



Brinsley Primary and Nursery School

School Policy for

# Complaints

Updated: January 2022

Review: January 2023

### **Introduction:**

This Policy has been written with advice taken from The Best Practice Advice for School Complaints Procedures 2016 and due attention has been paid to our Equality Policy and advice guidelines when preparing this document.

**Our School Values** have been formulated through discussions with staff, governors, pupil, parents and carers. They are:

**Shine**

**Teamwork**

**Achieve**

**Respect**

**Smile**

### **Mission Statement:**

At Brinsley Primary and Nursery School, we promise you a caring community where everyone can be **STARS**. As a pupil, you will **SHINE** and work in our **TEAM** to **ACHIEVE** your full potential in an exciting, creative environment; which will inspire you to learn and grow. Through our values, we **RESPECT** and have empathy for each other- **SMILING** along the way!

### **Vision Statement:**

Our vision is to create a school community, where children shine through teamwork, achievement and respect – all with a smile!

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

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 however made, about actions taken or a lack of action*'.

It is in everyone's interest that complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to invoke formal procedures. The school will take informal concerns seriously and make every effort to resolve the matter as quickly as possible.

This complaints policy will cover all concerns and complaints with the exception of those referred to in Appendix 1 (Complaints not in scope of the schools complaints procedure).

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This policy is available both on our school website <http://www.brinsley.notts.sch.uk> and on request from our school office.

1. This policy statement sets out the school's approach to dealing with parental concerns and complaints.
2. We value good home, school and community relations and will, therefore, do everything we can to establish and maintain them. This includes seeking to resolve any concerns or complaints promptly, and to the satisfaction of all concerned.
3. We welcome feedback on what parents and other stakeholders feel we do well, or not so well, as a school. We will consider carefully all feedback, whether positive or negative, and will review our policies and practices accordingly.
4. We will treat all concerns and complaints seriously and courteously and will advise parents and others of the school's procedures for dealing with their concerns. In return, we expect parents to act in accordance with the 'Parent/Carer Code of Conduct' and other complainants to behave respectfully towards all members of the school community. In particular, any disagreement with the school should not be expressed inappropriately or in front of pupils
5. All school staff and members of the governing body will receive a copy of this policy statement and will be familiar with the school's procedures for dealing with concerns and complaints, to which they will have access as required. The policy will be available on request to any affected party.
6. The school's procedures will be reviewed regularly and updated as necessary.
7. Staff and governors will receive training in handling concerns and complaints as appropriate. This may be on an individual basis, or as a group activity for all staff, or for specific groups, such as the office staff or members of the governing body.
8. The government and the Local Authority (LA) advocate resolution of all concerns and complaints at school level wherever possible, in the interests of maintaining good home, school relations. The role of the LA in advising complainants and schools on the handling of concerns and complaints is set out in the school's procedures.

## **The Stages of the Complaints Procedure**

### **Stage 1 (informal): Speak to your child's class teacher**

If you have a concern or a complaint, please speak to your child's class teacher in the first instance. He/she will be able to listen to your concerns and hopefully resolve the matter swiftly. If the complaint cannot be resolved immediately, then he/she can agree with you what action will be taken with a view to resolving the matter. Your child's class teacher will be happy to speak with you as soon as possible, ideally on the same day but if not, every attempt will be made to ensure this happens within 1-2 working days. If you are not happy with the outcome of this informal stage then you can proceed to stage 2 to raise a formal complaint by contacting the Head Teacher (below). You may proceed straight to stage 2 if you are not a parent of a child at the school, or if the class teacher is the subject of the complaint.

### **Stage 2 (formal): Complain to the Head Teacher**

You can set out your complaint in writing (letter/email) if you prefer, or you can contact the school office to make an appointment to discuss your complaint in person. The head teacher will aim to see you to discuss your complaint within 3-5 working days. The head teacher will listen to your complaint, take notes and agree what action she will take next. This will often involve looking into the matter in more detail and gathering information from other staff within the school. Once the investigation is complete, the head teacher will contact you in writing, usually within 3-5 working days, to let you know what action has been and/or will be taken. If the investigation takes longer than 5 days, the school will inform you within this period with an updated time frame.

### **Stage 3 (formal): Complain to the Governing Body**

If you are not satisfied with the response of the head teacher or the complaint is about the head teacher, you should contact the governing body to request that your complaint is considered further. Your complaint needs to be placed in an envelope addressed to the complaints governor and handed in to the school office, if you need any form of help the school will assist you. Your complaint will then be referred to the nominated complaints governor. On receipt of your complaint, the complaints governor will aim to acknowledge receipt within 7 working days, and explain what action will be taken. A local authority clerk will be appointed to manage the investigation and will become the main point of contact. The process will involve an investigation into how the complaint has been handled

during the earlier stages and focus on whether the correct procedures were followed. The local authority clerk will write to you on behalf of the complaints governor, detailing the outcome of the investigation and this will normally happen within 2-4 school weeks. Complaints will be investigated by the complaints governor only for incidents which have occurred within the last 6 months or unless it is viewed as exceptional circumstances. If you are unhappy with the response of the complaints governor and wish to appeal, your complaint can be referred to a Complaints Appeal Panel as follows.

