



BURTON BOROUGH SCHOOL

Concerns & Complaints Policy

Policy Reviewer	Rita Barton	Date of Review	October 2019
Date Presented to Governors	11 th November 2019	Date of next Review	Autumn 2022

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Aim

Our School is committed to providing the best education for our young people and want our pupils to be healthy, happy and safe and to do well. We recognise the importance of establishing and maintaining good relationships with parents, carers and the wider community. We are aware that there may be occasions where people have concerns or complaints and the following procedure sets out the steps that should be followed in order to resolve these as quickly and informally as possible.

School governing bodies are required under Section 29 of the Education Act 2002 to have in place a procedure for dealing with complaints.

Complainants are encouraged to follow through each stage of the procedure, as appropriate, in order to resolve their concerns. Failure to do this may compromise a successful outcome.

Scope

This procedure is for the handling of complaints made by parents, visitors and other external agencies.

PROCEDURE FOR RAISING A COMPLAINT

STEP 1: Informal

Please start by telling the relevant class teacher, or tutor about your concern. This is usually the best and quickest way of resolving issues.

- It is recommended that you make an appointment to speak to the class teacher or tutor as soon as possible as this will give both parties the opportunity to talk about the issue in an appropriate manner and without being interrupted. If you are happy to correspond regarding this matter by telephone or email you should state this clearly.
- It is recommended that you write down your concern. This will help you to ensure that you cover the main key issues and identify what you are expecting as an outcome.
- It is important to recognise that schools are busy organisations and it may not be possible to offer an appointment straight away. However, it is our aim to acknowledge receipt of the complaint within 24 hours or sooner, and to look to a full response within 48 hours (during the school week.)
- The purpose of this meeting should be to establish the nature of the concern and to seek a realistic resolution to the problem.
- It is good practice for the class teacher or tutor to make a brief written record of the concern raised and any actions agreed.

STEP 2: Informal: Escalation

If you feel dissatisfied with the outcome of discussions with the class teacher or tutor, please ask for an appointment to meet with the relevant Deputy Head of Small School (for pastoral issues) or Head of Learning Area (for academic issues). Again, if you are happy to correspond regarding this matter by telephone or email you should state this clearly

- The purpose of this meeting should be to establish the nature of the ongoing concern, what has been discussed with the class teacher/tutor so far and any actions arising from the initial meeting.
- It is recommended that you write down your concern and what you are dissatisfied with moving forward. This will help you to ensure that you cover the main key issues and identify what you are expecting as an outcome.
- It is in everyone's interest, particularly the child or children, for concerns to be sorted out quickly and smoothly. However, it may be that the Deputy Head of Small School or Head of Learning Area will need to look into what has happened since the initial meeting before they can suggest how your concern might be resolved. If this is the case, it should be agreed how and within what timescale they will contact you to let you know the outcome of their enquiries and what actions they have taken/propose to take.
- It is good practice for the Deputy Head of Small School or Head of Learning Area to make a brief written record of the concern discussed and what has been agreed and to write to parents summarising this.

It is hoped that most problems will have been resolved at this stage through the informal process.

STEP 3: Informal further escalation

If you feel dissatisfied with the outcome of discussions with the Deputy Head of Small School or Head of Learning Area, please ask for an appointment to meet with the Head of Small School.

- The purpose of this meeting should be to establish the nature of the ongoing concern, what has been discussed so far and any actions arising from the meetings.
- It is recommended that you write down your concern and what you are dissatisfied with moving forward. This will help you to ensure that you cover the main key issues and identify what you are expecting as an outcome.
- It is in everyone's interest, particularly the child or children, for concerns to be sorted out quickly and smoothly. However, the Head of Small School will need to look into what has happened since the initial meeting before they can suggest how your concern might be resolved. If this is the case, it should be agreed how

and within what timescale they will contact you to let you know the outcome of their enquiries and what actions they have taken/propose to take.

- It is good practice for the Head of Small School to make a brief written record of the concern discussed and what has been agreed and to write to parents summarising this.

It is hoped that most problems will have been resolved at this stage through the informal process.

