



Bishop Rawstorne Church of England Academy

## COMPLAINTS PROCEDURE

*I have come in order that you might have life - life in all its fullness*

*John 10:10*

**FORTITER ET FIDELITER**

*Bravely and Faithfully*

This policy document and the content contained therein remains the responsibility of the Headteacher, and Governing Body of the Academy. No amendments can be made without their express instruction and they remain the final arbiters in any matters relating to it.

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Approved by the FGB:	December 2020

## Bishop Rawstone Church of England Academy

### THE CHRISTIAN COMMUNITY

**“A Christian community that delights in seeking wisdom and knowledge, built upon the relationships and qualities of character that enable our students to flourish”**

Bishop Rawstone is a diverse, welcoming, Christian learning community committed to nurturing respectful and responsible citizens, empowering ALL learners to flourish.

Fundamental to this Christian community is the belief that:

- the ethos of the school reflects our Christian beliefs and spiritual values, creating an environment that promotes positive behaviour;
- we have a collective responsibility for the welfare of ALL people in our school community.

#### **Complaints Procedures**

It should be remembered that all complaints should be recorded on file.

#### **Students:**

It is an obligation to follow up student complaints and to investigate specific allegations where they have been made. It is a necessity to keep a written record of questions asked and procedures followed when looking into a complaint.

#### **Staff:**

Teaching staff have a direct line through their line-managers and the SLT. These complaints may concern the specific behaviour of a student or students or could be related to unprofessional conduct by colleagues. Once again there is a duty for all matters to be fully investigated and recorded. Staff contracts include a grievance procedure and colleagues should remember that there is a staff governor representative. Where a member of staff feels aggrieved with a Senior Leadership decision, he/she is encouraged to talk to the staff governor representative or any of the other governors initially. Subsequently there is the full grievance procedure included within the contract which can be followed.

#### **Parents:**

See the Parental Complaints procedure that follows.

Bishop Rawstone Church of England Academy has long prided itself on the quality of the teaching and pastoral care provided to its students. However, if parents do have a complaint, they can expect it to be treated by the school in accordance with this procedure.

## **Stage 1 - Informal Resolution**

It is hoped that most complaints and concerns will be resolved quickly and informally.

An informal complaint is referred to as a concern. Bishop Rawstone Church of England Academy will not log 'concerns' as a complaint. However the concern will be acted upon by the school. The concern/issue will be investigated and the outcome made known, usually within five working days, to the complainant.

If parents have a complaint they should normally contact their son/daughter's Group Tutor or classroom teacher in the first instance. In many cases the matter will be resolved straight away by this means to the parents' satisfaction. If the aforementioned member of staff cannot resolve the matter alone, it may be necessary for them to consult the relevant Head of Year or Curriculum Leader.

Complaints made directly to a member of SLT, Deputy Headteacher or Headteacher will usually be referred to the relevant Head of Year or Curriculum Leader.

The Group Tutor, classroom teacher, Head of Year or Curriculum Leader will make a written record of all concerns and complaints and the date on which they were received. Should the matter not be resolved within five days or in the event that the school and the parent fail to reach a satisfactory resolution, then parents will be advised to proceed with their complaint in accordance with Stage 2 of this Procedure.

## **Stage 2 - Formal Resolution**

If the complaint cannot be resolved on an informal basis, then the parents should put their complaint in writing to the Headteacher. The Headteacher will decide, after considering the complaint, the appropriate course of action to take.

In most cases, the Headteacher will respond in writing, or, if appropriate, have a telephone conversation with parents or meet with them, normally within five days of receiving the complaint, If possible, a resolution will be reached at this stage. Once the Headteacher is satisfied that, so far as is practicable, all of the relevant facts have been established, a decision will be made and parents will be informed of this decision in writing. The Headteacher will also give reasons for his decision.

It may be necessary for the Headteacher to carry out further investigations.

The Headteacher will keep written records of all meetings and interviews held in relation to the complaint. It may be necessary at this point, at the discretion of the Headteacher, to inform the Chair of Governors of a formal complaint being made.

If parents are still not satisfied with the decision, they should proceed to Stage 3 of this Procedure.

## **Stage 3 - Panel Hearing**

If parents seek to invoke Stage 3 (following a failure to reach an earlier resolution) they will be referred to the Chair of Governors, Mr Andrew Marston, the member of the Governing Body appointed to request the Clerk to the Governors to call hearings of the Complaints Panel.

