

# Complaints Policy 2020-2023

Adopted by Burbage Junior School on	
Next Review Due	
Chair of Governors	Date:
Headteacher	Date:

## **Burbage Junior School Complaints Policy**

Our school is committed to working in close partnership with all members of the school community. The school places great value on the role which parents and carers can play in supporting children's learning. Staff and governors actively encourage a positive relationship between the school and the families of children who attend the school. We also desire to have good relations with our neighbours and the wider community.

Our policy is:

- To provide a fair complaints procedure which is clear and easy to use for anyone wishing to make a complaint
- To publicise the existence of our complaints procedure so that people know how to contact us to make a complaint
- To make sure everyone at Burbage Junior School knows what to do if a complaint is received
- To make sure all complaints are investigated fairly and in a timely way
- To make sure that complaints are, wherever possible, resolved and that relationships are repaired
- To gather information which helps us to improve what we do

Where any concerns are raised we aim to resolve these as quickly and as efficiently as possible. Usually concerns that are raised can be resolved very quickly through the school's day to day communication between parents and the school staff. However, for those situations where this is not the case, we have a more formal process to investigate and deal with complaints. Our complaints procedure is detailed on the following pages.

### **Who can raise a complaint?**

Complaints may come from any person or organisation that has an interest in the school. This policy does not cover complaints from staff who should follow the relevant internal policy.

Please note that we will not normally investigate anonymous complaints. However, the headteacher or Chair of Governors, if appropriate, will determine whether the complaint warrants an investigation.

### **Scope of this Complaints Procedure**

This procedure covers all complaints about any provision of community facilities or services by the school, other than complaints that are dealt with under other statutory procedures, (See Appendix B)

### **Timescales for submitting a complaint**

To enable a proper investigation, concerns or complaints should be brought to the attention of the school as soon as possible, usually within 3 months. This time limit does not apply if it can be shown that there were good reasons for not making the complaint earlier and it is still possible to investigate the complaint properly.

### **Confidentiality**

All complaint information will be handled sensitively, telling only those who need to know and following any relevant data protection requirements.

### **Review**

This policy is reviewed every 3 years.

## **Burbage Junior School Complaints Procedure**

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. To this end all staff and governors are aware of the procedure to be followed if a complaint is raised. Also, whilst not wishing to encourage complaints, complainants should note that they have a duty to raise a matter as soon as conveniently possible.

The school operates a 4 stage complaints procedure outlined below. If your complaint is about the headteacher, you should refer your formal written complaint to the Chair of Governors to be dealt with under Stage 3 of this procedure.

Where the following procedure refers to the headteacher, they may delegate any of these functions to a member of the senior leadership team if appropriate. In exceptional circumstances, the headteacher may commission an independent investigator to undertake an investigation on behalf of the school.

### **Resolving complaints**

At each stage in the procedure, the school wants to resolve the complaint. If appropriate, we will acknowledge that the complaint is upheld in whole or in part. In addition, we may offer one or more of the following:

- an explanation
- an admission that the situation could have been handled differently or better
- an assurance that we will try to ensure the event complained of will not recur
- an explanation of the steps that have been or will be taken to help ensure that it will not happen again and an indication of the timescales within which any changes will be made
- an undertaking to review school policies in light of the complaint
- an apology.

### **Withdrawal of a Complaint**

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

#### **Stage 1: Informal concern**

An initial concern should be raised with the class teacher or the member of staff concerned. This can be done in writing, by telephone or in person by appointment.

The vast majority of concerns can be dealt with at this stage.

It would be helpful to identify at this point what outcome you are looking for in order for us to address your concern quickly and effectively.

If you are not a parent/carer of a child at our school, please start at Stage 2 and make contact with the headteacher to discuss your concerns.

#### **Stage 2: Formal complaint to the headteacher**

If your concern is not resolved at the informal stage you can make a formal complaint to the headteacher, within 10 school days of Stage 1 being concluded. Your complaint should usually be made in writing indicating your desired outcome from the complaint (a form is enclosed for this purpose).

