



# **Brinsworth Whitehill Primary**

## **Complaints Policy**

### **Concerns and Complaints – Introduction**

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, about actions taken or a lack of action*'. Brinsworth Whitehill Primary School aims to work in partnership with parents in the best interests of the children. Any concern or complaint will be given careful consideration and will be dealt with fairly and honestly. We will provide sufficient opportunity for any complaint to be fully discussed, and aim to resolve it through open dialogue and mutual understanding.

From 1 September 2003, Governing Bodies of all maintained schools and maintained nursery schools in England are required, under Section 29 of the Education Act 2002, to have in place a procedure to deal with complaints relating to the school and to any community facilities or services that the school provides. The law also requires the procedure to be publicised.

### **General Principles**

The following procedures should not be used for complaints that fall under existing statutory procedures and are therefore covered by other documentation:

- Curriculum
- Sex Education
- Admissions
- Exclusions
- Special Educational Needs
- Staff Grievances

#### **1. Publicity**

Complainants can raise concerns by contacting their child's class teacher, a member of the leadership team or the Headteacher / Deputy Head. If the concern is not resolved informally Complainants may lodge a formal complaint. The procedure for lodging a formal complaint is contained within this policy. The policy is available from the school office and school website. A leaflet is available for new Complainants explaining this process in detail. (Appendix C)

## **2. Procedures should be as speedy as possible - consistent and fair to all concerned**

Each stage of the procedure will have known time limits. Where it is not possible to meet these, the complainant will be kept informed of progress.

## **3. Support for complainant**

At any stage of the procedure Complainants can be accompanied by a friend, relative or representative and they will be told where they can go for information, advice and advocacy, if required.

## **4. Support for a person complained against**

Staff who may be questioned as part of the investigation of a complaint will be treated fairly and they will always have the opportunity to put their case. A friend or representative may accompany them at any stage.

The complaints procedure is distinct from formal disciplinary proceedings for staff and this will need to be made clear to all concerned. However there may be occasions where a complaint leads to a disciplinary procedure which puts the complaints process on hold. If so, the complainant should be informed of this, without going into details, and updated regularly on likely further delay. After the disciplinary process is completed it will be necessary to decide what further response to the complainant is required.

## **5. Confidentiality**

All concerns and complaints will be treated with discretion. It will be made clear to Complainants that making a complaint will not result in their child being penalised. Complainants will, however, be made aware that some information will have to be shared with those involved in order that the complaint can be investigated. Anonymous complaints will normally be disregarded unless they relate to a serious issue. The Headteacher and Chair of Governors will decide whether the gravity of an anonymous complaint warrants an investigation.

## **6. Redress**

If the outcome of the complaints procedure shows the school is at fault, redress will be in the form of an acknowledgement that the complaint is valid. It may be appropriate to offer one or more of the following:

- an apology;
- an explanation;
- a promise that the event complained of will not recur;
- an undertaking to review school policies or practices in the light of the complaint.

Fear of litigation will not prevent the school from admitting to Complainants when mistakes have been made, but advice will be sought from the Local Authority if it is possible that the complainant might take legal action.

## **7. Staff Awareness and Training**

All staff are aware of the procedures, as potentially many will be involved with handling complaints, especially at the informal level. Training every two years will take place to ensure that staff are clear and confident about the procedures. Part of the training includes dealing with people who are upset or angry. Staff have clear information about which staff have which responsibilities so that Complainants do not get continually passed from one to another.

## **8. Record Keeping**

Complaints are recorded and monitored regularly by staff using a standard proforma (Appendix E). Records of these are kept in the child's class file. The Headteacher keeps a central file for complaints which are not resolved immediately and therefore investigated by her. This file is reviewed termly by the Chair of Governors. Recording begins at the point when an initial concern or complaint cannot be resolved immediately but needs some investigation and/or consultation with others in school and a subsequent report back to the complainant.

## **9. Extended Services**

Third parties, hiring the school on a regular basis, will be asked to ensure that they have an appropriate complaints procedure in place.