The matter will then be referred to the Complaints Panel for consideration. The panel will consist of at least three persons not directly involved in the matters detailed in the complaint, one of whom shall be independent of the management and running of the school. Each of the panel members shall be appointed by the Board of Governors. The Clerk to the Governors will then acknowledge the complaint and schedule a hearing to take place as soon as practicable and normally within ten days.

If the panel deems it necessary, it may require that further particulars of the complaint or any related matter be supplied in advance of the hearing. Copies of such particulars shall be supplied to all parties not later than two whole days prior to the hearing.

The parents may be accompanied to the hearing by one other person. This may be a relative, teacher or friend. Legal representation will not normally be appropriate.

If possible, the panel will resolve the parents' complaint immediately without the need for further investigation.

Where further investigation is required, the Panel will decide how it should be carried out. After due consideration of all facts they consider relevant, the Panel will reach a decision and may make recommendations, which it shall complete within ten days of the hearing. The Clerk to the Governors on behalf of the Panel will write to the parents informing them of its decision and the reasons for it. The decision of the Panel will be final. The Panel's findings and, if any, recommendations will be sent in writing to the parents, the Headteacher, the Governors and, where relevant, the person complained about.

Parents can be assured that all concerns and complaints will be treated seriously and confidentially. Correspondence, statements and records will be kept confidential except in so far as is required of the school, including where disclosure is required in the course of the school's inspection; or where any other legal obligation prevails.

## **THE EDUCATION AND INSPECTION ACT 2006**

The Education and Inspections Act 2006 provides all schools with the power to impose 'disciplinary penalties' where students' behaviour falls below the standards which could be reasonably expected of him/her whether because he/she fails to follow a school rule or an instruction by a member of staff.

The power to impose 'disciplinary penalties' extends to other schools / trips / college / work placements / alternative provision / vocational centres a student may be attending for a particular course and to situations where the student is not on the premises and is not under the lawful control of a member of staff. It also covers penalties for a failure by the student to comply with a penalty previously imposed on him/her.

The Act also makes it lawful for any school to impose a penalty as long as it is not in breach of any statutory requirement or prohibition and it is reasonable.

In determining whether a disciplinary penalty was 'reasonable' it is the school's responsibility to take the following into account:

- Whether the penalty is a proportionate sanction in the circumstances-
- Any special circumstances which are known to the person imposing the penalty including the student's age.
- Any special educational needs, any disability and any religious requirement affecting him/her.

There may be occasions when a student's behaviour and actions require a specific response, which may not appear within this policy.

It is the Headteacher's responsibility and at the Headteacher's discretion, on such occasions, to respond with appropriate sanctions given the nature of the student's behaviour.

"Disciplinary penalties" must not be degrading and must respect Article 3 of the European Convention of Human Rights contained within the Human Rights Act 1998. i.e. "No one shall be subjected to torture or to inhuman or degrading treatment or sanction."

## **COMPLAINTS**

Parents wishing to challenge any sanction imposed by the school will need to contact the relevant Head of Year or Curriculum Leader in the first instance. If there is still disagreement with the decision made by the school, parents should submit their concerns in writing in accordance with guidance in the 'Complaints Policy' which can be found on the school website. Any complaint must be made in writing within ten working days of the "incident".

The Senior Leadership Team will then further investigate the issues raised and respond accordingly in writing, at five working days after the receipt of the letter. Working days shall be defined as school days.

- Any correspondence from, or subsequent meetings that may be held in school are to involve ONLY those with parental responsibility.
- Where any incident or complaint involves more than one student, each student will be dealt with separately; this includes any meeting that may take place at school with parents. There will be no joint meetings with the parents of more than one student.
- During any form of communication with the school, be it by telephone, email, letter or face-to-face meetings, no form of aggression or abuse will be tolerated. At that point, the school reserves the right to terminate any further communication other than written correspondence.
- Should any incident within school involve communication with the police, the school will follow the express guidance of the police in terms of how the matter is dealt with and any communication with parents.
- Whilst we appreciate that matters arising may be sensitive or even distressing, we will not provide an immediate response other than an acknowledgment, as we feel this does not provide a thorough, well thought out and measured response that may be required in any final decision made by the Senior Leadership Team.
- Any meetings that take place regarding initial concerns raised or a possible subsequent complaint will be organised at the discretion of the school, taking into account staff availability and appropriate timing for such a matter.

