



BJS Federation of Schools

Approved by: Schools Human Resource

Policy Adopted by Executive Headteacher on: Autumn 2021

Policy Due for Review: As updated by the Local Authority

A handwritten signature in black ink, appearing to read "A. Parker".

Signed _____
Ms A. Parker, Executive Headteacher

A handwritten signature in black ink, appearing to read "F. Morris".

Signed _____
Mrs F. Morris, Chair of Full Governing Board



1. Introduction

1.1 From 1 September 2003, Governing Board of all maintained schools and nursery schools in England are required, under Section 29 of the Education Act 2002, to have a procedure in place to deal with complaints relating to the school and to any community facilities or services that the school provides. The law also requires the procedure to be publicised.

1.2 The majority of schools already have a complaints procedure in place, based on Local Authority (LA) or Diocesan Board models. This document has been produced after consultation with trade unions by the LA and is therefore recommended to Governing Board as a model document. It is anticipated that this document will be considered by the Governing Board, who will then decide whether they wish to adopt the model complaints procedure. The decision on whether or not to adopt this procedure must be recorded by the clerk.

2. Policy

2.1 Aim

The schools Governors and the Executive Headteacher are committed to providing the best educational experience they can for all pupils attending our school. They recognise the value to all concerned of dealing fairly, speedily, and effectively with any complaint against their decisions, actions, or omissions, which a pupil or parent or other aggrieved person may have. To this end, they have adopted the underlying principles and procedures set out in this document.

2.2 Purpose

To establish a procedure for dealing with complaints relating to schools and community services as required by section 29(1) (a) of the Education Act 2002.

2.2.1 The Education Act 2002

Section 29 of the Education Act 2002 requires that:

1. The Governing Board of a maintained school (including a maintained nursery school) shall
a) establish procedures for dealing with all complaints relating to the school or to the provision of facilities or services under section 27, other than complaints failing to be dealt with in accordance with any procedures required to be established in relation to the school by virtue of a statutory provision other than this section, and

b) publicise the procedures so established.

2. In establishing or publicising procedures under subsection (1), the Governing Board shall have regard to any guidance given from time to time (in relation to England) by the Secretary of State.

2.3 Section 39 of the Education Act 2002 provides the following:

1. "maintained school" means a community, foundation or voluntary school, a community or foundation special school or a maintained nursery school.

3. "maintained nursery school" means a nursery school which is maintained by a local education authority and is not a special school.

4. "pre-School" means a pre nursery which is maintained by the local authority.

2.3 Publicising the Procedure

There is a legal requirement for the Complaints Procedures to be publicised. It is up to the

Governing Board to decide how to fulfil this requirement, but details of the Complaints Procedures may be included in:

- the school prospectus.
- the Governors' report to parents.
- the information given to new parents when their children join the school.
- the information given to the children themselves.
- the home-school agreement.
- home school bulletins or newsletters.
- documents supplied to community users including course information or letting agreements.
- a specific complaints leaflet which includes a form on which a complaint can be made.
- posters displayed in areas of the school that will be used by the public, such as reception or the main entrance
- The school's website



3. Scope

3.1 The Complaints Policy applies to all matters relating to actions of staff and application of school procedures where they affect the individual pupils concerned, except matters relating to.

- admissions to schools
- exclusions
- special education provision
- school re-organisation
- matters concerning the curriculum under Section 19 and 23 of the Education Reform Act 1988
- child protection
- public examinations
- school records on individual pupils
- Safeguarding referrals

3.2 Schools have a duty to safeguard and promote the welfare of their pupils under section 75 of the Education Act 2002. This includes making referrals to the appropriate organisation, usually the Local Authorities children's' Social Care services if there is a concern about the welfare of a child.

3.3 Allegations of Abuse

Allegations of abuse against a member of staff will be dealt with under the School's Safeguarding and Disciplinary procedures.

4. General Principles

4.1 The procedure is designed to ensure that wherever possible, an informal resolution is attempted. All stages of the complaint's procedure should be investigatory rather than adversarial

4.2 To allow for a proper investigation, complaints should be brought to the attention of the school as soon as possible. Any complaint which is raised more than 3 months after the event will not be considered except in exceptional circumstances.

8.3 All complaints will be treated as confidential. Only those individuals concerned with investigating the complaint will have access to the file. No information regarding the

investigation will be made available publicly unless required by law.