## **10. A Staged Approach**

The Governors at Brinsworth Whitehill Primary have adopted a staged approach to the complaints procedure, as follows:

## **Stage 1: The First Contact**

There needs to be clarity as to the difference between a concern and a complaint. Taking informal concerns seriously at an early stage will reduce the number that develop into formal complaints. There are many occasions where concerns are resolved straight away through the Class Teacher, Deputy Head/ Headteacher or administrative staff, depending on who is approached first. Complainants must feel able to raise concerns with members of staff without any formality, either in person, over the telephone or in writing. On occasion it may be appropriate for someone to act on behalf of a complainant and this must be taken into consideration.

It may be unclear at first whether a complainant is asking a question or expressing an opinion rather than making a complaint. A complainant may want a preliminary discussion about an issue to help decide whether he or she wishes to take it further.

## **Stage 2: Referral to the Headteacher**

At this stage it has become clear that the concern is a definite complaint and should be investigated according to school guidelines (see model procedures attached at Appendix A/B) to ensure consistency and to make sure that nothing happens which could make it difficult for later stages to proceed smoothly.

In some cases the Headteacher may already have been involved in looking at the matter; in other cases it may be her first involvement and it may be appropriate to delegate the investigation at this stage to another member of staff.

NB In some cases Headteachers will have been already involved at Stage 1, or the complaint may be against them, in which cases Stage 2 should be carried out by the Chair of Governors. In other cases, where the Headteacher has delegated the investigation at Stage 2 to another member of staff, she is advised to become involved if the complainant is not satisfied, before the Stage 2 process is completed and the matter referred to the governing body.

### **Stage 3: Review by the Governing Body**

Complaints rarely reach this formal level, but it is important that governing bodies are prepared to deal with them when necessary. At this stage schools may wish to seek advice from the Local Authority. Alternatively, Governors can contact the Local Government Ombudsman, on 0300 0610614 or by email [advice@lgo.org.uk](mailto:advice@lgo.org.uk). This can provide a useful 'outside view' on the issues.

It is important that this review is not only independent and impartial but that it is seen to be so. Complaints at Brinsworth Whitehill Primary will always be considered by a panel of three Governors. Account will be taken, when convening the panel, of the fact that:

- Some Governors may have previous knowledge of the problem which led to the complaint and would be unable to give fair, unbiased consideration to the issue;
- If a complaint results in disciplinary action against a member of staff it will be necessary for there to be sufficient Governors with no prior involvement to form a staff dismissal committee and possibly a staff dismissal appeal committee.

The Panel will appoint a clerk to minute the meeting. The clerk will be the contact point for the complainant and be required to:

- Set the date, time and venue of the hearing and ensure 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 aim of the meeting will be to resolve the complaint and achieve reconciliation between the school and complainant. However, it has to be recognised that sometimes it may only be possible to establish facts and make recommendations that will satisfy the complainant that their complaint has at least been taken seriously.

### **What if my complaint is about a Governor?**

You should still contact the Chair of Governors who will investigate your concerns. If the complaint is about the Chair of Governors you should contact the vice chair. The school will be able to tell you who that would be. If you have a complaint about the Governing Body as a whole, you should contact the Governance Section at Rotherham Metropolitan Borough Council, Riverside House, Main Street, Rotherham, S60 1AE.

### **What if my complaint is about the Headteacher?**

If the complaint is against the Headteacher the Chair of the Governing Body will investigate your concern.

## Appendix A

### Brinsworth Whitehill Primary Procedure

In order to investigate your complaint as fully as possible the Governing Body of Brinsworth Whitehill Primary School has implemented a staged approach.

#### Stage 1: The first contact

- 1.1. Complainants are always welcome to discuss any concerns with the appropriate member of staff, who will clarify with the complainant the nature of the concern and reassure them that the school wants to hear about it. The member of staff may explain to the complainant how the situation happened. It can be helpful at this point to identify what sort of outcome the complainant is looking for.
- 1.2. If the member of staff first contacted cannot immediately deal with the matter, s/he will make a clear note of the date, name and contact address or phone number.
- 1.3. All members of staff will know how to refer, if necessary, to the person with responsibility for the particular issue raised by the complainant. S/he will check later to make sure the referral has been dealt with.
- 1.4. If the matter is brought to the attention of the Headteacher she may decide to deal with concerns directly at this stage if the complaint is more serious; if the complaint is against the Headteacher the complainant will be advised to contact the Chair of the Governing Body.
- 1.5. The member of staff dealing with the concern will make sure the complainant is clear what action (if any) or monitoring of the situation has been agreed, putting it in writing if appropriate.
- 1.6. Where no satisfactory solution has been found within ten days, Complainants will be advised that if they wish their concern to be considered further they should write or e-mail the Headteacher.

