

Part 1

Name of policy	P10 Complaints
Status of policy	This is a statutory policy
Consultation	This policy has been developed following consultation with Pastoral Governors, Senior Leadership Team, Teaching Staff and Support Staff
Relationship with other policies	This policy should be read in conjunction with S4 Staff discipline and grievance , 'How to complain about a Bracknell Forest School' (public guidance leaflet 2010); 'Bracknell Forest Council Corporate Complaints Procedure'. This policy complies with Section 29 of the Education Act 2002
Date policy was agreed	24 th February 2016
Date for full implementation	Immediate
Date for review	Every 2 years – February 2018

Part 2

Policy

1. Edgbarrow School is concerned with meeting the needs of students, parents and others who have a stake in the school. The governing body believes that feedback is an important aspect of self review, school improvement and the raising of standards. Students, parents, carers or other adults who have concerns or complaints should feel that they can be voiced and that the complaint will be considered seriously.
2. The Headteacher will seek to resolve complaints by informal means wherever possible
3. Certain topics are beyond the scope of this policy for example complaints about the national curriculum, collective worship, religious education, pupil exclusions and school admissions. These will be covered directly by the Bracknell Forest Council Local Authority (the LA). In such cases the Headteacher will advise the complainant and direct them to the LA.
4. This policy sets out the most suitable and effective process for dealing with the majority of complaints which are not covered by alternative statutory procedures (see above). In most cases any concern or complaint, regardless of whose attention it is initially brought to, should be discussed informally. All complaints will be dealt with through stages which are outlined below:
 - **Stage 1 (School)** Complaint discussed informally with an appropriate member of school staff. Complainant advised of any action to be taken where appropriate.
 - **Stage 2 (School)** Complaint discussed informally with Headteacher. If an informal resolution is not reached, complaint is submitted in writing to the Headteacher who formally acknowledges it within 5 school days. Investigation conducted and findings fully reported to complainant within a further 10 school days.
 - **Stage 3 (School)** Complaint submitted in written form to the Chair of Governors who acknowledges it within 10 school days. The Chair of Governors determines how the complaint is to be dealt with. If necessary, the Chair of Governors will select a panel of Governors to attend a complaints hearing. The committee must meet within 15 school days and the committee's findings will be reported to the complainant within 5 days of this hearing.
 - **Stage 4 (Local Authority)** Complaint submitted to the LA on the basis that original complaint was not properly dealt with by the school's complaint procedure. The LA acknowledges complaint within 3 working days and informs

- the Chair of Governors. The LA investigates complaint and reports its findings to the Chair of Governors and complainant within a further 20 working days.
- **Stage 5 (Local Government Ombudsman or the Secretary of State for Education.)** Complaint submitted in writing to the Local Government Ombudsman or the Secretary of State for Education. The Ombudsman only investigates issues of maladministration. The Secretary of State may intervene if a governing body or LA has not carried out its statutory duty or has acted unreasonably.
5. Complaints will be dealt with quickly, fully and fairly and within the clearly defined time limits. The aim is to provide effective responses and appropriate redress whilst maintaining good working relationships between all people involved with the school.
 6. Although each of the stages within the procedure should occur consecutively, it is not necessary for each stage to immediately follow the last. Complainants may need some time to decide whether or not they wish to pursue the matter any further.
 7. The Chair of Governors can write to a complainant and refuse to consider their complaint at stage 3 if he or she feels that there are insufficient grounds to do so, if the complaint has already been considered at this stage or if it has been closed. In all cases, the complainant then has the right to take their complaint to the LA (stage 4) who will, if appropriate, investigate the school's adherence to the complaints policy.
 8. If at any stage, as the result of a complaint, a decision or course of action is taken with regards to an individual (apart from the complainant) which they feel is ungrounded, unjustified or incorrect they have the right to appeal.
 9. This policy will be available via the school website or at request
 10. Confidentiality is vital. All conversations and correspondence will be treated with discretion. Complainants have the right to know what use will be made of personal information and, accordingly, personal information will only be shared between staff on a 'need to know' basis.

Monitoring and evaluation

11. All complaints and the action taken will be documented and will be reported to the Chair of Governors.

Part 3

Procedures

12. Stage 1 (informal)

The vast majority of concerns and complaints can be dealt with informally. There are many occasions where concerns are resolved straight away without the need to submit a formal complaint. Indeed, many concerns raised at this level might not be classified as complaints.

Individuals may decide to raise their concerns with a member of the school administrative staff, class teacher, senior teacher, governor or Headteacher depending on their wishes and the type of issues they want to discuss. All members of staff should report a complaint to their line manager.

