



Brindishe Schools Concerns and Complaints Policy

This document sets out the steps to resolve any concerns and complaints.

Concerns

Through building positive relationships and effective communication we aim to ensure that parents and carers feel able to voice any concerns in an informal way.

Concerns ought to be handled, if at all possible, without the need for formal procedures.

We hope that by taking informal concerns seriously at the earliest stage we will reduce the number that develop into formal complaints. However, formal complaints should always follow the complaints procedure.

Dealing with complaints – formal procedures

If informal procedures do not allay concerns and it is not possible to resolve the issue, the school's formal Complaints Procedure will be followed. These procedures aim to be swift, fair, impartial, non-adversarial and non-confrontational.

Our 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 and non confrontational
- 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

We expect parents/ carers and staff at all times to talk to each other with respect and to listen carefully to what each other has to say.

Investigating Complaints

At each stage, the person investigating the complaint must ensure 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 if further information is required)
- clarify what the complainant feels would put things right
- interview those involved in the matter and/or those complained about, 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

Complainants will be encouraged to state what actions they feel might resolve the problem at any stage. We accept that all humans make mistakes.

An admission that the school made a mistake or could have handled the situation better is not the same as an admission of negligence.

At each stage in the procedure we 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 explanation
- an apology
- 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

Vexatious Complaints (see further guidance appendix 3)

The complaints procedure is not to be used in a frivolous, vexatious or unreasonable manner. Such use is considered to be an abuse of process and the complaints procedure is an inappropriate mechanism to deal with it. A letter from the Chair of Governors/Headteacher will be sent to the complainant if it is felt that the complaint is vexatious or frivolous or unreasonable.

Time Limits

It is reasonable to expect parents/carers to make a complaint as soon as possible after an incident arises and at least within three months. There may, however be good reasons why this is not the case and consideration will be given to extending the cut off in very exceptional circumstances.

The Complaints Procedure

The following procedure must be followed, stage by stage.

Stage 1 TALK TO THE TEACHER

If you are worried about something that has happened in school concerning your child, talk to the class teacher before or after school or by making an appointment via the school office, giving an outline of your concern.

We do not expect parents to go to the headteacher **first** unless:

- You have **serious** concerns about a teacher's actions or behaviour
- You have concerns about the conduct of a governor or member of staff who is not a teacher

Stage 2 TALK TO THE DEPUTY HEADTEACHER OR HEADTEACHER

If talking to the teacher does not seem to have resolved a particular problem, you should make an appointment to see the Deputy Head or Headteacher or in some circumstances the Executive Head. If your complaint is about the Headteacher you should address it to the Executive Head. You can expect them to investigate your concerns, and to discuss the outcome with you and/or respond within 10 school working days. If your complaint is about the Executive Head, your complaint should be taken to the Chair of the governing body.

Stage 3 COMPLAINT HEARD BY CHAIR OF GOVERNORS

If the complainant is not satisfied with the response of the Deputy Head of School/ Headteacher /Executive Head, the complainant should write to the Chair of Governors to request that their complaint is considered further.

The Chair or a nominated governor will review the way in which the school handled and responded to the complaint and will ensure that the issues have been dealt with properly and fairly.

The Chair will write to the complainant with the outcome of this process within 15 school working days of receiving the complaint.

Stage 4 COMPLAINT HEARD BY GOVERNING BODY'S COMPLAINTS APPEAL PANEL

The complainant needs to put the complaint in writing and send it to the school office for the attention of the Clerk to the Governing Body.

The clerk to the governing body will convene a Governing Body complaints panel. This will be a panel of 3 governors, who have not previously been involved with the complaint.

A Complaint Form is provided to assist you. See Appendix 1

You should include details, which might assist the investigation, such as names of potential witnesses, dates and times of events, and copies of relevant documents.

It is very important that you include a clear statement of the actions that you would like the school to take to resolve your concern. Without this, it is difficult to proceed.

The clerk will seek similar written responses from the school, where this is necessary.

