

# Complaints

# Policy & Procedure

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<b>Policy:</b>	Complaints Policy
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<b>To be ratified by:</b>	FGB
<b>Review Frequency:</b>	3 Years

**HISTORY OF POLICY CHANGES/REVIEW**

Date	Page	Details of change	Date ratified
25.05.18		Created	
17.07.18		Ratified by Finance Committee of the Governing Body	
18.11.20		Policy re-write in line with new DfE Guidance	
24.11.20		Ratified by Governors	
24.05.22		Ratified by Governors, confirmed 3 year review frequency	

## Complaints Policy

### Rationale:

The school complaints policy is in place to ensure that parents/carers and others are able to express their concerns in an open and honest way in accordance with a published procedure. Any person can raise a complaint about any aspect of provision at Briarwood School using this policy as process guidance.

The complaints procedure is designed to:

- encourage resolution of problems 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
- be easily accessible and well-publicised
- be simple to understand and use
- throughout the process we will be sensitive to the needs of all parties involved and make any reasonable adjustments needed to accommodate individuals
- be impartial
- be non-adversarial
- allow swift handling, with established time limits for action, and keep people informed of progress
- ensure a full and fair investigation by an independent person where necessary
- respect people's desire for confidentiality
- treat complainants with respect and courtesy
- address all points raised, and provide an effective response and appropriate redress, where necessary
- ensure that any decisions we make are lawful, rational, reasonable, fair and appropriate in line with the principles of administrative law
- provide information to school's Leadership team so that services can be improved

### Legislation & 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 unreasonable complaints.

In addition, it addresses duties set out in the Early Years Foundation Stage statutory framework with regards to dealing with complaints about the school's fulfilment of Early Years Foundation Stage requirements.

### Definitions and Scope:

#### 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”

#### 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
- Exclusion
- Whistle-blowing
- Staff grievances
- Staff discipline

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

Arrangements for handling complaints from parents of children with special educational needs (SEN) about the school’s support are within the scope of this policy. Such complaints should first be made to the Head of School; they will then be referred to this complaints policy. Our SEN information report includes information about the rights of parents of pupils with disabilities who believe that our school has discriminated against their child.

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

### Roles and Responsibilities:

#### The complainant

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

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

#### 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

#### 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

#### 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

#### 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

#### 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 time frame 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 time scales 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

### Complaints about our fulfilment of early years requirements:

We will investigate all written complaints relating to the school's fulfilment of the Early Years Foundation Stage requirements, and notify the complainant of the outcome within 28 days of receiving the complaint. The school will keep a record of the complaint (see section 10) and make this available to Ofsted on request.

Parents and carers can notify Ofsted if they believe that the school is not meeting Early Years Foundation Stage requirements, by calling 0300 123 4666, or by emailing [enquiries@ofsted.gov.uk](mailto:enquiries@ofsted.gov.uk). An online contact form is also available at <https://www.gov.uk/government/organisations/ofsted#orgcontacts>.

We will notify parents and carers if we become aware that the school is to be inspected by Ofsted. We will also supply a copy of the inspection report to parents and carers of children attending the setting on a regular basis.

### Investigating complaints:

At each stage, the person investigating the complaint will make sure that they:

- establish what has happened so far, and who has been involved
- clarify the nature of the complaint and what remains unresolved
- meet with the complainant or contact them (if unsure of further information is necessary)
- clarify what the complainant feels would put things right
- interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish
- conduct the interview with an open mind and be prepared to persist in the questioning
- keep notes of the interview

### Procedure:

#### Stage 1 Informal Stage

Any problem or concern should be raised promptly with the class teacher/or member of staff responsible for the area or action you are concerned about. All staff will make every effort to resolve your problem promptly at this informal stage.

Most concerns and potential complaints can best be resolved through informal discussion with the relevant member of staff or Head of School.

If your concern is more serious you may prefer to make an appointment to discuss it with the Head Teacher.

If the first approach is made to a Governor, the Governor would need to refer the complainant to the appropriate person and advise them about the complaints procedures.

If the complainant is unclear who to contact, or how to contact them, they should contact the School Office via email at: [briarwood@bristol-schools.uk](mailto:briarwood@bristol-schools.uk). The school will acknowledge informal complaints within 3 school days and investigate and provide a response within 10 school days.

The informal stage will involve a meeting between the complainant and a suitably qualified member of staff and / or the subject of the complaint. If the complaint is not resolved informally it will be escalated to a formal complaint.

#### Stage 2 Formal Complaint

If you are dissatisfied with the response of the member of staff (or the Head Teacher if they have been involved at the informal stage) then you may wish to formalise your concerns as a complaint. You should make it clear if you wish the matter to be dealt with as a complaint. You should lodge the complaint formally within 2 months of initiating Stage 1 as detailed above.

Formal complaints can be raised through:

- Letter or email
- Over the phone
- In person
- By a 3rd Party acting on behalf of the complainant

The complainant should provide details such as relevant dates, times and the names of witnesses of events alongside copies of any relevant documents and what they feel would resolve the complaint. If complainants need assistance raising a formal complaint they can

contact the school office. An acknowledgement will be sent to the complainant within 48 hours of receipt of the formal complaint.