STEP 4: Formal – Complaint letter to Vice Principal

If you feel that the issue you have raised has not been resolved through the informal process and you wish to pursue it further you may raise it through the formal procedure. To do this you must write a formal letter of complaint to the Vice Principal (you may use the form attached as Appendix 2). Your letter should set out clearly the concern which has previously been discussed and why you feel that the issue is unresolved. It is also helpful if you can set out in your letter what resolution you are seeking.

- Moving to the formal complaints procedure is a serious step. In consideration of future home/school relationships everyone concerned will need to concentrate on finding a resolution to the issue and negotiate an agreement as to how this can best be achieved.
- The Vice Principal will consider the complaint and in doing so should:
 - establish what has happened so far, and who has been involved;
 - clarify the nature of the complaint and what remains unresolved;
 - meet or contact you if they need further information;
 - clarify what you feel would put things right if this has not been set out in your letter;
 - interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish;
 - conduct any interview with an open mind and be prepared to persist in the questioning;
 - Keep notes of any interview for the record. A copy of these minutes will be forwarded to the complainant. The Vice Principal will keep in mind ways in which a complaint can be resolved. It might be sufficient to acknowledge that the complaint is valid in whole or in part.

In addition, it may be appropriate to offer one or more of the following:

- an apology;
- an explanation;
- an admission that the situation could have been handled differently or better (please note this is not an admission of negligence);
- an assurance that the event complained of will not recur;

- an explanation of the steps that have been taken to ensure that it will not happen again;
- An undertaking to review policies in light of the complaint.

It may also be the case that the complaint may not have any substance and is therefore considered to be unfounded or unsubstantiated.

- The Vice Principal will send a detailed written response within 20 school days. Where this proves unrealistic you will be informed in writing and given an estimate of how long it will take to provide a detailed response.

STEP 5: Formal further escalation - complaint letter to the Principal

If you feel that the issue you have raised has still not been resolved you can escalate this to the Principal. To do this you must write a formal letter of complaint to the Principal (you may use the form attached as Appendix 2). Your letter should set out clearly the concern which has previously been discussed and why you feel that the issue is still unresolved. It is also helpful if you can set out in your letter what resolution you are seeking.

The Principal will consider the complaint as set out in Step 4.

The Principal will keep in mind ways in which a complaint can be resolved. It might be sufficient to acknowledge that the complaint is valid in whole or in part. In addition, it may be appropriate to offer one or more of the following:

- an apology;
- an explanation;
- an admission that the situation could have been handled differently or better (please note this is not an admission of negligence);
- an assurance that the event complained of will not recur;
- an explanation of the steps that have been taken to ensure that it will not happen again;
- an undertaking to review policies in light of the complaint.

It may also be the case that the complaint may not have any substance and is therefore considered to be unfounded or unsubstantiated.

- The Principal will send a detailed written response within 20 school days. Where this proves unrealistic you will be informed in writing and given an estimate of how long it will take to provide a detailed response.

Concerns or complaints specifically about the Principal or any individual governor

Where you are unhappy about the decision the Principal has made about your complaint, this does not become a complaint about the Principal. However, if the complaint is about the conduct of the Principal, and you feel that it has not been

resolved at the informal stage then you should move directly to Step 6 of the procedure and write to the Chair of Governors.

A complaint that is specifically about the conduct of an individual governor, and which has not been resolved at the informal stage, should also proceed directly to Step 4 and be made by writing to the Chair of Governors.

STEP 6: Formal further escalation – complaint letter to Chair of Governors

If you are not satisfied with the response of the Principal or you have a concern or complaint that is specifically about the Principal and which has not been resolved at any stage, then you must write a formal letter of complaint to the Chair of Governors. The school will provide you with the Chair of Governors name and you should write to him or her at the school address, marking the correspondence 'urgent, private and confidential'.

- The Chair of Governors should acknowledge receipt of the letter within 5 school days and, in the case of maintained schools, may contact the Local Authority for advice.
- For complaints specifically about the Principal, the Chair of Governors will arrange for the complaint to be investigated, either by him/herself or by an appropriate independent investigator, and for the process set out in Step 4 to be followed.

