

# Complaints Policy

## Bonneygrove and Millbrook Primary School Federation



<b>Subject:</b>	<b>Complaints Policy</b>
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<b>Approved by:</b>	<b>Shen Hasekilerden (Chair of Governors) Jane Acreman (Vice Chair of Governors)</b>



## BONNEYGROVE AND MILLBROOK PRIMARY SCHOOL FEDERATION

### **Introduction**

Our objective at Bonneygrove and Millbrook Primary School Federation is to provide a safe, kind, and welcoming environment for students and staff. We recognise that these aspirations can only be achieved by the wholehearted commitment and support of the whole school community. Occasionally, situations will occur which prevent the fulfilment of those aims and give cause for complaint.

In order to bring any such occurrences to a speedy and satisfactory conclusion, the school has adopted a Complaints Procedure, based on Herts advice.

It is important that complaints are raised at the earliest possible opportunity to enable the matter to be dealt with speedily and effectively. An early informal approach is often the best means of resolution of minor problems. The Department for Education expect complaints to be made at the earliest opportunity and consider 3 months to be an acceptable timeframe to lodge a complaint.

This policy has been prepared in accordance with the [DfE Best Practice Advice for School Complaints Procedures 2016](#).

Bonneygrove and Millbrook Primary School Federation ensures that the complaints procedure is readily accessible and published on the school website and hard copies are also available from the school office.

### **1. Points for consideration when using this procedure**

- 1.1 A complaint is an expression of dissatisfaction however made, by a parent or carer with a legitimate interest in the school. It may be about school policies or procedures, the conduct, actions, or omissions of members of staff employed at the school or the standards of teaching and learning.
- 1.2 Section 29 of the Education Act 2002 requires all governing bodies to have in place a school's complaints procedure. The procedure must be publicised to parents and the procedure must be readily available to anyone requesting a copy.
- 1.3 The procedure outlined in section 2 is not for complaints from staff about matters relating to their duties or employment at the school, or for staff grievances, or for complaints they may have about parents or carers. Those issues should be dealt with through the school's staffing procedures and policies.
- 1.4 This complaints procedure is intended to be used by those persons who have a complaint relating to the school and no other alternative process exists for addressing that complaint.

- 1.5 Initially most complaints will be oral. There should not be a requirement for the complainant to put their complaint in writing at the informal stage. However, schools should be mindful that English may not be the complainant's first language and due consideration and appropriate action should be taken where this is known to be the case.
- 1.6 Such actions may include for example agreeing to the parent being accompanied by a friend or family member to act as interpreter.
- 1.7 Where an appeal mechanism or legislative process takes precedence, then that procedure must be followed, and the procedure outlined below in section 2 will not apply. Examples of where alternative measures would take precedence may include (but are not limited to) some of the following:
  - Complaints about the process for children with special educational needs
  - Issues relating to members of staff including disciplinary grievances and re-organisation proposals
  - Matters likely to require a Child Protection Investigation
  - Admissions and exclusions
  - Whistleblowing
  - Complaints about services provided by other providers who may use school premises or facilities. These service providers should have their individual complaints procedures which should be followed.
  - Complaints against a Member of the governing body should be referred to the Chair of Governors in the first instance.

### **Our aims**

- Your complaint will be dealt with honestly, politely and in confidence.
- Your complaint will be looked into thoroughly and fairly.
- If your complaint is urgent, we will deal with it more quickly.
- We will keep you up to date with progress at each stage.
- You will get an apology if we have made a mistake.
- You will be told what we are going to do to put things right.
- You will get a full and clear written reply to formal complaints within 28 school days (5½ weeks).

## **How to make a complaint**

### *In the first instance – informal stage:*

If you have a concern about anything we do, or if you wish to make a complaint, you can do this by telephone, in person or in writing (by letter or email). We hope that most complaints can be settled quickly and informally, either by putting matters right or by giving you an explanation. If there is something you are not happy about, or you do not understand why we are doing something in a particular way, please come in and discuss it with the class teacher or another appropriate member of staff, such as the Special Educational Needs Co-ordinator (SENCo) if it is about Special Needs.