Complaints are not recorded at this level and there are no specific time scales for dealing with concerns at this stage. However, as at all stages, issues will be considered and dealt with as quickly and effectively as possible. The individual who raised the issue should be informed of any action to be taken to resolve the issue. If appropriate, this might be confirmed in writing. If the individual is dissatisfied with the response they have been given and would like to take their complaint further, they should be referred to the school's complaints procedure as set out in this policy and the LA's public guidance leaflet and told how to move on to the next stage.

13. Stage 2 (School)

When a complaint is made directly against the school's Headteacher, stage 2 is not required and the formal procedure begins at stage 3.

Before proceeding with a formal investigation, the Headteacher will seek to meet with the individual and discuss their concerns and wishes. It may still be appropriate and satisfactory to reach an informal resolution at this point. If not, the Headteacher will decide whether the individual's complaint will be dealt with by this policy or another statutory procedure and advise them on what they will need to do.

By this stage it must be clear that the concern is a definite complaint which will be dealt with according to this policy and therefore should be formally submitted in writing to the Headteacher.

The Headteacher will formally acknowledge the complaint within 5 school days of receiving it and begin an investigation.

The investigation

The Headteacher will need to investigate the complaint and review any relevant policies, documentation and information. If necessary, the Headteacher will interview witnesses and take statements from those involved. If the complaint centres around a pupil, the pupil will also usually be interviewed.

The Headteacher will provide the complainant with a full written response within 10 school days of acknowledging it. This response will determine whether or not the complaint has been upheld, the reasons why, and what action (if any) will be taken.

If the individual is dissatisfied with the response they have been given and would like to take their complaint further, they should be referred to the school's complaints procedure as set out in this policy and the LA's public guidance leaflet and told how to move on to the next stage.

14. Stage 3 (School)

The complainant must submit a written request to the Chair of Governors for their complaint to be considered by a complaints committee. The Chair of Governors should acknowledge receipt of this letter within 5 school days if possible but no more than ten at most by writing to the complainant. This letter will inform them that their complaint will be heard by a complaints committee within 15 school days.

However, in some cases, it may be possible and appropriate for the Chair of Governors to resolve the issue with the complainant by other means without the need for a complaints committee review.

This is the first stage under which a formal complaint about the Headteacher will be dealt with.

The complaints committee must be clerked. The clerk may be a member of the school staff, the clerk to the governing body or another governor.

The Chair of Governors will ask the clerk to convene a meeting of the complaints committee. The membership of the complaints committee will usually comprise three members of the Governing Body's Pastoral Committee who have not previously been involved with dealing with the complaint. The committee should elect its own chair.

The clerk should then formally write to the complainant, the Headteacher and any other relevant staff or witnesses and inform them of the date and time of the hearing; of the aims and objectives of hearing and how it will be conducted; that any documentation they wish the committee to consider must be returned to the clerk no later than 5 school days before the hearing takes place; of the rights of equal access, accompaniment and representation as set out within this policy and how and when the committee will reach their decision. The Clerk will check that date chosen is convenient for the complainant.

The key roles and responsibilities of the complaints committee are summarised in **Annex 1** and the hearing procedures are summarised in **Annex 2**.

If the individual is dissatisfied with the response they have been given following the hearing and would like to take their complaint further, they should be referred to the school's complaints procedure as set out in this policy and the LA's public guidance leaflet and told how to move on to the next stage.

15. Stage 4 (Local Authority)

Complainants are entitled to complain to the LA if they believe that their complaint was not handled fairly and in accordance with the school's complaints policy. Complaints can only be considered once the school's procedures have been completed in full.

Submitting a formal complaint

Complaints must be submitted, in writing, to the following address:

The Director of Children, Young People & Learning, Bracknell Forest Council, Seymour House, 38 Broadway, Bracknell, Berkshire, RG12 1AU

This written complaint must include the following information:

- Details of the original complaint;
- The judgment and action taken by the governing body;
- Reasons for believing that the original complaint was not dealt with fairly and in accordance with the school's complaints procedure;
- The expected or desired outcome.

Acknowledgement and time scales

The LA will write to the complainant and formally acknowledge their complaint within 3 working days of receipt.

The LA will also write to the school's Headteacher and Chair of Governors to inform them that a complaint has been made against the actions they have taken with regards to the original complaint.

The investigation

The LA will examine all relevant documentation considered by the school in their original investigation as well as the records and correspondence produced at each stage.

The response

The LA will write to the complainant and inform them of their findings within 20 working days of acknowledging their original complaint. Copies of this letter will be sent to the Headteacher and Chair of Governors.

Possible outcomes

If the LA decides that the school has failed to handle the original complaint fairly and according to its complaints policy the matter will be referred back to the governing body.

The governing body will then be requested to reinvestigate the complaint as stage 3 and appoint a new complaints committee.