Complaints not resolved through the formal procedure

STEP 7 – Governing Body Hearing

You may ask for your complaint to be heard by the Complaints Appeal Panel of the School's Governing Body. This is a specific committee of the governing body set up for this purpose.

You can do this by putting your request in writing to the Chair of Governors. The Chair of Governors, or if the Chair has been involved at any previous stage in the process, a nominated governor, will then make arrangements to convene a hearing by the Complaints Appeal Panel in accordance with the protocol set out in Appendix 1.

On conclusion of the governing body hearing, the Panel's decision is regarded as final and all steps within the School's complaints procedure are exhausted.

Finally, if on conclusion of this procedure you feel that the School's Governing Body has acted unreasonably you may make a complaint in writing to the Secretary of State for Education. You may contact the Department for Education by writing to:

The School Complaints Unit (SCU)
Department for Education
2nd Floor, Piccadilly Gate
Manchester
M1 2WD

or by telephoning: 0370 000 2288

Typetalk: 18001 0370 000 2288

Fax: 0161 600 1332

www.education.gov.uk/schoolcomplaints

<https://www.gov.uk/government/publications/school-complaints-procedures>

STAFF GUIDANCE

This procedure is based upon DfE guidance School Complaints toolkit 2014, Ref: DFE-00526-2014

Note for Governors

If governors are approached regarding a complaint, they should be mindful not to act in an individual complaint outside the formal procedure or become involved or have discussions with other governors at the early stages in case they are needed to sit on a Complaints Appeal Panel at a later stage of the procedure. Individual complaints would not be heard by the whole governing body at any stage, as this could compromise the impartiality of any panel set up to consider further action in the event that a serious complaint is substantiated.

FLOW CHART OF PROCEDURE

STEP 1 Informal Raise concern with the relevant class teacher or tutor

 *If you are dissatisfied with the outcome*

STEP 2 Informal Raise concern with either:

- relevant Deputy Head of Small School for pastoral issues
- relevant Head of Learning Area for Academic issues

 *If you are dissatisfied with the outcome*

STEP 3 Informal Escalate the concern to the Head of Small School

 *If you are dissatisfied with the outcome*

STEP 4 Formal Raise concern in writing to the Vice Principal, outlining what has happened at each of the above steps and the reason for your dissatisfaction. Include any written correspondence you have received

 *If you are dissatisfied with the outcome*

STEP 5 Formal Raise concern in writing to the Principal, outlining what has happened at each of the above steps and the reason for your dissatisfaction. Include all written correspondence you have received so far.

 *If you are dissatisfied with the outcome*

STEP 6 Formal Raise concern in writing to the Chair of Governors outlining what has happened at each of the above steps and the reason for your dissatisfaction. Include all written correspondence you have received so far. This may be passed onto another member of the Governing Body to investigate.

 *If you are dissatisfied with the outcome*

STEP 7 Governing Body Hearing
You can request in writing to the Chair of Governors for your complaint to be heard by the Complaints Appeal Panel.

THIS IS THE FINAL STEP IN THE PROCEDURE AND THE PANEL'S DECISION IS FINAL.

Please refer to the main Procedure when following this flow chart for more detailed information at each step.

Limitations, time-limits and vexatious complaints

Time limits

Complaints need to be considered and resolved as quickly and efficiently as possible. As such, unless there are exceptional circumstances, complaints made under this procedure will ordinarily be rejected if they are not brought within 12 months of the incident or action which is the reason for the complaint. Exceptional circumstances will be determined by the Principal/Chair of Governors on a case by case basis, and advice may be sought from the Local Authority in this regard.

Safeguarding referrals

Schools have a duty to safeguard and promote the welfare of their pupils under section 175 of the Education Act 2002. This includes making referrals to the appropriate organisation, usually the Local Authority's children's social care services, if they have a concern about the welfare of a child. It is not for the school to investigate or make a judgment about possible abuse or neglect but they must refer any concerns they may have. As such, any response to or investigation in relation to a complaint about a safeguarding referral made by school staff will be limited to considering whether the appropriate action was taken at the time the referral was made on the basis of the information available to the referrer at that time and in accordance with the safeguarding policy.