The Headteacher or designated member of the Senior Leadership team will call a meeting to clarify concerns and seek a resolution. The complainant may be accompanied to this meeting and should inform the school of the identity of their companion in advance.

In certain circumstances, the School may need to refuse a request for a particular individual to attend any such meeting – for example, if there is a conflict of interest. If this is the case, the school will notify the complainant as soon as they are aware so that the complainant has the opportunity to arrange alternative accompaniment.

The Headteacher, or other person appointed by the Headteacher for this purpose, will investigate the complaint and provide a written response. This will normally be within 10 school days of the Page 8 of 13 Complaints Policy acknowledgement of your complaint, but you will be kept informed if, for example, more time is needed to complete the investigation.

If your original concern was about an action by the Headteacher personally, and you have already discussed it at the informal stage, then you should put your complaint forward to the Chair of Governors.

If the complainant wishes to proceed to the next stage of the procedure, they should inform the clerk to the governing board within 10 school days.

### How to escalate a complaint

Complaints can be escalated by contacting the clerk to the governing board:

- By letter or email
- Over the phone
- In person
- Through a third party acting on behalf of the complainant
- The clerk will need the details of the complaint as set out above, as well as details from the complainant on how they feel the previous stage of the procedure has not addressed their complaint sufficiently, and what they feel would resolve the complaint.
- The clerk will acknowledge receipt of the request within 5 school days.

### Stage 3 Submit the complaint to the review panel

#### Convening the panel

The review panel consists of the first 3 members of the governing board available, who don't have direct knowledge of the complaint. These individuals will have access to the existing record of the complaint's progress. The governors will select a panel chair from amongst themselves.



If not enough impartial governors are available, we will seek panel members from other schools or the local authority. We will make sure the governors we source are suitably skilled and can demonstrate that they are independent and impartial.

The complainant must have reasonable notice of the date of the review panel; however, the review panel reserves the right to convene at their convenience rather than that of the complainant.

If the complainant rejects the offer of 3 proposed dates without good reason, the clerk will set a date. The hearing will go ahead using written submissions from both parties.

Any written material will be circulated to all parties at least 5 school days before the date of the meeting.

### At the meeting

At the review panel meeting, the complainant and representatives from the school, as appropriate, will be present. Each will have an opportunity to set out written or oral submissions prior to the meeting.

The complainant must be allowed to attend the panel hearing and be accompanied by a suitable companion if they wish. We don't encourage either party to bring legal representation, but will consider it on a case-by-case basis. For instance, if a school employee is called as a witness in a complaint meeting, they may wish to be supported by their union.

At the meeting, each individual will have the opportunity to give statements and present their evidence, and witnesses will be called as appropriate to present their evidence.

The panel, the complainant and the school representative will be given the chance to ask and reply to questions. Once the complainant and school representatives have completed presenting their cases, they will be asked to leave and evidence will then be considered.

The panel will then put together its findings and recommendations from the case. The panel will also provide copies of the minutes of the hearing and the findings and recommendations to the complainant and, where relevant, the subject of the complaint, and make a copy of the findings and recommendations available for inspection by the headteacher.

### The outcome

The committee can:

- Uphold the complaint, in whole or in part
- Dismiss the complaint, in whole or in part

If the complaint is upheld, the committee will:

- Decide the appropriate action to resolve the complaint
- Where appropriate, recommend changes to the school's systems or procedures to prevent similar issues in the future

The school will inform those involved of the decision in writing within 15 school days.

### Complaints against the Headteacher, a governor or the governing board:

#### Stage 1: informal

Complaints made against the headteacher or any member of the governing board should be directed to the clerk to the governing board in the first instance.

If the complaint is about the headteacher or one member of the governing board (including the chair or vice-chair), a suitably skilled and impartial governor will carry out the steps at stage 1.

#### Stage 2: formal

If the complaint is jointly about the chair and vice-chair, the entire governing board or the majority of the governing board, an independent investigator will carry out the steps in stage 2. They will be appointed by the governing board and will write a formal response at the end of their investigation.

#### Stage 3: review panel

If the complaint is jointly about the chair and vice-chair, the entire governing board or the majority of the governing board, a committee of independent governors will hear the complaint. They will be sourced from local schools within the local authority and will carry out the steps at stage 3.

### 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. It may direct the school to re-investigate the complaint where it is clear the school has acted unlawfully or unreasonably.

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.

### Persistent complaints:

#### Unreasonably 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
- Knowingly provides false information
- 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 time frames it sets out
- Changes the basis of the complaint as the investigation goes on
- 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.

### 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 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.

### 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.

### 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 record 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.

### Learning lessons:

The governing board will review any underlying issues raised by complaints with the headteacher/senior leadership team 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.

### Monitoring arrangements:

The governing board will monitor the effectiveness of the complaints procedure in ensuring that complaints are handled properly. The governing board will track the number and nature of complaints, and review underlying issues.

This policy will be reviewed by the Headteacher/full governing board every 3 years. At each review, the policy will be approved by the full governing board

### Links with other policies:

Policies dealing with other forms of complaints include:

- Child protection and safeguarding policy and procedures
- Admissions policy
- Staff grievance procedures
- Staff disciplinary procedures
- SEN policy and information report
- Privacy notices