

# **BISHOP HOOPER C. E. PRIMARY SCHOOL and BISHOP HOOPER BUTTERFLIES**

## **SCHOOL COMPLAINTS POLICY**

### **The difference between a concern and a complaint:**

A 'concern' may be defined as '*an expression of worry or doubt over an issue considered to be important for which reassurances are sought*'. A complaint may be generally defined as '*an expression of dissatisfaction however made, about actions taken or a lack of action*'. It is in everyone's interest that complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to invoke formal procedures. At Bishop Hooper school we take informal concerns seriously and make every effort to resolve the matter as quickly as possible.

However, there may be occasions when complainants would like to raise their concerns formally. In those cases, our school's formal procedure should be invoked through the stages outlined below.

### **The Stages of the Complaint**

#### **Stage 1 (informal): complaint heard by staff member**

It is in everyone's interest that complaints are resolved at the earliest possible stage. The experience of the first contact between the complainant and the school can be crucial in determining whether the complaint will escalate. At Bishop Hooper, staff are made aware of the procedures and know what to do when they receive a complaint. The complainant will be asked at the earliest stage what they think might resolve the issue.

- The school respects the views of a complainant who indicates that s/he would have difficulty discussing a complaint with a particular member of staff. In these cases, they should be referred to the Headteacher.
- Where the complaint concerns the headteacher, they can refer the complainant to the Chair of Governors.
- Complaints against the Chair of Governors or any individual governor should be made by writing\* to the Clerk to the Governing Body.

**(Where the first approach is made to a governor, the next step would be to refer the complainant to the appropriate person and advise them about the procedure. It would be useful if governors did not act unilaterally on an individual complaint outside the formal procedure or be involved at the early stages in case they are needed to sit on a panel at a later stage of the procedure.)**

#### **Stage 2 (formal): Complaint heard by headteacher**

The headteacher's influence will already have shaped the way complaints are handled in the school. At this point, the complainant may be dissatisfied with the way the complaint was handled at Stage 1 as well as pursuing their initial complaint. The head may delegate the task of collating the information to another staff member but not the decision on the action to be taken.

#### **Stage 3 (formal): Complaint heard by Chair of Governors**

If the complainant is not satisfied with the response of the headteacher or the complaint is about the headteacher, the complainant should write\* to the Chair of Governors to request that their complaint is considered further. The Chair of Governors would investigate the complaint and convey the outcome to the complainant.

#### **Stage 4 (formal): Complaint heard by Governing Body Complaints Appeal Panel**

If the complainant is still not satisfied with the response from the Chair of Governors, the complainant needs to write\* to the Chair of Governors giving details of the complaint and asking that it is put before the appeal panel. The Chair, or if the Chair has been involved at any previous stage in the process, a nominated governor, will acknowledge receipt of the letter within a 10 day period and would then convene a GB complaints committee. This meeting will, wherever possible, take place within three weeks (excluding school holidays) of dispatch of the acknowledgement letter unless a longer period (perhaps to arrange suitable dates or collate information) is necessary in which case the chair must inform the complainant the reason for the delay.

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

Individual complaints must not be heard by the whole GB at any stage, as this could compromise the impartiality of any panel, especially those set up for a disciplinary hearing against a member of staff following a serious complaint.

The governing body has nominated a number of members with delegated powers to hear complaints at that stage, and set out its terms of reference. These include:

- drawing up its procedures;
- hearing individual appeals;
- making recommendations on policy as a result of complaints.

The Complaints Appeal Panel is drawn from the nominated members and consists of three governors. The panel will choose their own Chair.

The complainant and the person who is the subject of the complaint (if appropriate) should be permitted to bring a supporter (friend, spouse, union representative etc) should they so choose.

#### **The Remit of the Complaints Appeal Panel**

The panel can:

- Dismiss the complaint in whole or part
- Uphold the complaint in whole or 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.

If a complaint has completed the local procedures and the complainant remains dissatisfied with the findings of the Complaints Appeal Panel, they have the right to refer their complaint to the Secretary of State. The Secretary of State has a duty to consider all complaints raised but will only intervene where the governing body has acted unlawfully or unreasonably and where it is expedient or practical to do so.

#### **The Complaints Panel**

- a) The appeal hearing is independent and impartial. No governors 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 try to ensure that it is a cross-section of the categories of governors and sensitive to the issues of race, gender and religious affiliation.

