

Reviewed December 2019
Review period: bi-annual

Bacup and Rawtenstall Grammar School



Guidance on Academy Complaints Procedures

Bacup and Rawtenstall Grammar School

PROCEDURES FOR THE HANDLING OF COMPLAINTS IN ACADEMIES

1. Aims

The policy of the Academy is to work in partnership with parents and the wider community. It is based on the belief that co-operation and a sense of joint purpose between staff, parents and the Academy will assist in ensuring open and positive relationships. From time to time, however, parents and members of the public may express concern or make a complaint, either orally or in writing, about some aspect of the conduct/operation of the Academy, the conduct of the Headteacher, an individual member of staff, the Governing Body or an individual governor. The Academy will always give serious consideration to concerns and complaints that are brought to its attention. However, anonymous complaints will not normally be considered. In considering concerns or complaints, the Academy will ensure that they are dealt with effectively and with fairness to all parties. When responding to complaints, we aim to:

- Be impartial and non-adversarial
- Facilitate a full and fair investigation by an independent person or panel, where necessary
- Address all the points at issue and provide an effective and prompt response
- Respect complainants' desire for confidentiality
- Treat complainants with respect and courtesy
- Ensure that any decisions we make are lawful, rational, reasonable, fair and proportionate, in line with the principles of administrative law
- Keep complainants informed of the progress of the complaints process
- Consider how the complaint can feed into school improvement evaluation processes

Where possible complaints will be resolved informally. Where a complaint has not been resolved informally, then the formal procedures set out in section 5 below will be followed.

2. Information for complainants

A leaflet, outlining the complaints procedures, is available from the Academy/via the Academy website on www.brgs.org.uk.

3. What is a concern or complaint?

- (a) A concern or complaint is defined as an expression of dissatisfaction about the conduct/operation of the Academy, the conduct of, actions or lack of actions by a member of staff/the Governing Body/an individual governor, unacceptable delay in dealing with a matter or the unreasonable treatment of a pupil or other person.

(b) Concerns or complaints relating to any of the following are not covered by these procedures, as separate procedures apply.

- Safeguarding / Child Protection
- Pupil Exclusions
- Academy Admissions
- Staff grievance
- Staff discipline
- Statutory assessments of Special Educational Needs.
- Whistleblowing

(c) Serious complaints or allegations relating to the abuse of children, assault, criminal or financial matters are also subject to separate procedures. (See Section 11). Arrangements for handling complaints from parents of children with SEN about the academies support are within the scope of this policy. Such complaints should first be made to the SENDCO; they will then be referred to this complaints policy. Our SEN Policy includes information about the rights of parents or 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.

4. Roles and responsibilities

4.1 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
- Treat all those involved with respect
- Not publish details about the complaint on social media

4.2 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

4.3 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

4.4 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

The Academy and Governing Body would in most cases hope to resolve concerns and complaints at an informal stage, but the procedures allow for formal consideration of a complaint and an appeal stage if matters cannot be resolved.

The Academy is committed to dealing with complaints as speedily as possible and would plan to complete each stage within 20 Academy days. From time to time, it may not be possible to complete the process in that timescale. Where that is not possible the complainant will be informed of any delays.

Where complaints are made against an individual member of the Academy staff, that person will be informed of the complaint at the earliest opportunity.

5. The Complaints Procedures

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 next academy day

Informal stage

The Academy will seek to resolve concerns and complaints informally with the member of staff or governor concerned and encourage the complainant to discuss with them the matters causing them concern. However, if that does not resolve the problem then the matter should formally be brought to the attention of the Headteacher (complaints and concerns about governors should be made to the Chair of Governors).

The Headteacher (or Chair of Governors) will then seek to resolve the matter informally and will:

- acknowledge the complaint;
- make enquiries to establish the facts;
- seek advice as appropriate;
- attempt to resolve the matter informally;
- establish whether or not the complainant is satisfied;
- advise complainants of the next stages if they wish to proceed to a formal consideration of the complaint;
- make a brief note of the complaint and the outcome.

This stage would normally be expected to be completed in 20 Academy days. A complainant wishing to proceed to the formal stage of the procedure should notify the Headteacher/Chair of Governors in writing within 20 Academy days of being notified of the outcome of the informal stage.

The informal stage will not be used if the allegations made refer to:

- criminal activity which may require the involvement of the police
- financial or accounting irregularities
- abuse of children.

Formal stage

Inform the Headteacher in Writing

Where an informal complaint has not been resolved to the satisfaction of the complainant or the complainant has indicated they wish to go straight to the formal stage 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 the complainant has the opportunity to arrange alternative accompaniment.

The Headteacher (or other person appointed by the Headteacher for this purpose) will then conduct their own investigation. The written conclusion of this investigation will be sent to the complainant within 20 days.