Options for the complainant

If the individual remains dissatisfied with the response they have been given and would like to take their complaint further, they will be told how to move to the next stage

16. Stage 5 (The Local Government Ombudsman and the Secretary of State)

Complaining to the Ombudsman

If a complainant feels that there has been maladministration in the manner in which a complaint has been dealt with, they can take this to the Local Government Ombudsman. The Ombudsman can investigate complaints about how something has been done but he or she cannot question what has been done simply because someone does not agree with it. The Ombudsman cannot investigate the internal management of schools or colleges.

Contact details: Local Government Ombudsman, PO Box 4771, Coventry CV4 0EH
Phone: 0300 061 0614 **Web site:** www.lgo.org.uk

Complaining to the Secretary of State

Complainants have a right of appeal to the Secretary of State for Education under sections 496 or 497 of the 1996 Education Act if they believe that the LA has acted unreasonably. If the Secretary of State agrees that a complaint is justified, the DfE has the power to require the LA to take certain actions including issuing instructions to school governing bodies in appropriate circumstances, although in practice this would be very rarely exercised.

Contact details: The DfE can be contacted on: **Phone:** 037 000 2288 **Fax:** 01928 738248 **Mail:** Secretary of State for Education, Castle View House, East Lane, Runcorn, Cheshire WA7 2GJ

17. Upholding or not upholding complaints

At each stage of the complaints procedure, the conclusion will be either that firstly the complaint is upheld (in part or in full) and, where appropriate, some form of action is taken or secondly that the complaint is not upheld and reasons for this are clearly given.

In the first instance, 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 explanation of the steps that have been taken to prevent re-occurrence;
- an undertaking to review school policies in light of the complaint.

In the second instance, the complainant may either choose to take no further action or to take their complaint to the next relevant stage.

18. Equal access, accompaniment and representation

Appropriate steps will be taken to ensure that any individual has the opportunity to raise their concerns or submit a formal complaint. This includes the right to be accompanied or represented by a friend or relative at discussions and hearings and/or to submit formal complaints which have been written by another individual on their behalf.

Should any meeting need to be held where any parties would have difficulties in terms of access, appropriate arrangements will be made. It is an expectation that equal respect will be granted to each person involved within the process and that differences between people will be respected and understood.

19. Recording of information

At all formal stages of the complaints procedure, the following information should be recorded:

- The name of the complainant;
- The date and time at which the complaint was made;
- The details of the complaint;
- The desired outcome of the complainant;
- How the complaint is investigated (including written records of interviews held);
- Results and conclusions of investigations;
- Any action taken;
- The complainant's response (satisfaction or further pursuit of complaint).

Annex 1

Review by Complaints Committee – Key Roles and Responsibilities

The Role of the Clerk

The clerk organises the complaints committee review. He or she will need to:

- Set the date, time and venue of the review, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible;
- Collate any written material and send it to all parties in advance of the review;
- Meet and welcome the parties as they arrive at the review;
- Record the proceedings;
- Notify all parties of the committee's decision.

The Role of the Chair of Governors

The Chair of Governors should:

- Check that the correct procedure has been followed;
- If a review is appropriate, notify the clerk to arrange the committee.

The Role of the Chair of the Complaints Committee

The chair of the complaints committee has a key role. He or she will need to ensure that:

- The remit of the committee 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 review are put at ease;
- The review will be conducted in a manner which would encourage each party to treat the other with respect and courtesy;
- The committee is open minded and acting independently;
- No member of the committee 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.

The chair of the complaints committee needs to ensure that the complainant is notified of the committee's decision, in writing, with the committee's response within 5 school days. This letter will explain if there are any further rights of appeal and, if so, to whom they need to be addressed.

Review by Complaints Committee – Hearing Procedure

The hearing

The hearing should allow each party involved to explain their understanding or interpretation of events and for other parties to question them. The hearing will, therefore, usually operate according to the following format:

- The chair will introduce all parties to one another and explain the principles, objectives and format of the hearing
- The complainant will be given the opportunity to explain their complaint. Following this the Headteacher and the complaints committee will be allowed to ask the complainant questions.
- The Headteacher will then be given an opportunity to explain the school's official response, interpretation or view about the complaint. Following this the complainant and committee will be allowed to question the Headteacher.
- Every party will be given the opportunity to call witnesses and question witnesses called by other parties.
- The Headteacher and the complainant will both be given the chance to give final statements.
- The hearing will be concluded by the chair who should explain that the committee will consider its decision and write to both parties within 5 school days informing them of the outcome.

This format will need to be altered under certain circumstances, including instances where the LA, rather than the Headteacher, has played an investigating role. Ultimately, the chair of the meeting has control over its proceedings.

After the hearing

The committee will then consider the complaint and all the evidence presented and:

- Reach a unanimous, or at least a majority decision, on the complaint;
- Decide upon the appropriate action (if any) to be taken;
- Where appropriate, suggest changes to, or request a review of, the school's systems or procedures to ensure that problems of a similar nature do not happen again.

This information will be included in both the letters to the Headteacher and the complainant.