A meeting of the panel will take place, usually within 15 school days, to consider the matter. The complainant (who may be accompanied by a friend if they wish) and representative(s) from the school (who may also be accompanied by workplace colleagues or representatives from their professional associations) may be invited to attend this meeting in order to clarify the matter.

As the panel meeting is intended to be investigatory, rather than adversarial, the persons giving evidence or making representations to the panel will normally attend separately.

Further Guidance see Appendix 2

The remit of the Complaints Appeal Panel

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.

Notification of the Panel's Decision

You should be informed of the panel's decision in writing, usually within 10 school working days of the hearing.

Consideration of the complaint by the Governing Body and the school, except for any actions that are agreed, will terminate at this point.

If the complainant is not satisfied the final stage of appeal is to the Secretary of State for Education.

Complainants should be advised to write to The School Complaints Unit (SCU) at:
Department for Education 2nd Floor, Piccadilly Gate Manchester M1 2WD

Recording Complaints

Managing and Recording Complaints

Stage 1 – 3. The school will record the progress of the complaint including notes of meetings and telephone calls as well as the final outcome. Where appropriate the school will draft a letter confirming what has been discussed and agreed.

Stage 4. The hearing will be minuted by the clerk to the governing body.

Governing Body Review

The GB will monitor the level and nature of complaints and review the outcomes on a termly basis to ensure the effectiveness of the procedure and make changes where necessary. Complaint information shared with the whole GB will not name individuals.

As well as addressing an individual's complaint, the process of listening to and resolving complaints will contribute to the school's improvement. When individual complaints are heard, the school may identify underlying issues that need to be addressed.

Appendix 1

Brindishe Schools' Complaint Form

Child's name:

Your name:

Your relationship to the pupil:

Address:

Postcode:

Daytime telephone number:

Evening telephone number:

Please give details of your complaint. (*Note - no further complaints/issues can be added at a later date*).

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

What action(s) do you feel might resolve the problem at this stage?

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

Signature:

Date

.....**School use only**

Date received and by whom

Date acknowledgement sent and by whom

Complaint referred to:

Date:

Appendix 2

Guidance for the Complaints Appeal Panel

There are several points, which any governor sitting on a complaints panel needs to remember:

It is important that the appeal hearing is independent and impartial and that it is seen to be so.

No governor may sit on the panel if they have had 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.

The aim of the hearing, which needs to 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.

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

The role of the Clerk

The meeting of any panel or group of governors considering complaints will be clerked.

The clerk would be the contact point person for the complainant and be 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;
- collate any written material and send it to the parties in advance of the hearing (recommended at least five school days in advance);
- meet and welcome the parties as they arrive at the hearing;
- record the proceedings;
- liaise with the chair of the panel about how the panel's decision will be communicated.

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 presenting their case without undue interruption;
- the issues are addressed;
- key findings of facts 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.

Appendix 3

How we respond to 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.

We expect that at all times reasonable standards of behaviour to be maintained in any dealings with the School. These include:

- behaving reasonably
- treating others with courtesy and respect
- resolving complaints using the School's Complaints Procedure
- avoiding physical and verbal aggression at all times

If, in the unlikely event that complainants behave in a manner deemed by the Chair of Governors to be unreasonable when raising and/or pursuing concerns, the school may take the following action to uphold the standards of courtesy and reasonableness that should characterise all communication.

Complaints that may be deemed unreasonable, or are made in a way that may be deemed unreasonable could be characterised by:

- actions which are obsessive, persistent, harassing, prolific, repetitious
- prolific correspondence or excessive e-mail or telephone contact about a concern or complaint
- an insistence upon pursuing unsubstantial complaints and/or unrealistic or unreasonable outcomes
- an insistence upon repeatedly pursuing a complaint when the outcome is not satisfactory to the Complaint but cannot be changed, for example, if the desired outcome is beyond the remit of the school because it is unlawful.
- appear to be targeted over a significant period of time on one or more members of school staff
- cause ongoing distress to individual member(s) of school staff and/or have a significant adverse effect on the whole/parts of the school community
- are pursued in a manner which can be perceived as intimidating and oppressive by the recipient.