### **Stage 4 (formal): Governing Body Complaints Panel**

Please see Appendix 2 for Role and Responsibilities of all parties

If you wish to invoke this stage of the procedure, you should write to the Chair of the Governing Body and ask that your complaint be put before the appeal panel. The Chair of the Governing Body, or if the Chair has been involved at any previous stage in the process, a nominated governor, will convene a complaints panel, made up of 3 members of the governing body who have not previously been involved in the complaint, or the circumstances surrounding it and are therefore independent and impartial. Panel members can also come from other governing bodies or the local authority if it is deemed that impartiality is an issue. We will endeavour to inform you of the date for the complaints panel hearing within 4 school weeks.

The governors' appeal hearing is held in private and you will be given the opportunity to put the details of your complaint to the panel in person. The head teacher and the complaints governor will also attend to explain what they have done to investigate and resolve your concerns. A local authority clerk will be appointed to manage the appeal hearing and will become the main point of contact for the arrangements. We will endeavour to hold appeal hearings as soon as possible after the Chair has been notified of your wish to appeal. Appeal hearings will be subject to the availability of governors and a clerk. Having heard evidence from both sides, the panel will consider your appeal and will either:

- 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.

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The Chair of the Panel or Clerk will notify you in writing of the panel's decision, (including the reasons for the decision) normally within 7 school days of the panel hearing.

### **Closure of complaints**

- Very occasionally, the school will feel that it needs, regretfully, to close a complaint where the complainant is still dissatisfied once all stages of the complaints policy have been exhausted. The criteria the school will take into consideration are as follows:
  - All reasonable steps have been taken to address the matters
  - A clear statement has been provided of the school's position
  - The school is being repeatedly contacted with the same points being raised
  - The school has reasonable grounds for believing that the intention is to cause inconvenience
  - Communications are aggressive in tone or content. Abusive, derogatory and/or threatening comments are made, as outlined in the schools **Vexatious Complaints Policy 2018**
- We will do all we can to help to resolve a complaint against the school but sometimes it is simply not possible to meet all of the complainant's wishes.
- For this reason, we are entitled to close correspondence (including personal approaches, as well as letters and telephone calls) on a complaint where we feel that we have taken all reasonable action to resolve the complaint and that the complaint has exhausted our official process.

### **Complaining to the Secretary of State for Education**

If you are unhappy with the outcome of the appeal hearing, the final stage of appeal is to the Secretary of State for Education. The School Complaints Unit (SCU) at:

Department for Education 2nd Floor,  
Piccadilly Gate Manchester,  
M1 2WD

If a complaint has exhausted the local procedures, SCU will examine if the complaints policy and any other relevant policies were followed in

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accordance with the provisions set out. Please enclose with your letter to the SCU a copy of the complaint outcome. This will save time in that the SCU will not need to ask for our view of what has happened.

SCU also examines policies to determine if they adhere to education legislation. However, the department will not re-investigate the substance of the complaint. This remains the responsibility of schools. If legislative or policy breaches are found, SCU will report them to the school and the complainant and, where necessary, require remedial action to be taken. Failure to carry out remedial actions could ultimately result in a formal Direction being issued by the Secretary of State.

### **The Local Government Ombudsman**

The Local Government Ombudsman no longer has the power to investigate complaints about the internal management of schools. However, they can assist with complaints about certain things such as admissions and some aspects of special educational needs. Further details can be found on the LGO website: <http://www.lgo.org.uk/schools/>

Appendix 1

**Complaints not in scope of the procedure**

A complaints procedure should cover all complaints about any provision of facilities or services that a school provides with the **exceptions** listed below, for which there are separate (statutory) procedures.

<b>Exceptions</b>	<b>Who to contact</b>
<ul style="list-style-type: none"> <li>• Admissions to schools</li> <li>• Statutory assessments of Special Educational Needs (SEN)</li> <li>• School re-organisation proposals</li> <li>• Matters likely to require a Child Protection Investigation</li> </ul>	<p>Concerns should be raised direct with local authorities (LA). For school admissions, it will depend on who is the admission authority (either the school or the LA). Complaints about admission appeals for maintained schools are dealt with by the Local Government Ombudsman.</p>
<ul style="list-style-type: none"> <li>• Exclusion of children from school</li> </ul>	<p>Further information about raising concerns about exclusion can be found at: <a href="http://www.gov.uk/school-discipline-exclusions/exclusions">www.gov.uk/school-discipline-exclusions/exclusions</a>.</p>
<ul style="list-style-type: none"> <li>• Whistleblowing</li> </ul>	<p>Schools have an internal whistleblowing procedure for their employees and voluntary staff. Other concerns can be raised direct with Ofsted by telephone on: 0300 123 3155, via email at: <a href="mailto:whistleblowing@ofsted.gov.uk">whistleblowing@ofsted.gov.uk</a> or by writing to: WBHL, Ofsted Piccadilly Gate Store Street Manchester M1 2WD. The Department for Education is also a prescribed body for whistleblowing in education.</p>
<ul style="list-style-type: none"> <li>• Staff grievances and disciplinary procedures</li> </ul>	<p>These matters will invoke the school's internal grievance procedures. Complainants will not be informed of the outcome of any investigation.</p>