Your complaint will be acknowledged within 5 school days and will include an indicative date for a written response. The headteacher will be responsible for ensuring that your complaint is investigated appropriately. They may meet with you to clarify details of your complaint and the resolution that is being sought. The headteacher will investigate the complaint further and make every effort to resolve the issue.

Dependent upon the nature of the issues raised, the matter will either continue to be dealt with through the school complaints procedure, or by other procedures such as the disciplinary or safeguarding procedures. If it is dealt with under other procedures, you will be informed of this fact but you will not be advised of the outcome of these proceedings.

On conclusion of the investigation, the headteacher will write to you with all appropriate information in relation to the complaint and information on any outcome(s). The response should also inform you of the next stage of the procedure in case you are not satisfied with the response.

### **Stage 3: Formal complaint to the Chair of Governors**

If you are dissatisfied with the headteacher's response or your complaint concerns the conduct of the headteacher then you can make a formal complaint to the Chair of Governors.

Your complaint should be made in writing to the Chair of Governors, care of the school, within 10 school days of the date of the headteacher's response to you. Please provide a copy of the written complaint, a copy of the headteacher's letter concluding Stage 2 and give details in writing of why they are not satisfied with the outcome.

At this stage the Chair of Governors will generally handle the complaint but can delegate this to a nominated governor. In exceptional circumstances, the Chair of Governors may commission an independent investigator to undertake an investigation on behalf of the school.

You will receive an acknowledgment of receipt of your complaint within 5 school days and an indicative timescale for response.

The governor will investigate the complaint and make every effort to resolve the issue. They may meet with you if they need clarification or further information is necessary.

On conclusion of the investigation you will receive a written response of the outcome reached and the process for appeal.

### **Stage 4: Formal complaint complaints appeal panel**

If you remain dissatisfied with the response to your complaint you may request that it is reviewed by the complaints appeal panel by writing to the clerk to the governing body within 10 school days of the date of the letter notifying you of the outcome of Stage 3.

The clerk will write to acknowledge receipt of your complaint within 5 school days. The letter will explain the process which is to be followed and information about the how the panel will operate.

The clerk will convene a governing body complaints appeal panel and ask you to provide details of your appeal and any relevant supporting evidence.

The panel will usually consist of 3 governors from the school. These governors will have no previous knowledge of the complaint. If this is not possible for any reason, then alternative arrangements will be made and communicated to you.

The remit of the complaints appeal panel is to:

- 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.

You will be notified in writing of the panel's decision, usually within 5 days. The letter will confirm the end of the school's and governing body's involvement with the complaint and explain any further rights of appeal.

### **Serial and unreasonable complaints**

The school is committed to dealing with all complaints fairly and impartially, and to providing a high quality service to those who complain. We will not normally limit the contact complainants have with our school. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

This school defines unreasonable behaviour as that which hinders our consideration of complaints because of the frequency or nature of the complainant's contact with the school, such as, if the complainant:

- refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance

- refuses to co-operate with the complaints investigation process
- refuses to accept that certain issues are not within the scope of the complaints procedure
- insists on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice
- introduces trivial or irrelevant information which they expect to be taken into account and commented on
- raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales
- makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced
- changes the basis of the complaint as the investigation proceeds
- repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed)
- refuses to accept the findings of the investigation into that complaint where the school's complaint procedure has been fully and properly implemented and completed including referral to the Department for Education
- seeks an unrealistic outcome
- makes excessive demands on school time by frequent, lengthy and complicated contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with
- uses threats to intimidate
- uses abusive, offensive or discriminatory language or violence
- knowingly provides falsified information
- publishes unacceptable information on social media or other public forums.

Whenever possible, the headteacher or Chair of Governors will discuss any concerns with the complainant informally before applying an '*unreasonable*' marking.