We know that it can feel uncomfortable to question or challenge something, but if you do not tell us what is worrying you, we cannot explain what we are doing or try to put it right. If the member of staff you speak to in the first instance is unable to attempt to resolve the matter, you should make an appointment with the Head of School. You should be able to sort out your worries but sometimes this is not possible. In this case there is a next step.

### *First - formal stage:*

Request a meeting with the Head of School who will investigate your complaint and aim to inform you of the outcome within 10 school days (2 weeks).

If your first contact is with individual Governors, they will advise you to take up your concerns with the appropriate member of staff or Head of School. A Governor should not be made aware of a potential complaint as they may be required to sit on a Panel in the event of a formal hearing (Stage Two) and should be impartial.

If your complaint is about the Head of School, you should write to the 'Chair of Governors'. If your child has an Education, Health, and Care Plan (EHCP) you might find it helpful to talk to our Special Educational Needs Co-ordinator (Inclusion Lead) or your child's named Special Needs Officer at the Local Authority. The SEND Information Advice and Support Service (SENDIASS – formerly Parent Partnership) may also be able to help you.

If your complaint is about the Chair of Governors, you should write to the 'Vice Chair of Governors'

### *Second - formal stage:*

If you remain dissatisfied following Stage 1 and wish to take your complaint further, you will be asked to complete a form or write a letter addressed to the Chair of Governors. In the letter you should:

- Make it clear why you are complaining.
- Say who you have spoken to already.
- Explain what you want to happen as a result of your complaint.

The Chair of Governors will arrange for your complaint to be considered and investigated under the arrangements approved by the Governing Body. This is likely to involve a Panel of Governors. If the Chair of Governors or another Governor has been involved in discussions to help settle the disagreement at Stage 1, s/he should arrange for another Governor to take charge of the investigation. The Governor in charge of investigating the complaint may ask to meet you to discuss your concerns.

You should make sure that the Governors' Complaint Panel is provided with any written information or evidence you intend to use in a formal hearing. You may bring a friend, representative or interpreter to any meeting if you wish. The Chair of the Panel may invite any person who may help establish the facts of the complaint. The Chair should tell you who this person is before the meeting. If any member of staff is required by the Governing Body to attend a meeting, they will have the opportunity to be accompanied or represented as they wish. A member of staff named in a complaint may also choose to attend a meeting, even if not required to do so by the Governors. They may be represented. If this happens, we will inform you in advance. When the Panel has fully investigated your complaint, the Chair of the Panel, or the Governor in charge of the investigation will write to you to tell you the findings. These findings will be reported to the Governing Body. The Chair of Governors will then write to you confirming the outcome of your complaint and any agreed actions to be taken. Our Governing Body will aim to deal with your complaint within 28 school days (5½ weeks).

#### *Further recourse*

Most complaints are resolved by this process. Should your complaint not be resolved, your further options are as follows:

You can complain to the Secretary of State at the Department for Education:

The Secretary of State  
Department for Education  
Sanctuary Buildings  
Great Smith Street  
London  
SW1P 3BT  
Website: [www.education.gov.uk](http://www.education.gov.uk)  
Telephone: 0370 000 2288

In the case of complaints about Special Educational Needs provision, you may complain further to the Local Authority. This should be done by writing to the Children's Services Complaints Manager. It should be noted however that if you wish to pursue this route, you must do so within 20 working days (4 weeks) of receiving the written outcome of the hearing into your complaint. After 20 working days (4 weeks), neither the school nor the Local Authority is under any obligation to investigate or progress your complaint any further.

**Useful contacts**

Advisory Centre for Education POhWER  
Education Advice & Training Hertlands House  
72 Durnsford Road Primett Road  
London Stevenage  
N11 2EJ SG1 3EE  
Web: [www.ace-ed.org.uk](http://www.ace-ed.org.uk) Web: [www.pohwer.net](http://www.pohwer.net)  
Phone: 0300 0115 142 Phone: 0300 456 2370

Children's Legal Centre National Youth Advocacy Service  
Riverside Office Centre (NYAS)  
Century House North Egerton House  
North Station Road Tower Road  
Colchester, Essex Birkenhead, Wirral  
CO1 1RE CH41 1FN  
Web: [www.childrenslegalcentre.com](http://www.childrenslegalcentre.com) Web: [www.nyas.net](http://www.nyas.net)  
Phone: 0345 345 4345 Phone: 0345 345 4345