If the school has cause to believe that a complainant is vexatious or unreasonable as outlined above, in the first instance the School will verbally 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. (Model letter 1 in appendix 3)

If the behaviour is not modified the School will inform the complainant in writing that his/her behaviour is now considered by the School to be unreasonable/unacceptable and 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. The complainant will additionally be informed that, except in emergencies, all routine communication with the Complainant to the School should be by letter only. (Model Letter 2 in Appendix 3).

In extreme cases a ban from school premises or legal action may be considered.

MODEL LETTER 1:appendix 3

**INITIAL LETTER INFORMING A COMPLAINANT THAT HIS/HER BEHAVIOUR IS
CONSIDERED TO FALL BELOW A REASONABLE/ ACCEPTABLE STANDARD**

RECORDED DELIVERY

Dear

This letter is to inform you that the School considers your actions in [describe actions, dates, behaviour] on..... when you to be unreasonable/unacceptable [delete as appropriate].

We would ask you to bear in mind the fact that such behaviour on a school site can be disruptive and distressing to pupils, staff and parents/carers [delete if behaviour complained of did not occur on school site e.g. persistent use of e-mail, verbally abusive telephone calls].

We are aware that you have raised some concerns, and would advise you that these are usually dealt with most effectively through the School's Complaints Procedure.

At the moment we are dealing with these issues by [describe actions being taken to resolve concern].

Please note that within the School's Complaints Policy the section on Vexatious Complaints sets out standards of behaviour expected of all people in their dealings with the School. These include:

- behaving reasonably
- treating others with courtesy and respect
- resolving complaints using the School's Complaints Procedure
- avoiding physical and verbal aggression at all times

The Policy also indicates the steps that we may take if these standards are breached. These include:

- making special arrangements for meetings and communication with the School
- considering a ban from the School premises
- considering legal action

I would ask that you allow the School time to resolve the issues according to the correct procedures, and would assure you that we shall take every possible step to move this process forward as quickly as possible.

Yours sincerely

Headteacher

**OFFICIALLY INFORMING A COMPLAINANT THAT HIS/HER BEHAVIOUR IS NOW
CONSIDERED TO FALL UNDER THE TERMS OF THE POLICY FOR DEALING WITH
PERSISTENT OR VEXATIOUS COMPLAINTS / HARASSMENT**

RECORDED DELIVERY

Dear

You will recall that I wrote to you on [insert date] telling you that I felt your behaviour was unreasonable.

I am now writing to inform you that in view of your behaviour on [date], when you [describe actions/behaviour] it has been decided that the School's Policy for Dealing with Persistent or Vexatious Complaints/Harassment Policy will apply.

In the circumstances I have made the following arrangements for your future contact with the school:

[*Delete as applicable]

*For the foreseeable future, should you wish to meet with a member of staff, I would ask you to note:

(a) an appointment will be arranged and confirmed in writing as soon as possible;

(b) a third party from the school will be present;

(c) in the interests of all parties, formal notes of this meeting may be made.

* For the foreseeable future, all routine communication with the School should be by letter only. Please address letters to at the School. We shall respond as quickly as possible. E-mail correspondence will not be responded to.

Exceptionally, these arrangements do not apply to any emergency involving [insert name of student] – in which case you should contact the school in the usual way – or to parent / teacher meetings, which will continue as in the past, but with a third party from the school present.

These arrangements take effect straightaway. If you wish to make a representation about the contents of this letter, which may include any expressions of regret on your part and any assurances you are prepared to give about your future good conduct, you can do so by writing to me at the school by [state ten working days from the date of the letter]. If on receipt of your comments I consider that the arrangements outlined above should continue, you will be supplied with details of how to review a circumstance of your case.

I do hope that the difficulties we are currently experiencing can soon be resolved.

Yours sincerely

Headteacher