a member of staff directly involved feels too compromised to deal with a concern, the headteacher or Family Liaison Officer (FLO) can refer the complainant, with the approval of the compromised member of staff, to another member of staff. The member of staff may be more senior but does not have to be. The ability to consider the concern confidentially, objectively and impartially is crucial.

9.5 The member of staff dealing with the concern will seek to reach a resolution and/or provide a response within 10 working school days. If this is not achieved, the complainant will be given a copy of the school complaints procedure and asked to complete the school complaints form (Appendix A) and to return this to the headteacher or FLO within 10 working school days. If the complainant is unable to complete the form, an alternative means of submitting the complaint (including the nature of the complaint and the desired outcome) will be agreed.

9.6 The complainant is requested to contact the school within 10 school working days to let them know if s/he is satisfied with the outcome or if they wish to proceed to Stage One in this policy. If the school doesn't hear from the complainant within this time, the school will assume that the complainant is satisfied with the response.

9.7 If the first approach is made to a governor, the governor must refer the complainant to the Complaints Policy (or to the Chair of Governors if the concern is about the headteacher or a governor) and advise them about the procedure. Governors must not act unilaterally on an individual concern or complaint outside the formal procedure or be involved at the early stages in case they are needed to sit on a panel at a later stage of the procedure.

## **10. Stage One – making a formal complaint under this procedure**

10.1 This procedure will be followed either if the above process for managing a concern has not been successful, or if the complainant believes the issue to warrant a complaint from the outset.

10.2 In the first instance, contact the headteacher or Family Liaison Officer by filling out the complaint form (Appendix A). If the complaint is about the headteacher, then return the form to the Chair of Governors (see section 10.7.1). If the complaint is about the Chair of Governors or any member of the governing body, the form should be sent to the clerk to governors in the first instance. The clerk will follow the procedure from 10.3 below with a designated governor or an external panel as appropriate.

10.3 The headteacher/FLO/chair/designate will acknowledge receipt of the complaint in writing within 3 working school days. The headteacher/FLO/chair/designate will provide an opportunity for the complainant to meet him/her within 10 working school days, to supplement any information provided in the complaints form.

10.4 At this meeting, the headteacher/FLO/chair/designate will:

- confirm the nature of the complaint and the desired outcome;
- agree a timescale for a response to be sent to the complainant;
- ensure there is an independent minute taker present to record the meeting.

10.5 The headteacher/FLO/chair/designate will investigate the complaint to clarify details and to seek a resolution. The headteacher/FLO/chair/designate will keep written records of meetings, telephone conversations, and other documentation.

10.6 Following this investigation, headteacher/FLO/chair/designate will provide a written response including an explanation of the outcome/decision and the reasons for it. Where appropriate, this will include what action the school will take to resolve the complaint.

10.7 The response letter will advise the complainant that, should s/he wish to take the complaint further, s/he should follow either step 10.7.1 or 10.7.5 below within 10 working school days (if the school doesn't hear from the complainant within this time, the school will assume s/he is satisfied with the outcome):

10.7.1 If the chair of governors has not been involved in the process outlined above and has not been involved with the complaint, the complainant should write to the chair and request a review of the complaint. The chair will arrange to meet with the complainant and the person the complaint is about separately, within 10 school working days to seek a satisfactory resolution.

- 10.7.2 At the meeting with the complainant, the chair of governors will agree a timescale for a written response to be sent to the complainant.
- 10.7.3 The chair will provide a written response to the complainant and the person who the complaint is about, with an overview and outcome/decision. The letter will advise the complainant that, if s/he is not satisfied with the outcome/decision, s/he should write to the clerk to governors and request that a complaints panel be convened, to consider how the complaint has been addressed.
- 10.7.4 Records will be kept of meetings and other communications taken by an independent minute taker.
- 10.7.5 If the chair has previously been involved or option 10.7.1 above has failed to achieve a satisfactory resolution, the complainant should write to the clerk to governors and request that a complaints panel be convened, to consider how the complaint has been addressed.