Allegations of abuse

Allegations of abuse against a member of school staff must be reported to the Principal immediately. Allegations of abuse against the Principal must be reported to the Chair of Governors immediately.

Vexatious complaints

The majority of complaints are resolved through a properly managed complaints procedure. However, there are occasions when:

- Despite all stages of the procedure having been followed, the complainant remains dissatisfied. If a complainant tries to reopen the same issue the Chair of Governors may write informing them that all stages of the procedure have been exhausted and the matter is considered to be closed.

- Complainants behave in an unreasonable manner when raising and/or pursuing concerns. In these circumstances the school may take action in accordance with Appendix 3.

Protocol for complaint heard by Governing Body's Complaints Appeal Panel

On conclusion of the formal steps, Complainants can ask for their complaint to be heard by a committee of the governing body by writing to the Chair of Governors via the school, marking the correspondence 'urgent, private and confidential'.

Then the Chair of Governors or, if the Chair has been involved at any previous stage in the process, a nominated governor, will make arrangements to convene a meeting of the Governing Body's Complaints Appeal Panel.

The governors' hearing is the last school-based stage of the complaints process and is not convened merely to rubber-stamp previous decisions.

Individual complaints would not be heard by the whole Governing Body at any stage, as this could compromise the impartiality of any panel set up for a disciplinary hearing against a member of staff following a serious complaint where the complaint is substantiated and may proceed to action being taken under formal procedures.

The Governing Body may nominate a number of members with delegated powers to hear complaints, and set out its terms of reference. These can include:

- Drawing up and reviewing its procedures;
- Hearing individual complaints;
- Making recommendations on policy as a result of complaints.

The remit of the Complaints Appeal Panel in relation to complaints

The Panel can:

- 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.

There are several points which any governor sitting on the Complaints Appeal Panel needs to be mindful of:

a) It is important that the appeal hearing is independent and impartial and that it is seen to be so. Therefore, no governor may sit on the Panel if they have had a prior involvement in the complaint or in the circumstances surrounding it. In deciding the make-up of the Panel, governors need to try and ensure that it is a cross-section of the categories of governor and sensitive to the issues of race, gender and religious affiliation.

b) 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 has to 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.

c) An effective panel will acknowledge that many complainants feel nervous and inhibited in a formal setting. Parents often feel emotional when discussing an issue that affects their child. The panel Chair will ensure that the proceedings are as welcoming as possible. The layout of the room will set the tone and care is needed to ensure the setting is informal and not adversarial.

Roles and responsibilities for the Complaints Appeal Panel

The role of the Chair of the Governing Body (or a nominated governor)

- Check that the correct procedure has been followed;
- If a hearing is requested, co-ordinate with the Clerk to the Governing Body to ensure arrangements have been made to convene the Panel.

The role of the Clerk

School will ensure that any panel of governors considering complaints is clerked appropriately. This may be by the Clerk to the Governing Body, the Head teacher's Personal Assistant, a representative from the Local Authority or an independent clerk.

The Clerk will:

- Set the date, time and venue of the hearing, ensuring that dates are convenient, as far as practicable, to all parties and that the venue and proceedings are accessible;
- Collate any written material and send it to the parties at least five school days in advance of the hearing;
- Meet and welcome the parties as they arrive at the hearing;
- Make a written record of the proceedings;
- Notify all parties of the Panel's decision.

The role of the Chair of the Panel

The Chair of the Panel has a key role, ensuring that:

- The remit of the Panel is explained to the parties and each party has the opportunity of putting their case without undue interruption;

- The issues are addressed;
- Key findings of fact are made;
- Parents and others who may not be used to speaking at such a hearing are put at ease;
- The hearing is conducted in an informal manner with each party treating the other with respect and courtesy;
- The Panel is open minded and acting independently;
- No member of the Panel has a vested interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure;
- Each side is given the opportunity to state their case and ask questions;
- Written material is seen by all parties. If a new issue arises all parties should be given the opportunity to consider and comment on it.