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<ul style="list-style-type: none"><li>• Complaints about services provided by other providers who may use school premises or facilities.</li></ul>	Providers should have their own complaints procedure to deal with complaints about service. They should be contacted direct.
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### **Appendix 2** -Roles and Responsibilities of a Stage 4 Complaint

#### **The Complainant**

The complainant or person who makes the complaint will receive a more effective response to the complaint if he/she:-

- co-operates with the school in seeking a solution to the complaint;
- expresses the complaint in full as early as possible;
- responds promptly to requests for information or meetings or in agreeing the details of the complaint;
- asks for assistance as needed;
- treats all those involved in the complaint with respect.

#### **The Complaints Co-ordinator (or headteacher)**

The complaints co-ordinator should:-

- ensure that the complainant is fully updated at each stage of the procedure;
- ensure that all people involved in the complaint procedure will be aware of the legislation around complaints including the Equality Act 2010, Data Protection Act 1998 and Freedom of Information Act 2000;
- liaise with staff members, headteacher, Chair of Governors and Clerk to ensure the smooth running of the complaints procedure;
- keep records;
- be aware of issues regarding:-
  - sharing third party information;
  - additional support - this may be needed by complainants when making a complaint including interpretation support.

#### **The Investigator**

The Investigator is the person involved in previous stages of the procedure. The Investigator's role can include:-

- providing a comprehensive, open, transparent and fair consideration of the complaint through:-
  - sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved;
  - consideration of records and other relevant information;
  - interviewing staff and children/young people and other people relevant to the complaint;
  - analysing information;

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- effectively liaising with the complainant and the complaints co-ordinator as appropriate to clarify what the complainant feels would put things right;
  - identifying solutions and recommending courses of action to resolve problems;
  - being mindful of the timescales to respond; and
  - responding to the complainant in plain and clear language.
- The person investigating the complaint should make sure that they:
- conduct interviews with an open mind and be prepared to persist in the questioning;
  - keep notes of interviews or arrange for an independent note taker to record minutes of the meeting.

### **The Panel Clerk** (this could be Clerk to the Governors or the Complaints Coordinator)

The Clerk is the contact point for the complainant for the panel meeting and is expected to:-

- set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible;
- collate any written material and send it to the parties in advance of the hearing;
- meet and welcome the parties as they arrive at the hearing;
- record the proceedings;
- circulate the minutes of the panel hearing;
- notify all parties of the panel's decision;
- liaise with the complaints co-ordinator.

### The Panel Chair

The Panel Chair has a key role in ensuring that:-

- the meeting is minuted;
- the remit of the panel is explained to the complainant and both they and the school have the opportunity of putting their case without undue interruption;
- the issues are addressed;
- key findings of fact are made;
- parents/carers and others who may not be used to speaking at such a hearing are put at ease – this is particularly important if the complainant is a child/young person;
- the hearing is conducted in an informal manner with everyone treated with respect and courtesy;
- the layout of the room will set the tone – care is needed to ensure the setting is informal and not adversarial;
- the panel is open-minded and acts independently;
- no member of the panel has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure;
- both the complainant and the school are given the opportunity to state their case and seek clarity;

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- written material is seen by everyone in attendance – if a new issue arises it would be useful to give everyone the opportunity to consider and comment upon it; this may require a short adjournment of the hearing;
- liaise with the Clerk and complaints co-ordinator.

### **Panel Member**

Panellists will need to be aware that:-

- it is important that the review panel 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.

- the aim of the hearing, which will be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant;

However, it must 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.

- many complainants will feel nervous and inhibited in a formal setting;

Parents/carers often feel emotional when discussing an issue that affects their child. The panel chair will ensure that the proceedings are as welcoming as possible.

- extra care needs to be taken when the complainant is a child/young person and present during all or part of the hearing;

Careful consideration of the atmosphere and proceedings will ensure that the child/young person does not feel intimidated. The panel should respect the views of the child/young person and give them equal consideration to those of adults.

If the child/young person is the complainant, the panel should ask in advance if any support is needed to help them present their complaint. Where the child/young person's parent is the complainant, the panel should give the parent the opportunity to say which parts of the hearing, if any, the child/young person needs to attend.

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The parent should be advised however that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting which the panel considers not to be in the child/young person's best interests.

- The welfare of the child/young person is paramount.