- b) The aim of the hearing, which is held in private, is always to resolve the complaint and achieve reconciliation between the school and the complainant. However, it has to be recognised 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) The panel chair will ensure that the proceedings are as welcoming as possible. The layout of the room will set the tone and the setting will be informal and not adversarial.
- d) When the complainant is a child, careful consideration of the atmosphere and proceeding will ensure the child does not feel intimidated. The panel will be aware of the views of the child and give them equal consideration to those of adults. Where the child's parent is the complainant, it would be helpful to give the parent the opportunity to say which part of the hearing, if any, the child needs to attend. It would not normally be appropriate for the child to be present throughout the meeting.
- e) The governors sitting on the panel are aware of the complaints procedure.
- f) The complaints procedure will be reviewed annually by members of the complaints committee during the summer term curriculum committee meeting, noting the number and nature of complaints.

### **\*Recording Complaints**

At Bishop Hooper School we ensure that we comply with our obligations under the Equality Act 2010. It is common practice to ask for complaints to be made by using a complaint form (see form at the end of this document) or in writing, however the complainant may have communication preferences due to disability or learning difficulties and school will allow alternative methods of contact:

- A complaint may be made in person, by telephone, or in writing;
- In order to prevent any later challenge or disagreement over what was said, brief notes of meetings and telephone calls will be kept and a copy of any written response added to the record. Where there are communication difficulties, school may use recording devices to ensure the complainant is able to access and review the discussions at a later point;
- School will record the progress of the complaint and the final outcome. The headteacher is responsible for these records and holds them centrally.
- Complainants have a right to copies of these records under the Freedom of Information and Data Protection Acts.

### **Complaints not in scope of the procedure**

**A complaints procedure should cover all complaints about any provision of facilities or services that a school provides with the exceptions listed below, for which there are separate (statutory) procedures:**

## Who to contact

- Admissions to schools
- Statutory assessments of Special Educational Needs (SEN)
- School re-organisation proposals
- Matters likely to require a Child Protection Investigation

Concerns should be raised direct with local authorities (LA). For school admissions, it will depend on who is the admission authority (either the school or the LA). Complaints about admission appeals for maintained schools are dealt with by the Local Government Ombudsman.

- Exclusion of children from school

Further information about raising concerns about exclusion can be found at: [www.gov.uk/school-discipline-exclusions/exclusions](http://www.gov.uk/school-discipline-exclusions/exclusions).

- Whistleblowing

Schools have an internal whistleblowing procedure for their employees and voluntary staff. Other concerns can be raised direct with Ofsted by telephone on: 0300 123 3155, via email at: [whistleblowing@ofsted.gov.uk](mailto:whistleblowing@ofsted.gov.uk) or by writing to: WBHL, Ofsted Piccadilly Gate Store Street Manchester M1 2WD. The Department for Education is also a prescribed body for whistleblowing in education.

- Staff grievances and disciplinary procedures

These matters will invoke the school's internal grievance procedures. Complainants will not be informed of the outcome of any investigation.

- Complaints about services provided by other providers who may use school premises or facilities.

Providers should have their own complaints procedure to deal with complaints about service. They should be contacted direct.

## **Appendix 1: Checklist for a Panel Hearing**

The panel needs to take the following points into account:

- The hearing is as informal as possible.
- Witnesses are only required to attend for the part of the hearing in which they give their evidence.
- After introductions, the complainant is invited to explain their complaint. This is then followed by their witnesses.
- The headteacher may question both the complainant and the witnesses after each has spoken.
- The headteacher is then invited to explain the school's actions and is followed by the school's witnesses.
- The complainant may question both the headteacher and the witnesses after each has spoken.
- The panel may ask questions at any point.
- The complainant is then invited to sum up their complaint.
- The headteacher is then invited to sum up the school's actions and response to the complaint.
- Both parties leave together while the panel decides on the issues.
- The Chair explains that both parties will hear from the panel within a set time scale.

## **Appendix 2:**

### **Roles and Responsibilities**

#### **The Complainant**

The complainant or person who makes the complaint will receive a more effective response to the complaint if he/she:-

- co-operates with the school in seeking a solution to the complaint;
- expresses the complaint in full as early as possible;
- responds promptly to requests for information or meetings or in agreeing the details of the complaint;
- asks for assistance as needed;
- treats all those involved in the complaint with respect.

#### **The Complaints Co-ordinator (or headteacher)**

The complaints co-ordinator should:-

- ensure that the complainant is fully updated at each stage of the procedure;
- ensure that all people involved in the complaint procedure will be aware of the legislation around complaints including the Equality Act 2010, Data Protection Act 1998 and Freedom of Information Act 2000;
- liaise with staff members, Chair of Governors and Clerk to ensure the smooth running of the complaints procedure;
- keep records;
- be aware of issues regarding:
  - sharing third party information;
  - additional support - this may be needed by complainants when making a complaint including interpretation support.

