Complaints Procedure and Policy

Broadmayne First School and Nursery

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1. Aims

Our school aims to meet its statutory obligations when responding to complaints from parents of pupils at the school, and others.

When responding to complaints, we aim to:

- Be impartial and non-adversarial
- Facilitate a full and fair investigation by an independent person or panel, where necessary
- Address all the points at issue and provide an effective and prompt response
- Respect complainants' desire for confidentiality
- Treat complainants with respect and courtesy
- Make sure that any decisions we make are lawful, rational, reasonable, fair and proportionate, in line with the principles of administrative law
- Keep complainants informed of the progress of the complaints process
- Consider how the complaint can feed into school improvement evaluation processes

We try to resolve concerns or complaints by informal means wherever possible. Where this is not possible, formal procedures will be followed.

The school will aim to give the complainant the opportunity to complete the complaints procedure in full.

To support this, we will make sure we publicise the existence of this policy and make it available on the school website.

Throughout the process, we will be sensitive to the needs of all parties involved, and make any reasonable adjustments needed to accommodate individuals.

2. Legislation and guidance

This document meets the requirements of section 29 of the Education Act 2002, which states that schools must have and make available a procedure to deal with all complaints relating to their school and to any community facilities or services that the school provides.

It is also based on guidance for schools on complaints procedures from the Department for Education (DfE), including the model procedure, and model procedure for dealing with serial and unreasonable complaints.

3. Definitions and scope

3.1 Definitions

The DfE guidance explains the difference between a concern and a complaint:

- A concern is defined as "an expression of worry or doubt over an issue considered to be important for which reassurances are sought"
- A complaint is defined as "an expression of dissatisfaction however made, about actions taken or a lack of action"

3.2 Scope

The school intends to resolve complaints informally where possible, at the earliest possible stage.

There may be occasions when complainants would like to raise their concerns formally. This policy outlines the procedure relating to handling such complaints.

This policy does not cover complaints procedures relating to:

- Admissions
- Statutory assessments of special educational needs (SEN)
- Safeguarding matters
- Suspension and permanent exclusion
- Whistle-blowing
- Staff grievances
- Staff discipline
- School reorganisation proposals
- Curriculum
- Collective worship

Please see our separate policies for procedures relating to these types of complaints.

Complaints about services provided by other providers who use school premises or facilities should be directed to the provider concerned.

4. Making a complaint

Complaints made to Broadmayne First School should preferably be made by using a complaint form (see Appendix A). However, the complainant may have communication preferences due to disability or learning difficulties and the school will allow an alternative method of communication and it is recommended that they contact the **Clerk to the Governors.** In order to prevent any later challenge or disagreement over what was said, brief notes of meetings and telephone calls will be kept and a copy of any written response added to records. Where there are communication difficulties a

recording device may be used to ensure the complainant is able to access and review the discussions at a later point. The School will record the progress of the complaint and the final outcome. The Clerk to the Governors should be responsible for these records and hold them centrally. Complainants have a right to copies of these records under the Freedom of Information and Data Protection Acts.

5. Principles for investigation

When investigating a complaint, we will try to clarify:

- What has happened
- Who was involved
- What the complainant feels would put things right

5.1 Time scales

The complainant must raise the complaint within 3 months of the incident. If the complaint is about a series of related incidents, they must raise the complaint within 3 months of the last incident.

We will consider exceptions to this timeframe in circumstances where there were valid reasons for not making a complaint at that time and the complaint can still be investigated in a fair manner for all involved.

When complaints are made out of term time, we will consider them to have been received on the first school day after the holiday period.

If at any point we cannot meet the timescales we have set out in this policy, we will:

- Set new time limits with the complainant
- Send the complainant details of the new deadline and explain the delay

6. Stages of complaint

At each stage in the procedure, the school will want to resolve the complaint if possible. It might be sufficient to acknowledge that the complaint is valid in whole or in part. In addition, it may be appropriate to offer one or more of the following:

- an apology;
- an explanation;
- an admission that the situation could have been handled differently or better;
- 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 light of the complaint;
- an undertaking of further investigation that could lead to disciplinary procedures.

Roles and responsibilities are set out in this policy. Circumstances in which the Chair of Governors or the complaints panel may take action because of unreasonable behaviour of the complainant or an unreasonable complaint are set out in Appendix B.

Stages of the complaint procedure

The following stages will begin once the Clerk to the Governors has received the complaint form.