The procedure for the hearing

1. The Complainant may make an oral statement as part of the presentation of his/her complaint and may call witnesses to supplement the written complaint. The Complainant is asked to notify the Clerk of any witnesses to be called in advance of the hearing and establish the relevance of their evidence to the complaint under consideration. It will be the responsibility of the Complainant to make contact with any witnesses they wish to call, once the relevance of their evidence has been established, and to notify them of the date, time and venue of the meeting.
2. Witnesses are only required to attend for the part of the hearing in which they give their evidence.
3. The Principal will have the opportunity to ask questions of the Complainant and any witnesses. The Panel may also ask questions.
4. The Principal may make an oral statement about the complaint and as part of his/her presentation may call witnesses. The Principal is asked to notify the Clerk of any witnesses to be called in advance of the hearing and establish the relevance of their evidence to the complaint under consideration.
5. The Complainant will have the opportunity to ask questions of the Principal and any witnesses. The Panel may also ask questions.
6. In cases where a formal complaint has been considered by the Chair of Governors under Step 4 of the procedure, or has been investigated by an independent investigator, the Chair of Governors/investigator may make an oral statement and be asked questions.

7. When the Chair is satisfied that all issues raised by the Complainant have been clarified for the benefit of all parties, he/she will invite the Principal and the Complainant to make final statements about the complaint if they so wish.
8. Either party may request an adjournment of the hearing at any stage and this may be allowed on the grounds that further inquiries are necessary, but it should also be borne in mind that a speedy resolution of the complaint is usually desirable and advantageous.
9. All parties to the hearing will then withdraw. The Panel, advised by the Clerk, will then deliberate. If it is necessary to recall either party or any witnesses to assist with clarifying any particular point of uncertainty, this may only be done with both parties present.

Notification of the Panel's decision

The Chair of the Panel needs to ensure that the Complainant is notified of the Panel's decision in writing, including the reasons for the decision. This will usually be within five school days, unless there are exceptional circumstances which prevent this, in which case the Complainant will be notified of this and the reason for delay.

The Panel's decision is to be regarded as final and the Complainant will be advised of any further recourse available should he or she be dissatisfied with the outcome, such as to the Secretary of State.

COMPLAINT FORM

Please complete and return to the Principals PA team at school who will acknowledge receipt and explain what action will be taken.

Your name:

Pupil's name:

Your relationship to the pupil:

Address:

Postcode:

Day time telephone number:

Evening telephone number:

Please give details of your complaint.

What action, if any, have you already taken to try and resolve your complaint.
(Who did you speak to and what was the response)?

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

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

Signature:

Date:

Official use

Date acknowledgement sent:

By who:

Complaint referred to:

Date:

POLICY FOR DEALING WITH PERSISTENT OR VEXATIOUS COMPLAINTS / HARASSMENT

The Principal and staff deal with specific complaints as part of their day-to-day management of the school in accordance with the School's Complaints Procedure. The majority of concerns are handled in an informal manner and are resolved quickly, sensitively and to the satisfaction of the complaint.

However, there are occasions when complainants behave in an unreasonable manner when raising and/or pursuing concerns. In these circumstances the school may take action in accordance with this policy.

AIMS OF POLICY

The aims of this policy are to:

- uphold the standards of courtesy and reasonableness that should characterise all communication between the School and persons who wish to express a concern or pursue a complaint
- support the well-being of students, staff and everyone else who has legitimate interest in the work of the School, including governors and parents
- deal fairly, honestly and properly with those who make persistent or vexatious complaints and those who harass members of staff in school while ensuring that other stakeholders suffer no detriment.

HUMAN RIGHTS

In implementing this policy the School will seek to ensure that its actions are in accordance with its obligations under the Human Rights Act 1998 and the Convention Rights embodied within it in order to protect the Human Rights of both persistent complainants and all other stakeholders.