## **Stage 2: Referral to the Headteacher for investigation**

- 2.1 The Headteacher (or designated person) will acknowledge the complaint in writing within three working days of receiving the written complaint. The acknowledgement will give a brief explanation of the school's complaints procedure and a target date for providing a response to the complaint. This should normally be within ten working days. If this proves impossible, a letter will be sent explaining the reason for the delay and giving a revised target date.
- 2.2 The Headteacher will provide an opportunity for the complainant to meet her to supplement any information provided previously. It will be made clear to the complainant that if s/he wishes s/he might be accompanied to any meeting by a friend, relative, representative or advocate who can speak on his/her behalf.
- 2.3 If necessary the Headteacher will interview witnesses and take statements from those involved. If the complaint centres on a pupil, the pupil should also be interviewed. Pupils should normally be interviewed with Complainants/guardians present, but if this would seriously delay the investigation of a serious/urgent complaint or if the pupil has specifically said that s/he would prefer that Complainants/guardians were not involved, another member of staff with whom the pupil feels comfortable should be present. If a member of staff is complained against, they must have the opportunity to present their case (see General Principles).
- 2.4 The Headteacher will keep written records of meetings, telephone conversations and other documentation.
- 2.5 Once all the relevant facts have been established as far as possible, the Headteacher will then produce a written response to the complainant, including a full explanation of the decision and the reasons for it. Where appropriate, this will include what action the school will take to resolve the complaint. The complainant will be advised that should s/he wish to take the complaint further s/he should notify the Chair of Governors within five weeks of receiving the letter.
- 2.6 If the complaint is against the Headteacher, or if the Headteacher has been closely involved at Stage 1, the Chair of the Governing Body will carry out all the Stage 2 procedures.

### **Stage 3: Review by the Governing Body**

- 3.1 The Chair of the Governing Body will write to the complainant to acknowledge receipt of the written request for the Governing Body to review the complaint. The acknowledgement will inform the complainant that three members of the school's Governing Body (which could include one member from the Infant School) will hear the complaint within twenty days of receiving the complaint. The letter will also explain that the complainant has the right to submit any further documents relevant to the complaint. These must be received in time for the documents to be sent to the three members – at least seven days before the hearing.
- 3.2 A meeting of the Governors' Complaints Panel will be convened. No Governors with prior involvement must be included on the panel and it may be necessary to use reserves (previously agreed by the governing body) to ensure the Panel can meet within the set time. If she has not previously been involved the Chair should chair the Panel; otherwise the Vice-Chair should do so. Governors should bear in mind the advantages of having a complainant governor on the panel, and will also want to be sensitive to issues of race and gender. It is not appropriate for the Headteacher to sit on the Panel.
- 3.3 The Chair/Vice-Chair will ensure the Panel hears the complaint within twenty school days of receiving the letter. All relevant correspondence relating to the complaint will be given to each Panel member as soon as the composition of the panel is confirmed. If the correspondence is extensive, the Chair may prepare a thorough summary for sending to Panel members.
- 3.4 The clerk will write and inform the complainant, Headteacher, any relevant witnesses and members of the Panel at least five working days in advance of the date, time and place of the meeting. The notification will also inform the complainant of his/her right to be accompanied to the meeting by a friend/advocate/interpreter and explain how the meeting will be conducted and the complainant's right to submit further written evidence to the Panel.
- 3.5 The Headteacher will be invited to attend the Panel meeting and will be asked to prepare a written report for the Panel in response to the complaint. All concerned, including the complainant, should receive any relevant documents including the Headteacher's report, at least five working days prior to the meeting. The Headteacher may also invite members of staff directly involved in matters raised by the complainant to respond in writing or person, subject to the discretion of the Chair.

- 3.6 The meeting should allow for:
- The complainant to explain their complaint and the Headteacher to explain the school's response.
  - The Headteacher to question the complainant about the complaint and the complainant to question the Headteacher and/or other members of staff about the school's response.
  - Panel members to have an opportunity to question both the complainant and the Headteacher.
  - Any party to have the right to call witnesses (subject to approval of the Chair) and all parties having the right to question all the witnesses
  - Final statements by both the complainant and the Headteacher.