If the behaviour continues, the headteacher will write to the complainant explaining that their behaviour is unreasonable and ask them to change it. For complainants who excessively contact the school causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will be reviewed after six months.

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.

### **Further rights of appeal**

If you have completed the school procedure and remain dissatisfied, you have the right to refer your complaint to the Secretary of State through the School Complaints Unit (SCU). The Secretary of State will usually not consider any complaints until the school's complaint procedure has been exhausted.

The SCU will not normally re-investigate the substance of the complaint. They will look at whether the complaints policy and any other relevant statutory policies were adhered to and comply with education legislation.

The SCU can be contacted on 0370 000 2288, or in writing to:  
 Department for Education School Complaints Unit  
 2nd Floor  
 Piccadilly Gate  
 Store Street  
 Manchester  
 M1 2WD

### **Complaints against an individual governor**

If your complaint concerns the Chair of Governors or an individual governor, you should write to the clerk to the governing body. The clerk will acknowledge receipt of your complaint within 5 school days. The letter will explain the process that will be followed and the expected timescale for response.

The Chair of Governors will consider complaints about an individual governor and the vice chair will consider complaints against the chair. If for any reason this is not appropriate, then another governor will be nominated.

On conclusion of the investigation you will receive a written response detailing all appropriate information in relation to the complaint and information on any outcome(s). There will be no further right of appeal for complaints against an individual governor.

**Timescales for response**

Our aim is to address your complaint in a timely and efficient manner. However, there may be occasions when we are unable to achieve the timescale indicated. In this event, we will write to you outlining the reason for the delay and provide you with a new timescale for the conclusion of that part of the process.