- Should the Complaints Policy process be commenced, then any sanction would be held in abeyance until the process has been exhausted and a final judgement made. If a complaint is not upheld, then the original sanction will be imposed.

## **THE FREEDOM OF INFORMATION ACT**

Under the Freedom of Information Act and the Environmental Information Regulations you have a right to request any recorded information held by a public authority, such as a government department, local council or state school. Environmental information requests can also be made to certain non-public bodies carrying out a public function.

You can ask for any information you think Bishop Rawstorne Church of England may hold. The right only covers recorded information which includes information held on computers, in emails and in printed or handwritten documents as well as images, video and audio recordings.

You should identify the information you want as clearly as possible.

Your request can be in the form of a question, rather than a request for specific documents, but the school does not have to answer your question if this would mean creating new information or giving an opinion or judgment that is not already recorded.

Some information may not be given to you because it is exempt, for example because it would unfairly reveal personal details about somebody else.

You don't have to know whether the information you want is covered by the Environmental Information Regulations or the Freedom of Information Act. When you make a request, it is for the school to decide which law they need to follow.

You can ask for any information you choose, at any time, but you may not always succeed in getting it. Before you make a request, it may help to consider the following questions.

Is the information you want already available, for example, on the school's website? The school must make certain information routinely available. Do this by looking at its website or by contacting the school.

Is the information you want your own personal data?

If your request is for information about yourself, such as your medical records, you should make a subject access request under the Data Protection Act.

Is the school likely to have the information?

It may save you time if you check with the school whether it is likely to have the information you want. For example, you may not be sure whether the information you want is held by your school or the local authority. Public authorities must give reasonable advice and assistance to anyone asking for information, so you should feel free to ask for help in making your request.

Is the information you want suitable for general publication?

The aim of the Freedom of Information Act is to make information available to the general public. You can only obtain information that would be given to anybody who asked for it, or would be suitable for the general public to see.

Some information, such as records about a deceased person, or documents you need for legal purposes, may not always be available under the Act. However, you may have a right to see the information you want under other legislation. The school should advise you.

The school should send you the information within 20 working days of receiving your request. Schools are allowed more time during school holidays. In the case of a request made on the last day of term, the first working day would be the first day of the next term.

The school will tell you when to expect the information if they need more time.



**INTERNAL COMPLAINTS LOG STAGE 2**

Complaint reference number: \_\_\_\_\_

Name of Complainant: \_\_\_\_\_

Contact details: \_\_\_\_\_

\_\_\_\_\_

Date of Receipt: \_\_\_\_\_ Received by: \_\_\_\_\_

How Received? By form  By email

In writing  Personal visit

By representative (*give details*)  Other

Brief details of Complaint: \_\_\_\_\_  
(You may attach additional sheet(s))

\_\_\_\_\_

\_\_\_\_\_

Outcome requested: \_\_\_\_\_

Date of acknowledgement of complaint: \_\_\_\_\_  
(*Within time-scale? YES/NO*)

Date of resolution: \_\_\_\_\_  
*Details of Resolution (append relevant papers)*

Date of confirmation of outcome: \_\_\_\_\_  
(*Within time-scale? YES/NO*)

Other relevant information: \_\_\_\_\_

\_\_\_\_\_

Complainant wishes to proceed to Stage 3? YES

Complainant contacted re-opinion of timeliness and fairness?





ACKNOWLEDGEMENT LETTER – STAGE 2

Date:

Dear:

RE: \_\_\_\_\_

I am writing to acknowledge receipt of your complaint dated \_\_\_\_\_.

Thank you for taking the trouble to contact us on this matter. I understand that the nature of your concern is \_\_\_\_\_

I have asked \_\_\_\_\_ to investigate this. She/he will attempt to resolve the matter as quickly as possible and may contact you to discuss things further.

You will receive a full response in writing by \_\_\_\_\_ and we will contact you shortly afterwards to confirm that you were satisfied with the way in which we dealt with the complaint.

In the meantime please do not hesitate to contact me should you require further information on any aspect of our procedures.

Yours sincerely

Headteacher