It is the responsibility of the Chair of the Panel to ensure that it is properly minuted.

3.7 The Chair of the Panel will explain to the complainant and Headteacher that the Panel will consider its decision and that a written decision will be sent to both parties within 15 working days. The complainant, Headteacher, other members of staff and witnesses will then leave.

3.8 The Panel will then consider the complaint and all the evidence presented and

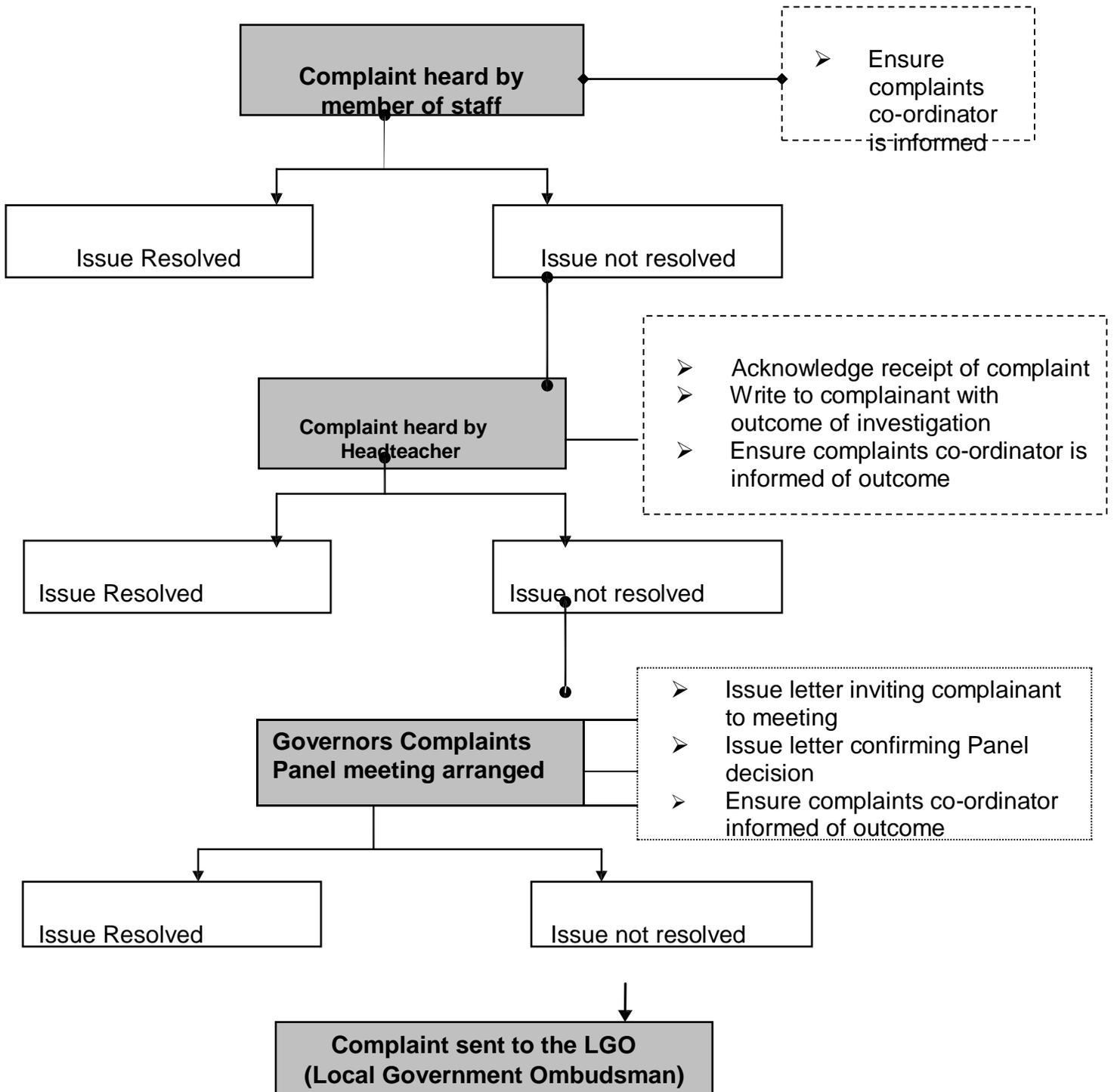
- Reach a unanimous, or at least a majority, decision on the complaint;
- Decide upon the appropriate action to be taken to resolve the complaint; and
- Where appropriate, suggest recommended changes to the school's systems or procedures to ensure that problems of a similar nature do not happen again.