PARENTS' EXPECTATIONS OF THE SCHOOL

Parents/carers/members of the public who raise either informal or formal issues or complaints with the School can expect the School to:

- a. regularly communicate to parents/carers in writing:
 - i. how and when problems can be raised with the School,
 - ii. the existence of the School's complaints procedure, and
 - iii. the existence of the Policy for Dealing with Persistent or Vexatious Complaints and/or Harassment
- b. respond within a reasonable time

- c. be available for consultation within reasonable time limits bearing in mind the needs of the pupils/students within the school and the nature of the complaint
- d. respond with courtesy and respect
- e. attempt to resolve problems using reasonable means in line with the School's complaints procedure, other policies and practice and in line with guidance and advice from the Local Authority
- f. keep complainants informed of progress towards a resolution of the issues raised

THE SCHOOL'S EXPECTATIONS OF PARENTS/CARERS/MEMBERS OF THE PUBLIC

The School can expect parents/carers/members of the public who wish to raise problems with the School to:

- a) treat all school staff with courtesy and respect
- b) respect the needs and well-being of pupils and staff in the School
- c) avoid any use, or threatened use, of violence to people or property
- d) avoid any aggression or verbal abuse
- e) recognise the time constraints under which members of staff in schools work and
- f) allow the School a reasonable time to respond
- g) recognise that resolving a specific problem can sometimes take some time
- h) (in the case of a complaint) follow the School's Complaints Procedure

WHO IS A PERSISTENT COMPLAINANT?

For the purpose of this policy, a persistent complainant is a parent/carer or member of the public who complains about issues, either formally or informally, or frequently raises issues that the complaint considers to be within the remit of the School and whose behaviour is unreasonable. Such behaviour may be characterised by:

- a) actions which are obsessive, persistent, harassing, prolific, repetitious
- b) prolific correspondence or excessive e-mail or telephone contact about a concern or complaint
- c) an insistence upon pursuing unsubstantial complaints and/or unrealistic or unreasonable outcomes
- d) an insistence upon pursuing complaints in an unreasonable manner
- e) an insistence upon repeatedly pursuing a complaint when the outcome is not satisfactory to the Complainant but cannot be changed, for example, if the desired outcome is beyond the remit of the school because it is unlawful.

For the purpose of this policy, harassment is the unreasonable pursuit of such actions as in

- (a) to (e) above in such a way that they:
 - a) appear to be targeted over a significant period of time on one or more members of school staff and/or
 - b) cause ongoing distress to individual member(s) of school staff and/or

- c) have a significant adverse effect on the whole/parts of the school community and/or
- d) are pursued in a manner which can be perceived as intimidating and oppressive by the recipient. This could include situations where persistent demands and criticisms, whilst not particularly taxing or serious when viewed in isolation, have a cumulative effect over time of undermining confidence, well-being and health.

THE SCHOOL'S ACTIONS IN CASES OF PERSISTENT OR VEXATIOUS COMPLAINTS OR HARASSMENT

In the first instance the School will inform the complainant that his/her behaviour is considered to be becoming unreasonable/unacceptable and, if it is not modified, action may be taken in accordance with this policy.

This will be confirmed in writing.

If the behaviour is not modified the School will take some or all of the following actions as necessary, having regard to the nature of the complainant's behaviour and the effect of this on the school community:

- a) inform the complainant in writing that his/her behaviour is now considered by the School to be unreasonable/unacceptable and, therefore, to fall under the terms of this policy
- b) inform the complainant that all meetings with a member of staff will be conducted with a second person present and that notes of meetings may be taken in the interests of all parties
- c) inform the complainant that, except in emergencies, all routine communication with the Complainant to the School should be by letter only
- d) (in the case of physical or verbal aggression) refer to Joint Local Authority-Police Guidance for Schools, "Dealing with Abuse, Threats and Violence towards School Staff", and consider warning the Complainant about being banned from the School site; or proceed straight to a temporary ban.
- e) consider taking advice from the Local Authority on pursuing a case under Anti-Harassment legislation

Legitimate new complaints will still be considered even if the person making them is, or has been, subject to the Policy for Dealing with Persistent or Vexatious Complaints and/or Harassment in Schools. In these circumstances advice may be sought from the Local Authority.

If a complainant's persistent complaining/harassing behaviour is modified and is then resumed at a later date within a reasonable period of time, the School may resume the process identified above at an appropriate level. In these circumstances advice may be sought from the Local Authority.

REVIEW

The School will review as appropriate, and at a minimum once in a school year, any sanctions applied in the context of this policy.