## **11. Stage Two - Complaint heard by the Governing Board Complaints Panel**

- 11.1 Upon receipt of a written request by the complainant, for a panel to be convened, the procedures outlined below will be followed. If the clerk to governors is unable to act, another clerk will be appointed to the panel.
- 11.2 The clerk will write to the complainant within 3 working school days to acknowledge receipt and request any further written representations. The complainant will be asked to notify the clerk of anyone who will support them at the meeting and any witnesses they intend to call. The clerk will also invite the headteacher and/or chair of governors to attend a panel meeting, to prepare a written report for the panel in response to the complaint. The headteacher and/or chair of governors will also be asked to notify the clerk of any representative who will be supporting them and any witnesses they intend to call.
- 11.3 The clerk to the panel will convene a governors' complaints panel and agree with panel members who will chair the panel.
- 11.4 The panel members will be governors (not the headteacher or members of staff) who have had no prior involvement with the complaint. The complainant has the right to request an independent panel of governors, if they believe there is likely to be bias in the proceedings. The panel chair may also seek external governors to sit on the panel where, in their opinion, it will assist the proceedings of the panel.
- 11.5 The clerk to the governors will agree a mutually convenient meeting date with the complainant, headteacher and members of the panel and inform them and any relevant witnesses of the date, time and place of the meeting. The meeting will be held at the school unless the complainant specifically requests a neutral venue.

- 11.6 The clerk will collate papers for the panel meeting and send a pack (at the same time) to the complainant (and their representative), the headteacher (and their representative) and members of the panel, at least 5 working days prior to the meeting.
- 11.7 The clerk will make arrangements for the panel meeting to take place and will attend to take minutes of the meeting. All parties other than the clerk and panel members will withdraw from the meeting for the panel to deliberate.
- 11.8 The clerk will draw up confidential minutes and assist the chair of the panel, who will send a final decision letter to the complainant and the person who is the subject of the complaint, within 5 working school days. The decision letter will include the panel decision/s in relation to the complaint and any actions that the panel may recommend. **This is the final stage of the school procedure.**

## 12. Stage Three - Complaints to the DfE

- 12.1 All stages of the school's complaints procedure must be exhausted before a complaint can be considered at this stage. If the complainant is dissatisfied with the way that the complaint has been handled and wishes to go beyond the school's procedure, s/he may contact the School Complaints Unit at <https://www.gov.uk/complain-about-school/state-schools>

## 13. Managing serial and unreasonable complaints

- 13.1 Brighstone CE Aided Primary School is committed to dealing with all complaints fairly and impartially, and to providing a high-quality service to those who complain. We will not normally limit the contact complainants have with the school. However, staff will not be expected to tolerate unacceptable behaviour and action will be taken to protect staff from unacceptable, abusive, offensive or threatening behaviour.
- 13.2 Brighstone CE Aided Primary School defines unreasonable complainants as *'those who, because of the frequency or nature of their contacts with the school, hinder our consideration of their or other people's complaints'*.
- 13.3 A complaint may be regarded as unreasonable when the person making the complaint:-
- refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance
  - refuses to co-operate with the complaints investigation process while still wishing their complaint to be resolved
  - refuses to accept that certain issues are not within the scope of a complaints procedure
  - insists on the complaint being dealt with in ways which are incompatible with the school's complaints procedure or with good practice
  - introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on, or raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales
  - makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced
  - changes the basis of the complaint as the investigation proceeds

- repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed);
- refuses to accept the findings of the investigation into that complaint where the school's complaint procedure has been fully and properly implemented and completed including referral to the Department for Education
- seeks an unrealistic outcome
- makes excessive demands on school time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing or by email.

13.4 A complaint may also be considered unreasonable if the person making the complaint does so either face-to-face, by telephone or in writing or electronically:-

- maliciously
- aggressively
- using threats, intimidation or violence
- using abusive, offensive or discriminatory language
- knowing it to be false
- using falsified information
- publishing unacceptable information in a variety of media such as in social media websites and newspapers

13.5 Complainants should limit the numbers of communications with the school while a complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text) as it could delay the outcome being reached.

13.6 Whenever possible, the headteacher or chair of governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

13.7 If the behaviour continues the headteacher will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact Brighstone CE Aided Primary School causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after 6 months.

13.8 In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. This may include banning an individual from Brighstone CE Aided Primary School.



**Appendix A – Complaints Form**

Please complete and return to Brighstone CE Aided Primary School) who will acknowledge receipt and explain what action will be taken.

Your name:

Pupil's name:

Your relationship to the pupil:

Address:

Postcode:

Daytime telephone number:

Evening telephone number:

E-mail address:

Please give the details of your complaint.

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 whom:

Complaint referred to:

Date:

**Appendix B – Flowchart of this procedure – Numbers in the chart refer to the relevant paragraph**

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