SENDIASS (Special Educational Needs & Disability Information Advice Support Service – formerly  
Parent Partnership)  
Registry Office Block  
CHR102

County Hall  
Hertford  
SG13 8DF  
Web: [www.hertsdirect.org/parentpartnership](http://www.hertsdirect.org/parentpartnership)  
Email: [parent.partnership@hertfordshire.gov.uk](mailto:parent.partnership@hertfordshire.gov.uk)  
Phone: 01992 555847

Family Lives  
(Formerly Parentline Plus)  
15-17 The Broadway  
Hatfield  
Hertfordshire  
AL9 5HZ  
Web: [www.familylives.org.uk](http://www.familylives.org.uk)  
Phone: 0808 800 2222

## **Framework of Principles**

An effective Complaints Procedure will:

- encourage resolution of problems by informal means wherever possible.
- be easily accessible and publicised.
- be simple to understand and use.
- be impartial.
- be non-adversarial.
- allow swift handling with established time-limits for action and keeping people informed of the progress.
- ensure a full and fair investigation by an independent person where necessary.
- respect people's desire for confidentiality.
- address all the points at issue and provide an effective response and appropriate redress, where necessary.
- provide information to the school's Senior Management Team so that services can be improved.

## **Investigating Complaints**

It is suggested that at each stage, the person investigating the complaint (the Complaints Co-ordinator), makes sure that they:

- establish what has happened so far, and who has been involved.
- clarify the nature of the complaint and what remains unresolved.
- meet with the complainant or contact them (if unsure or further information is necessary).
- clarify what the complainant feels would put things right.
- interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish.
- conduct the interview with an open mind and be prepared to persist in the questioning.
- keep notes of the interview.

## **Resolving Complaints**

Prior to a complaint being escalated to involve a formal hearing, schools will want to 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.
- 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 school policies in light of the complaint.

It would be useful if complainants were encouraged to state what actions they feel might resolve the problem at any stage. An admission that the school could have handled the situation better is not the same as an admission of liability.

An effective complaints procedure will identify areas of agreement between the parties. It is also of equal importance to clarify any misunderstandings that might have occurred as this can create a positive atmosphere in which to discuss any outstanding issues.

### **Vexatious Complaints**

If properly followed, a good complaints procedure will limit the number of complaints that become protracted. However, there will be occasions when, despite all stages of the procedure having been followed, the complainant remains dissatisfied. A vexatious complaint is likely to involve some or all of the following:

- the complaint arises from a historic and irreversible decision or incident.
- contact with the school is frequent, lengthy, complicated, and stressful for Staff.
- the complainant behaves in an aggressive manner to Staff when he/she presents his/her complaint or is verbally abusive or threatening.
- the complainant changes aspects of the complaint partway through the complaint process.
- the complainant makes and breaks contact with the school on an ongoing basis; or
- the complainant persistently approaches the school (and in some cases the Local Authority) through different routes about the same issue in the hope of eliciting different responses.
- If the situation is challenging but it is possible to proceed, Staff should avoid giving unrealistic expectations on the outcome of the complaint. In instances where there is a complete breakdown of relations between the complainant and the school, a decision may be made to restrict contact. Any restrictions imposed should be appropriate and proportionate. The options that schools are most likely to consider are:
  - requesting contact in a particular form (e.g. – letters only).
  - requiring contact to take place with a named member of Staff (e.g. – Head of School).
  - restricting telephone calls to specified days and times.
  - asking the complainant to enter into an agreement about his/her future contact with the school; and
  - informing the complainant that if he/she still does not follow this advice (as stated above) any further correspondence that does not present significant new matters or new information will not necessarily be acknowledged but should be kept on file.
- if the complainant tries to reopen an issue that has already been examined through the complaints procedure, the Chair of the Governing Body is able to inform them in writing that the procedure has been exhausted and that the matter is now closed.