**What actions do you feel might resolve the problem at this stage?**

**Are you attaching any paperwork? If so, please give details.**

**Signed:**

**Date:**

**Official Use:**

**Date acknowledgement sent:**

**Acknowledgement sent by:**

**Complaint referred to:**

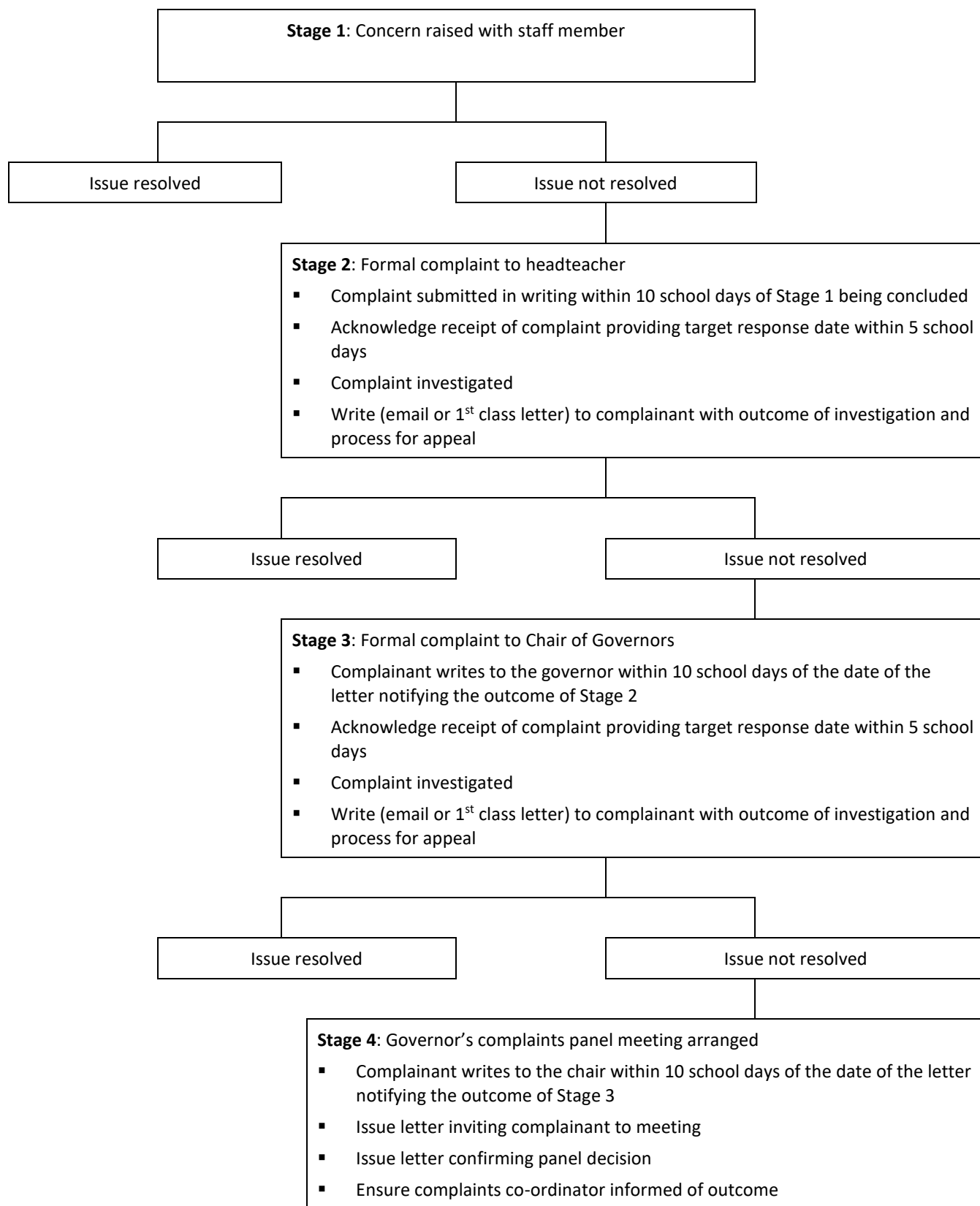
**Date:**



## Appendix B: Complaints not in scope of the procedure (DfE, 2016)

Exceptions	Who to contact
<ul style="list-style-type: none"> <li>Admissions to schools</li> <li>Statutory assessments of Special Educational Needs</li> <li>School re-organisation proposals</li> </ul>	<p>Concerns about admissions should initially be raised with: <b>Leicestershire County Council, School Admissions &amp; Pupil Services:</b>  <a href="mailto:admissions@leics.gov.uk">admissions@leics.gov.uk</a> 0116 3056592</p> <p>Statutory assessments of Special Educational Needs should be raised with the Leicestershire Local Authority.</p> <p>School re-organisation proposals should be raised with the Local Authority, in the first instance.</p>
<ul style="list-style-type: none"> <li>Matters likely to require a Child Protection Investigation</li> </ul>	<p>Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance. If you have serious concerns, you may wish to contact the local authority designated officer (LADO) who has local responsibility for safeguarding.</p> <p><b>If it is an emergency, you should call the Police on 999.</b></p> <p>For all contact details please see:  <a href="http://lrsb.org.uk/childreport">http://lrsb.org.uk/childreport</a></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> <p><i>*complaints about the application of the behaviour policy can be made through the school's complaints procedure.</i></p>
<ul style="list-style-type: none"> <li>Whistleblowing</li> </ul>	<p>We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors. The Secretary of State for Education is the prescribed person for matters relating to education for whistleblowers in education who do not want to raise matters direct with their employer. Referrals can be made at: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a>.</p> <p>Volunteer staff who have concerns about our school should complain through the school's complaints procedure. You may also be able to complain direct to the LA or the Department for Education (see link above), depending on the substance of your complaint.</p>
<ul style="list-style-type: none"> <li>Staff grievances</li> </ul>	<p>Complaints from staff will be dealt with under the school's internal grievance procedures.</p>
<ul style="list-style-type: none"> <li>Staff conduct</li> </ul>	<p>Complaints about staff will be dealt with under the school's internal disciplinary procedures, if appropriate. Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.</p>
<ul style="list-style-type: none"> <li>Complaints about services provided by other providers who may use school premises or facilities</li> </ul>	<p>Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct.</p>
<ul style="list-style-type: none"> <li>National Curriculum - content</li> </ul>	<p>Please contact the Department for Education at:  <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a></p>