If the complainant wishes to proceed to the next stage of the procedure, they should inform the Clerk of governors in writing within 20 days.

Inform the Clerk of Governors in writing

This letter should set out the details of the complaint including evidence as set out above. The complainant should also specify what they feel would resolve the complaint, and how they feel the previous stage of the procedure has not addressed their complaint sufficiently.

The written conclusion of this investigation will be sent to the complainant within 20 days.

If the complainant wishes to proceed to the next stage of the procedure, they should inform the chair of governors in writing within 20 days.

Appeals stage/Panel

The Complaints Appeals Committee of the Governing Body will consider complaints where the Headteacher (or Chair of Governors) has not been able to resolve the complaint to the satisfaction of the complainant and the complainant wishes to appeal. The Complaints Appeals Committee will consist of 3 governors who don't have direct knowledge of the complaint and at least 1 panel member must be independent of management and running of the school. These individuals will have access to the existing record of the complaint's progress. The governors will select a panel chair from amongst themselves.

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.

At the Appeals 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 Appeals 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 Appeals 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 Appeals panel must then put together its findings and recommendations from the case. The Appeals panel will also provide a copy of 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 20 days

6. Withdrawal of a complaint

If the complainant wishes to withdraw their complaint, they will be asked to confirm this in writing.

7. Complaints about a governor, the Chair of Governors or the Governing Body

Complaints about a governor should be referred to the Chair of Governors who will investigate and respond to the complainant. In dealing with this matter the Chair should seek advice from the schools legal team.

Any appeal against the Chair's response would be dealt with by the Complaints Appeals Committee.

Complaints about the Chair of Governors must be referred to the Clerk to Governors who would arrange for the complaint to be considered by the Complaints Appeals Committee of the Governing Body. Clerks to Governors should seek advice from the schools legal team.

8. Next stages

If the complainant is unsatisfied with the outcome of the school's complaints procedure, they can refer their complaint to the ESFA. The ESFA will check whether the complaint has been dealt with properly by the school. The ESFA will not overturn a school's decision about a complaint. However, it will look into:

- Whether there was undue delay, or the school did not comply with its own complaints procedure
- Whether the school was in breach of its funding agreement with the secretary of state
- Whether the school has failed to comply with any other legal obligation

If the school did not deal with the complaint properly, it will be asked to re-investigate the complaint. If the school's complaints procedure is found to not meet regulations, the school will be asked to correct its procedure accordingly.

For more information or to refer a complaint, see the following webpage:

<https://www.gov.uk/complain-about-school>

9. Complaints Record

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 and GDPR, or where the material must be made available during a school inspection.

Records of complaints will be kept for a minimum of 6 years. 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.

10. Persistent complaints

Where a complainant tries to re-open the issue with the school after the complaints procedure has been fully exhausted and the school has done everything it reasonably can in response to the complaint, the chair of governors (or other appropriate person in the case of a complaint about the chair) will inform the complainant that the matter is closed.

If the complainant subsequently contacts the school again about the same issue, the school can choose not to respond. The normal circumstance in which we will not respond is if:

- The school has taken every reasonable step to address the complainant's needs, *and*
- The complainant has been given a clear statement of the school's position and their options (if any), *and*
- The complainant is contacting the school repeatedly but making substantially the same points each time

However, this list is not intended to be exhaustive.

The school will be most likely to choose not to respond if:

- We have reason to believe the individual is contacting the school with the intention of causing disruption or inconvenience, and/or
- The individual's letters/emails/telephone calls are often or always abusive or aggressive, and/or
- The individual makes insulting personal comments about, or threats towards, school staff

Unreasonable behaviour which is abusive, offensive or threatening may constitute an unreasonably persistent complaint.

Once the school has decided that it is appropriate to stop responding, the complainant will be informed in writing, either by letter or email.

The school will ensure when making this decision that complainants making any new complaint are heard, and that the school acts reasonably.

11. Serious allegations or complaints

If the allegations refer to criminal activity which may require the involvement of the Police, the Headteacher should inform the Chair of Governors and seek the advice of the schools legal team.

If the allegations relate to the abuse of children, the Headteacher should seek the advice of the LADO and other agencies such as Children's Social Care. Serious allegations of this nature **must** be referred under Child Protection Procedures to Children's Social Care.

12. Learning lessons

The Headteacher / Governing Body will review any underlying issues raised by complaints with the appropriate staff member, 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.

13. Monitoring arrangements

The Headteacher / Governing Body will monitor the effectiveness of the complaints procedure in ensuring that complaints are handled properly. The Headteacher will track the number and nature of complaints, and review underlying issues as stated in section 11.

14. Links with other policies

Policies dealing with other forms of complaints include:

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