The Complaints Team can be contacted directly where the school identifies a need to discuss a particular case further in order to ascertain whether the complaint can be considered vexatious or not. Useful contact details are included in this document at the end of Appendix

### **Time-Limits**

Complaints need to be considered, and resolved, as quickly and efficiently as possible. An effective complaints procedure will have realistic time limits for each action within each stage. However, where

further investigations are necessary, new time limits can be set and the complainant sent details of the new deadline and an explanation for the delay.

### **Stages of the complaints process**

A clear complaints process has well-defined stages:

Informal – Local resolution of the concern with Staff member

Stage 1 – complaint heard by Head of School

Stage 2 – Governors' Complaint Panel

Further recourse – Possibly to Department for Education, Local Authority, or OFSTED (where appropriate).

### **Recording Complaints**

Schools should record the progress of the complaint and the final outcome. A complaint may be made in person, by telephone, or in writing. At the end of a meeting or telephone call, it would be helpful if the member of Staff ensured that the complainant and the school have the same understanding of what was discussed and agreed. A brief note of meetings and telephone calls can be kept, and a copy of any written response added to the record.

### **Governing Body (GB) Review**

The Governing Body can monitor the level and nature of complaints and review the outcomes on a regular basis to ensure the effectiveness of the procedure and make changes where necessary.

Preferably, complaints information shared with the whole Governing Body will not name individuals.

As well as addressing an individual's complaints, the process of listening to, and resolving complaints will contribute to school improvement. When individual complaints are heard, schools may identify underlying issues that need to be addressed. The monitoring and review of complaints by the school and the Governing Body can be a useful tool in evaluating a school's performance.

The DFE guidance broadly reflects what this LA has for many years commended to schools. To obtain a copy of the guidance, download it from [www.governor.net.co.uk](http://www.governor.net.co.uk) (go to Publications and search for School Complaints Procedure Toolkit) or telephone 08000 722 181.

By following the updated procedures set out here, schools can ensure complaints are handled effectively.

How should schools handle complaints made about or by:

- A member of Staff about another member of Staff or the Head of School?
- A member of the Governing Body about a member of Staff?
- A member of Staff about a member of the Governing Body?
- A member of Staff about the action/decision of the Governing Body?
- Members of the public (not Parents)?
- A Parent whose child no longer attends the school?
- Data Protection and Freedom of Information related matters

*What complaint/appeal procedures are NOT covered by this document?*

This document does not cover:

- Complaints by Governors about other Governors – contact School Governance for advice – email [gov.courses@hertsforlearning.co.uk](mailto:gov.courses@hertsforlearning.co.uk)
- Child Protection Procedures – see [www.hertsdirect.org/childprotection](http://www.hertsdirect.org/childprotection)
- Appeals about admissions – see [www.hertsdirect.org/schoolappeals](http://www.hertsdirect.org/schoolappeals)
- Complaints about fixed term or permanent exclusions from school – see [www.hertsdirect.org/schoolappeals](http://www.hertsdirect.org/schoolappeals)
- Staff Disciplinary Procedures –see [www.thegrid.org.uk](http://www.thegrid.org.uk)

*What is the position of Staff complained about?*

Any member of school Staff who is the subject of a parental complaint will have the opportunity to respond to the complaint during its investigation. They should also be able to see any response sent to the complainant as a result of the investigation.

There is an entirely separate procedure for schools to follow in dealing with Staff disciplinary matters. Therefore, if in the course of considering a complaint the Governing Body concludes that disciplinary procedures should be initiated, they will take separate action.

Schools should give Parents wishing to complain further a copy of the school's complaints procedure and ask them to set out their complaint in a letter or by completing the formal complaint form (see Appendix A).

In most cases it is expected that Parental complaints will be satisfactorily resolved following a formal complaint to the Governing Body. However, should Parents remain dissatisfied, the following sections explain the circumstances in which complaints can be taken further.

It should be noted that if Parents remain dissatisfied following the outcome of their Stage 2 hearing and wish to take their complaint further, they must do so within 20 working days (4 weeks) of receiving the written outcome of the hearing.

After 20 working days (4 weeks), neither the school nor the Local Authority (where appropriate) are under any obligation to investigate or progress the complaint any further.