#### **The Investigator**

The Investigator is the person involved in Stages 1 and 2 of the procedure. The Investigator's role can include:-

- providing a comprehensive, open, transparent and fair consideration of the complaint through:
  - sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved;
  - consideration of records and other relevant information;
  - interviewing staff and children/young people and other people relevant to the complaint;
  - analysing information;
- effectively liaising with the complainant and the complaints co-ordinator as appropriate to clarify what the complainant feels would put things right;
- identifying solutions and recommending courses of action to resolve problems;
- being mindful of the timescales to respond; and
- responding to the complainant in plain and clear language.

The person investigating the complaint should make sure that they:

- conduct interviews with an open mind and be prepared to persist in the questioning;
- keep notes of interviews or arrange for an independent note taker to record minutes of the meeting.

## **The Role of The Clerk**

Any panel or group of governors considering complaints is clerked. The clerk is the contact point for the complainant and is required to:

- Set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible. (While it may be appropriate to offer a selection of dates, panel meetings can proceed in the absence of a complainant if no mutual date is agreed.)
- Collate any written material and send it to the parties in advance of the hearing (at least five school days in advance)
- Meet and welcome the parties as they arrive at the hearing
- Record the proceedings
- Notify all parties of the panel's decision

As best practice, the Clerk should share copies of the panel meeting minutes with all parties involved in the panel hearing, providing a reasonable opportunity for the minutes to be agreed and if necessary, challenged.

It is important that the clerk does not influence in any way the decision taken by the committee and must be seen to be impartial at all times.

## **The Role of the Chair of the Governing Body**

The chair of the governing body shall:

Check that the correct procedure has been followed

If a hearing is appropriate, notify the clerk to arrange the meeting

## **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 key issues are addressed
- Key findings of fact are made
- Parents and others who may not be used to speaking at such hearings 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 it would be useful to give all parties the opportunity to consider and comment on it.

## **Panel Member**

Panellists will need to be aware that:-

- it is important that the review panel hearing is independent and impartial, and that it is seen to be so;

No governor may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it.

- 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 must 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.

- many complainants will feel nervous and inhibited in a formal setting; Parents/carers often feel emotional when discussing an issue that affects their child. The panel chair will ensure that the proceedings are as welcoming as possible.

- extra care needs to be taken when the complainant is a child/young person and present during all or part of the hearing;

Careful consideration of the atmosphere and proceedings will ensure that the child/young person does not feel intimidated. The panel should respect the views of the child/young person and give them equal consideration to those of adults.

If the child/young person is the complainant, the panel should ask in advance if any support is needed to help them present their complaint. Where the child/young person's parent is the complainant, the panel should give the parent the opportunity to say which parts of the hearing, if any, the child/young person needs to attend. The parent should be advised however that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting which the panel considers not to be in the child/young person's best interests.

- The welfare of the child/young person is paramount.

### **Notification of the Panel's Decision**

The chair of the panel will ensure that the complainant is notified of the panel's decision, in writing, with the panel's response within seven days of the meeting. The letter will explain that the complainant can contact the Secretary of State for Education if they wish to pursue the matter.

Further information for complainants can be obtained from the SCU by calling the National Helpline on **0370 000 2288** or going online at: [www.education.gov.uk/help/contactus](http://www.education.gov.uk/help/contactus) or by writing to:

Department for Education  
School Complaints Unit  
Ministerial and Public Communications Division  
2nd Floor, Piccadilly Gate  
Store Street  
Manchester  
M1 2WD

Date Policy Adopted: May 2011  
Date last reviewed: June 2016  
Date of next review: June 2018

## Complaint Form

Please complete and return to Mrs Kerri Phelps (Headteacher) who will acknowledge receipt and explain what action will be taken.

<b>Your name:</b>
<b>Pupil's name (if relevant):</b>
<b>Your relationship to the pupil (if relevant):</b>
<b>Address:</b>          <b>Postcode:</b> <b>Day time telephone number:</b> <b>Evening telephone number:</b>
<b>Please give details of your complaint.</b>

**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.**

<b>Signature:</b>
<b>Date:</b>
<b>Official use</b>
<b>Date acknowledgement sent:</b>
<b>By who:</b>
<b>Complaint referred to:</b>
<b>Date:</b>