Stage 1 Complaint heard by a staff member A staff member hears the complaint and tries to resolve it. The matter and outcomes are reported to the Headteacher.	**Stage 2 Complaint heard by Headteacher** If the complaint cannot be resolved informally, then the Headteacher will investigate.	**Stage 3 Complaint heard by Chair of Governors** If the complainant remains unhappy or the complaint is about the Headteacher the investigation will be undertaken by the Chair of Governors in a manner which s/he deems most appropriate.	**Stage 4 Complaint heard by Governing Body Complaints Panel** This will consist of Governors not involved in the complaints process at an earlier stage.

6.1 Stage 1: Complaint heard by a staff member

It is in everyone's interest that complaints are resolved at the earliest possible stage. The experience of the first contact between the complainant and the school can be crucial in determining whether the complaint will escalate. It would assist the procedure if the school respected the views of a complainant who indicates that he/she would have difficulty discussing a complaint with a particular member of staff. In these cases the complainant could be referred to another staff member. If the member of staff directly involved feels too compromised to deal with a complaint the complainant could be referred to another staff member. The ability to consider the complaint objectively and impartially is crucial. The complainant should be asked at the earliest stage what they think might resolve the issue.

Where the first approach is made to a governor, the next step would be to refer the complainant to the appropriate person and advise them about the procedure. Governors should not act unilaterally on an individual

complaint outside the formal procedure or be involved at the early stages in case they are required to sit on a panel at a later stage of the procedure.

6.2 Stage 2: complaint heard by the Headteacher

The headteacher's influence will already have shaped the way complaints are handled in the school. At this point, the complainant may be dissatisfied with the way the complaint was handled at Stage 1 as well as pursuing their initial complaint. The head may delegate the task of collating the information to another staff member but not the decision on the action to be taken.

6.3 Stage 3: complaint heard by the Chair of Governors

If the complainant is not satisfied with the response of the headteacher or the complaint is about the headteacher, the complainant should contact the Chair of Governors to request that their complaint is considered further. At this stage the Chair of Governors will seek to resolve the complaint and seek an acceptable resolution for all involved. If this is not possible the complaint will move to Stage 4.

6.4 Stage 4: complaint heard by the Governing Body Panel

The Chair of Governors will give details of the complaint to the Clerk to the Governing Body and will request that the governing body convenes a complaints panel. The complaints panel hearing is the last school-based stage of the complaints process and is not convened merely to rubber-stamp previous decisions.

Individual complaints would not be heard by the whole governing body at any stage, as this could compromise the impartiality of any panel set up for a disciplinary hearing against a member of staff following a serious complaint. The panel will consist of three members who have had no previous involvement with the complaint. If it is not possible to find governors who are impartial governors from another first school will be sought. The panel will select their Chair. The aim of the panel will be to resolve the complaint and achieve reconciliation between the school and the complainant if possible.

The meeting:

1. The panel will set a date and time for the hearing and will notify the complainant. Normally this will be within 20 school days of receiving the request. A minimum of 3 working days' notice is required for postponing the meeting by any party and failing this the Chair of the panel will consider whether to proceed with the complaint.

2. The complainant will be invited to submit further written or other evidence at least 5 working days before the date of the meeting.

3. An agenda will be sent out one week before the meeting.

4. The meeting will be held in private, this would normally take place during the school day and at the school. The complainant and the headteacher will be present throughout, unless the complaint is against the headteacher. The Clerk to the Governors will be present to record the meeting.

5. Once the panel is satisfied that they have heard all the information and seen all the evidence they will agree a time-scale with the complainant for responding in writing with their decision. This should normally be within 15 school days.

6. All parties will receive a copy of the minutes of the meeting within 5 working days.

7. Following the meeting the panel will decide on a course of action i.e. what further evidence is required and whom to speak to. They will then reach a decision, recommend to the Chair of Governors any action that is required and inform the complainant of the outcome.

7. The remit of the Governing Body Complaints Panel

The panel can:

• dismiss the complaint in whole or in part;
• uphold the complaint in whole or in 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.

There are several points which any governor sitting on a complaints panel should remember:

a. It is important that the appeal 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 or in the circumstances surrounding it. 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.

b. 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 that 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 her complaint has been taken seriously.

c. 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.

8. Roles and responsibilities

8.1 The complainant

The complainant will get a more effective and timely response to their complaint if they:

- Follow these procedures
- Cooperate with the school throughout the process, and respond to deadlines and communication promptly
- Ask for assistance as needed
- Treat all those involved with respect
- Do not publish details about the complaint on social media

8.2 The investigator

An individual will be appointed to look into the complaint and establish the facts. They will:

- Interview all relevant parties, keeping notes
- Consider records and any written evidence and keep these securely
- Prepare a comprehensive report to the headteacher or complaints committee, which includes the facts and potential solutions

8.3 The complaints co-ordinator

The complaints co-ordinator can be:

- The headteacher
- A designated complaints governor
- Any other staff member providing administrative support

The complaints co-ordinator will:

- Keep the complainant up to date at each stage in the procedure
- Make sure the process runs smoothly by liaising with staff members, the headteacher, chair of governors, clerk and local authority
- Be aware of issues relating to:
    - Sharing third party information
    - Additional support needed by complainants, for example interpretation support or where the complainant is a child or young person
- Keep records

8.4 Clerk to the governing board

The clerk will:

- Be the contact point for the complainant and the complaints committee, including circulating the relevant papers and evidence before complaints committee meetings
- Arrange the complaints hearing
- Record and circulate the minutes and outcome of the hearing

8.5 Committee chair

The committee chair will:

- Chair the meeting, ensuring that everyone is treated with respect throughout
- Make sure all parties see the relevant information, understand the purpose of the committee, and are allowed to present their case

9. Referring complaints on completion of the school's procedure

If the complainant is unsatisfied with the outcome of the school's complaints procedure, they can refer their complaint to the DfE.

The DfE will not re-investigate the matter of the complaint. It will look at whether the school's complaints policy and any other relevant statutory policies that the school holds were adhered to. The DfE also looks at whether the school's statutory policies adhere to education legislation.

The DfE will intervene where a school has:

- Failed to act in line with its duties under education law
- Acted (or is proposing to act) unreasonably when exercising its functions
- If the complaints procedure is found to not meet regulations, the school will be asked to correct its procedure accordingly.

For more information or to refer a complaint, see the following webpage:

https://www.gov.uk/complain-about-school

We will include this information in the outcome letter to complainants.

10. Persistent complaints

Most complaints raised will be valid, and therefore we will treat them seriously. However, a complaint may become unreasonable if the person:

- Has made the same complaint before, and it's already been resolved by following the school's complaints procedure
- Makes a complaint that is obsessive, persistent, harassing, prolific, defamatory or repetitive
- Insists on pursuing a complaint that is unfounded, or out of scope of

the complaints procedure
- Pursues a valid complaint, but in an unreasonable manner e.g. refuses to articulate the complaint, refuses to co-operate with this complaints procedure, or insists that the complaint is dealt with in ways that are incompatible with this procedure and the timeframes it sets out
- Makes a complaint designed to cause disruption, annoyance or excessive demands on school time
- Seeks unrealistic outcomes, or a solution that lacks any serious purpose or value

Steps we will take

We will take every reasonable step to address the complainant's concerns, and give them a clear statement of our position and their options. We will maintain our role as an objective arbiter throughout the process, including when we meet with individuals. We will follow our complaints procedure as normal (as outlined above) wherever possible.

If the complainant continues to contact the school in a disruptive way, we may put communications strategies in place. We may:

- Give the complainant a single point of contact via an email address
- Limit the number of times the complainant can make contact, such as a fixed number per term
- Ask the complainant to engage a third party to act on their behalf, such as Citizens Advice
- Put any other strategy in place as necessary

Stopping responding

We may stop responding to the complainant when all of these factors are met:

- We believe we have taken all reasonable steps to help address their concerns
- We have provided a clear statement of our position and their options
- The complainant contacts us repeatedly, and we believe their intention is to cause disruption or inconvenience

Where we stop responding, we will inform the individual that we intend to do so. We will also explain that we will still consider any new complaints they make.

In response to any serious incident of aggression or violence, we will immediately inform the police and communicate our actions in writing. This may include barring an individual from our school site.

10.1 Duplicate complaints

If we have resolved a complaint under this procedure and receive a duplicate complaint on the same subject from a partner, family member or other individual, we will assess whether there are aspects that we hadn't

previously considered, or any new information we need to take into account.

If we are satisfied that there are no new aspects, we will:

- Tell the new complainant that we have already investigated and responded to this issue, and that the local process is complete
- Direct them to the DfE if they are dissatisfied with our original handling of the complaint

If there are new aspects, we will follow this procedure again.

10.2 Complaint campaigns

Where the school receives a large volume of complaints about the same topic or subject, especially if these come from complainants unconnected with the school, the school may respond to these complaints by:

- Publishing a single response on the school website
- Sending a template response to all of the complainants

If complainants are not satisfied with the school's response, or wish to pursue the complaint further, the normal procedures will apply.

11. Record keeping

The school will record the progress of all complaints, including information about actions taken at all stages, the stage at which the complaint was resolved, and the final outcome. The records will also include copies of letters and emails, and notes relating to meetings and phone calls.

This material will be treated as confidential and held centrally, and will be viewed only by those involved in investigating the complaint or on the review panel.

This is except where the secretary of state (or someone acting on their behalf) or the complainant requests access to records of a complaint through a freedom of information (FOI) request or through a subject access request under the terms of the Data Protection Act, or where the material must be made available during a school inspection.