When is there a THIRD stage of complaint to the County Council and how does it work? (THIS APPLIES TO VERY FEW COMPLAINTS AS SET OUT BELOW).

When it is a complaint about the way a school is providing for a child's Special Educational Needs. Parents may complain further to the LA by writing to the Children's Services Complaints Manager. The CS Complaints Manager will acknowledge the letter and will notify the Chair of Governors and the Head of School. The CS Complaints Manager will arrange for the complaint to be investigated. The Investigator will seek the comments of the Governing Body and any other information or advice as necessary.

When the complaint has been fully investigated and considered the CS Complaints Manager will notify Parents of the outcome in writing, giving the reasons for it, any action or proposed action to be taken and the further recourse available. A copy of this will be sent to the Head of School, the Chair of Governors and to anyone else concerned in the investigation. This brings the third stage for Special Educational Needs complaints to a conclusion.

Parents who remain dissatisfied following further investigation of their Special Educational Needs complaint by the Local Authority have the right to complain to the Secretary of State who may decide to conduct an additional investigation.

There is no formal right of complaint to the LA. This is because the LA has no power to inspect the provision or to influence its content but complaint beyond the second stage may be made to the relevant Diocesan Authority where this applies.

For Roman Catholic schools, complainants should write to:

The Director of the Education Service,  
Diocese of Westminster, Vaughan House,  
46 Francis Street,  
London,  
SW1P 1QN.

Email: [education@rcdow.org.uk](mailto:education@rcdow.org.uk), Website: [www.rcdow.org.uk](http://www.rcdow.org.uk). Telephone: 020 7798 9005.

For Church of England schools complainants should write to:

The Diocesan Director of Education,  
Diocesan Office, Holywell Lodge,  
41 Holywell Hill,  
St Albans, AL1 1HE.

Email: [schools@stalbans.anglican.org](mailto:schools@stalbans.anglican.org), Website: [www.stalbans.anglican.org](http://www.stalbans.anglican.org). Telephone: 01727 818170.

*FOR ALL OTHER TYPES OF COMPLAINT, INCLUDING THOSE REGARDING BULLYING, THE NATIONAL CURRICULUM OR COLLECTIVE WORSHIP IN A COMMUNITY, VOLUNTARY-CONTROLLED, VOLUNTARY-AIDED, FOUNDATION OR TRUST SCHOOL, THERE IS NO THIRD STAGE OF COMPLAINT TO THE LOCAL AUTHORITY*

For almost all complaints there is no right of further complaint or appeal to the LA beyond the school's Governing Body. Parents may contact the complaints helpline for further advice but will be told there is no right of a further stage of formal investigation by the LA.

If parents who have not yet complained to their child's school contact the Local Authority, Council Officers will ask the complainant for their written consent to share information regarding their complaint with the school in question. If the complainant declines to provide their consent, the matter will not normally be taken any further. If consent is provided, the Council will pass the complainant's concerns onto the school, whilst ensuring that the complainant is made aware that this will not necessarily result in the complaint against the school being resolved or the complainant achieving the outcome they were seeking.

***Can Parents complain to anyone other than the County Council?***

Parents have the right to complain to the Secretary of State at the Department for Education (under the Education Act 1996), if they believe that the Governing Body or the LA is acting or proposing to act unreasonably (section 496), or is failing to carry out a statutory duty (section 497). This has to mean that the LA or the Governing Body is acting outside its powers, or misusing them. Only then would the Secretary of State follow up the complaint. The Secretary of State will then contact the Governing Body or LA for information. The contact details for the Secretary of State are as follows:

The Secretary of State

Department for Education

Sanctuary Buildings

Great Smith Street

London

A checklist of actions:

- Upon receipt of a formal letter of complaint.
- The Complaints Panel's first meeting.
- Preparing for the formal hearing.
- When the Panel has reached its conclusions.
- If the Parent is not satisfied with the outcome.

## Appendix 1 – Complaints Form

Name of Parent/Carer:	
Name of Child:  Address:	
Telephone contact:	
Details of Complaint:	
Why I am unhappy with the Stage 1 findings:  What I want to happen as a result of my complaint:	
Signed:	