3.9 A written statement outlining the decision of the Panel must be sent to the complainant and Headteacher. The letter to the complainant should also explain whether a further appeal can be made, and if so, to whom.

3.10 The school should ensure that a copy of all correspondence and notes are kept on file in the school's records. These records should be kept separately from the pupil's personal record.

Appendix B

Flowchart of complaints



## **Appendix C**

### **Concerns and Complaints about the School**

#### **Guidance Notes for Complainants**

##### **If you have a concern or complaint**

We would like you to tell us about it. We welcome suggestions for improving our work in school. Be assured that no matter what you want to tell us, our support and respect for you and your child in school will not be affected in any way. Please tell us of your concern as soon as possible. It is difficult for us to investigate properly an incident or problem that happened some time ago.

##### **What to do first**

Most concerns and complaints can be sorted out quickly by speaking with your child's Class Teacher.

If you have a complaint that you feel should be looked at by the Headteacher in the first instance, you can contact her straightaway if you prefer. It is usually best to discuss the problem face to face. You may need an appointment to do this, and you can make one by ringing or calling into the school office. You can take a friend or relation to the appointment with you if you would like to.

All staff will make every effort to resolve your problem informally. They will make sure that they understand what you feel went wrong, and they will explain their own actions to you. They will ask what you would like the school to do to put things right. Of course, this does not mean that in every case they will come round to your point of view but it will help both you and the school to understand both sides of the question. It may also help to prevent a similar problem arising again.

##### **What to do next**

If you are dissatisfied with the Teacher's initial response (or with the Deputy Headteacher/ Senior Leadership's initial reaction if they have already been involved) you can make a complaint to the Headteacher. This should be made in writing. Help with this is available from the school office.

If your complaint is about an action of the Headteacher personally, then you should refer it to the Chair of Governors. You can contact the Chair of Governor by telephoning the school office (01709 828242).

You may also find it helpful at this stage to have a copy of the full statement of the General Complaints Procedures as this explains in detail what procedures are followed. This is available from the school office.

The Headteacher will ask to meet you to discuss the problem. Again you may take a friend or someone else with you if you wish. The Headteacher will conduct a full investigation of the complaint and may interview any members of staff or pupils involved. You will receive a written response to your complaint.

**If you are still unhappy**

The problem will normally be solved by this stage. However, if you are still not satisfied you may wish to contact the Chair of the Governing Body to ask for a referral of your complaint to a Governors' Complaints Panel. It will then be heard by a group of three Governors who have no previous knowledge of the problem and so will be given a fresh assessment. You will be invited to attend and speak to the Panel at a meeting that the Headteacher will also attend. The General Complaints Procedures statement explains how these meetings operate.

**Further Action**

Complaints about school problems are almost always settled within schools but in exceptional cases it may be possible to refer the problem to an outside body such as the Local Government Ombudsman. Again there is more on this in the General Complaints Procedure.

## Appendix D- Formal Complaints Form

Please complete and return to the Headteacher / Deputy Head who will acknowledge receipt and explain what action will be taken	
Your Name	
Pupil's Name	
Your relationship to the Pupil	
Address	
Postcode	
Daytime Tel Number	
Evening Tel Number	
Please give details of your complaint here (please continue on a separate sheet if necessary)	
What actions, if any have you 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?	
Are you attaching any paperwork?	
Signature	
Date	
<b>For Office Use only</b>	
Date acknowledgement sent	By Whom
Complaint referred to:	Date:

**Appendix E – Record Keeping Form**

<b>Notes from Complainant Meeting (Telephone/Face to Face)</b>	
<b>Name of Complainant:</b> <b>Name of Child:</b> <b>Class:</b>	
<b>Date:</b>	
<b>Notes:</b>	<b>Actions:</b>
	<b>Follow up:</b>
<b>Completed by:</b>	<b>Date:</b>
<b>Copies to:</b>	