Records of complaints will be kept securely, only for as long as necessary and in line with data protection law, our privacy notices and our data retention schedule.

The details of the complaint, including the names of individuals involved, will not be shared with the whole governing board in case a review panel needs to be organised at a later point.

Where the governing board is aware of the substance of the complaint before the review panel stage, the school will (where reasonably practicable) arrange for an independent panel to hear the complaint.

Complainants also have the right to request an independent panel if they

believe there is likely to be bias in the proceedings. The decision to approve this request is made by the governing board, who will not unreasonably withhold consent.

12. Learning lessons

The governing board will review any underlying issues raised by complaints with the headteacher where appropriate, and respecting confidentiality, to determine whether there are any improvements that the school can make to its procedures or practice to help prevent similar events in the future.

12. Monitoring arrangements

The governing body will monitor the effectiveness of the complaints procedure in making sure that complaints are handled properly. The governing body will track the number and nature of complaints, and review underlying issues as stated.

The complaints records are logged and managed by the headteacher.

This policy will be reviewed by the governing board every two years.

At each review, the policy will be approved by the full governing board.

APPENDIX A

Complaint Form

Please complete and return to the Clerk to the Governors via the school or email to sfoyle@broadmayne.dorset.sch.uk who will acknowledge receipt and explain what action will be taken.

Your name:
Pupil's name (if relevant):
Your relationship to the pupil (if relevant):
Address: Postcode: Day time telephone number: Evening telephone number:
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 and what was the response)?

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

Policy for dealing with unreasonable complaints

The Headteacher and staff at Broadmayne First School deal with concerns and specific complaints as part of their day-to-day management of the school in accordance with its **Complaints Procedure.** The majority of complaints are handled in an informal manner and are resolved quickly, sensitively and to the satisfaction of the complainant. The school is committed to dealing with all complaints fairly and impartially and to providing a high quality service to those who complain and they will not normally limit the contact complainants have with the school. However, there are occasions when complainants behave in an unreasonable manner when raising and/or pursuing their concerns and the school does not expect their staff to tolerate unacceptable behaviour. The school will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening. In these circumstances the school may take action in accordance with this policy.

The aims of this policy are to:

- uphold the standards of courtesy and reasonableness that should characterise all communication between the School and persons who wish
  to express a concern or pursue a complaint;

- support the well-being of children, staff and everyone else who has legitimate interest in the work of the School, including governors and parents;

- deal fairly, honestly and properly with those who make persistent or vexatious complaints and those who harass members of staff in school while ensuring that other stakeholders suffer no detriment.

Broadmayne First 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* ".

Our expectations are that complainants will:

- articulate their complaint and specify the grounds of a complaint or the outcomes sought;

- co-operate with the complaints investigation process;

- accept that certain issues are not within the scope of a complaints procedure;

- accept that the complaint being dealt with in ways which are compatible with the complaints procedure and that reflect good practice;

- accept the timescales that are agreed and not introduce trivial or irrelevant information or raise large numbers of detailed but unimportant questions;

- be respectful and courteous;

- not deviate from the basis of the complaint as the investigation proceeds;
.
- not repeatedly make the same complaint (despite previous investigations or
responses concluding that the complaint is groundless or has been addressed);

- accept the findings of the investigation into that complaint where the school's complaint process has been fully and properly implemented and exhausted including referral to the Department for Education;

- seek a realistic outcome;

- not make excessive demands on school time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email or by telephone whilst the complaint is being dealt with;

- not record meetings or conversations without the prior knowledge and consent of the other persons involved.

A complaint will 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;
- acting in a persistent way by:
    - sending numerous letters;
    - making multiple phone calls;
    - sending multiple emails;
    - leaving multiple voicemails;
    - sending multiple text messages;
- publishing unacceptable information in a variety of media such as in social media websites and newspapers.

Whenever possible, the Headteacher or Chair of Governors will discuss the concerns with the complainant informally before invoking the procedure. This will be confirmed in writing. If the behaviour continues the Headteacher will write to the complainant explaining that their behaviour is unacceptable and is being considered under this policy. The letter will

specify what behaviour is unreasonable and ask them to change it. The Headteacher or Chair of Governors may also specify methods of communication and times in a communication plan. If a complainant contacts the school about the same issue persistently once the matter is closed the correspondence may be viewed as "serial" or "persistent" and the school may choose not to respond.

Any serious incident of aggression or violence the concerns and action will be put in writing immediately and the Police informed. Any legitimate new complaint will still be considered even if the person making them is, or has been, subject to the Policy for Dealing with Unreasonable Complaints.

The school will review as appropriate, and at a minimum once in a school year, any sanctions applied in the context of this policy.