## Appendix C: Flowchart of Complaints Procedures (including timeline)



## **Appendix D: Roles and Responsibilities**

### **Complainant**

The complainant will receive a more effective response to the complaint if they:

- explain the complaint in full as early as possible
- co-operate with the school in seeking a solution to the complaint
- respond promptly to requests for information or meetings or in agreeing the details of the complaint
- ask for assistance as needed
- treat all those involved in the complaint with respect
- refrain from publicising the details of their complaint on social media and respect confidentiality.

### **Investigator**

The investigator's role is to establish the facts relevant to the complaint by:

- 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
  - interviewing staff and children/young people and other people relevant to the complaint
  - consideration of records and other relevant information
  - analysing information
- liaising with the complainant as appropriate to clarify what the complainant feels would put things right.

The investigator should:

- 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
- ensure that any papers produced during the investigation are kept secure, pending any appeal
- be mindful of the timescales to respond
- prepare a comprehensive report for the headteacher or complaints committee that sets out the facts, identifies solutions and recommends courses of action to resolve problems.

The headteacher or complaints committee will then determine whether to uphold or dismiss the complaint and communicate that decision to the complainant, providing the appropriate escalation details.

### **Clerk to the Governing Body**

The Clerk is the contact point for the complainant and the committee and should:

- ensure that all people involved in the complaint procedure are aware of their legal rights and duties, including any under legislation relating to school complaints, education law, the Equality Act 2010, the Freedom of Information Act 2000, the Data Protection Act (DPA) 2018 and the General Data Protection Regulations (GDPR)
- set the date, time and venue of the meeting, ensuring that the dates are convenient to all parties (if they are invited to attend) and that the venue and proceedings are accessible
- collate any written material relevant to the complaint (for example; stage 1 paperwork, school and complainant submissions) and send it to the parties in advance of the meeting within an agreed timescale
- record the proceedings
- circulate the minutes of the meeting
- notify all parties of the committee's decision.

### **Committee Chair**

The committee's chair, who is nominated in advance of the complaint meeting, should ensure that:

- both parties are asked (via the Clerk) to provide any additional information relating to the complaint by a specified date in advance of the meeting
- the meeting is conducted in an informal manner, is not adversarial, and that, if all parties are invited to attend, everyone is treated with respect and courtesy
- complainants who may not be used to speaking at such a meeting are put at ease. This is particularly important if the complainant is a child/young person
- the remit of the committee is explained to the complainant
- written material is seen by everyone in attendance, provided it does not breach confidentiality or any individual's rights to privacy under the DPA 2018 or GDPR. 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 meeting
- both the complainant and the school are given the opportunity to make their case and seek clarity
- the issues are addressed
- key findings of fact are made
- the committee is open-minded and acts independently
- no member of the committee has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure
- the meeting is minuted
- they liaise with the Clerk.

### **Committee Member**

Committee members should be aware that:

- the meeting must be independent and impartial, and should be seen to be so  
No governor may sit on the committee if they have had a prior involvement in the complaint or in the circumstances surrounding it.
- the aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant (We recognise that the complainant might not be satisfied with the outcome if the meeting does not find in their favour. It may only be possible to establish the facts and make recommendations).
- many complainants will feel nervous and inhibited in a formal setting. Parents/carers often feel emotional when discussing an issue that affects their child.
- extra care needs to be taken when the complainant is a child/young person and present during all or part of the meeting. Careful consideration of the atmosphere and proceedings should ensure that the child/young person does not feel intimidated.
- The committee 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 committee 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 committee should give the parent the opportunity to say which parts of the meeting, if any, the child/young person needs to attend.
- However, the parent should be advised that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting that the committee considers is not in the child/young person's best interests.
- the welfare of the child/young person is paramount.