5. Definition of a complaint

5.1 A complaint is a clear expression of dissatisfaction, however made, by a person or persons with a legitimate interest in the school (but not being employed at the school or on the Governing Board) about the standard of teaching, the conduct, actions, or lack of action, of members of the teaching or non-teaching staff employed at the school and anybody else working under the direction of the Executive Headteacher, which affects an individual or group.

5.2 Complaints about persons outside of the school will initially be dealt with by the Executive Headteacher as site manager and be referred to the appropriate authority.

6. Anonymous complaints

6.1 There is no duty for Executive Headteachers or Governors to pursue anonymous complaints because there is no named complainant to respond to. However, if such complaints allege or imply a serious matter that may be to the detriment of the school, then it will be at the Executive Headteacher's discretion to consider whether a case needs further investigation or not. Further investigation may be carried out in exceptional circumstances such as child protection issues or bullying allegations, where the school would involve appropriate external agencies.

7. Vexatious Complaints

7.1 There will be occasions when, on proper investigation, a complaint is deemed to be unfounded, malicious, or vexatious or when despite all stages of the procedure having been followed the complainant remains dissatisfied and wishes to reopen the same issue. In these circumstances the Chair of the Governing Board will inform the complainant in writing that the procedure has been exhausted and that the matter is closed.

8. Managing and Recording Complaints

8.1 *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 (including email). An example of a complaint form can be found at Annex 1. At the end of a meeting or telephone call, the member of staff should ensure 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.

8.2 *Governing Board Review*

The Governing Board should 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. Complaint's information shared with the whole Governing Board will not name individuals.

8.3 As well as addressing an individual's complaint, 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 Board can be used to evaluate the school's performance.



9. Procedure

9.1 How to share a concern

If a parent is concerned about anything to do with the education that we are providing at our school, they should, in the first instance, discuss the matter with their child's Class Teacher. Most matters of concern can be dealt with in this way. The Class Teacher may seek the advice and support of their Phase Leader so that a further appointment can be made with the parent. The parent can also request a meeting with a Phase Leader.

9.2 When a parent is still concerned because they feel that the situation has not been resolved, they should then make an appointment to speak with an Assistant Headteacher. Every effort is made to resolve the concern at this level.

9.3 The next stage of the informal complaints process is to make an appointment to see the Head of School. The Head of School will investigate the complaint and agree strategies with the parent to resolve the situation. There will be a further meeting with the Head of School and the parent, to review the progress.

9.4 Where a parent feels that a situation has not been resolved through contact with the Class Teacher, Children's Centre Manager, Phase Leader, Assistant Headteacher or Head of School, they may escalate to the formal stage with the Executive Headteacher.

9.5 **The complaints process – formal stage**

What to do if the matter is not resolved through informal discussions and meetings

If an informal complaint fails to resolve the matter, then a formal complaint should be made to the Executive Headteacher, outlining the failings the informal stage process. This complaint must be made in writing, stating the nature of the complaint. The Executive Headteacher will have a formal meeting with parent so that every effort is made to resolve the situation. A thorough investigation will be made and the Executive Headteacher will meet with parents to review progress against the strategies put in place.

9.6 When the complaint is still not resolved (after a formal complaint has been made to the Executive Headteacher) then the parent can make a formal complaint to the Chair of Governors. This complaint must be made in writing, stating the nature of the complaint and how the school has handled it so far. The parent should send this written complaint to the Chair of Governors through the school office.

9.7 The Chair of Governors must consider all written complaints within three weeks of receipt. The Chair of Governors arranges a meeting to discuss the complaint and invites the person making it to attend the meeting, so that they can explain their complaint in more detail. The school gives the complainant at least three days' notice of the meeting. After hearing all the evidence, the Chair of Governors considers their decision and informs the parent about it in writing. The Chair of Governors does all they can at this stage to resolve the complaint to the parent's satisfaction.

9.8 Further Stages

Following the Governors' complaints hearing at stage three, it is open to the complainant to pursue their complaint with the Secretary of State for Education or the office of the Ombudsman. The governing body will give full consideration to any recommendations or directions the Secretary of State may make. The complainant will be advised of this course of action should they remain dissatisfied with a decision made by the Governors' committee.

12. Review Process

12.1 The Review Process will be carried out by a panel of 3 members of the Governing Board. The panel will hear the complaint at a meeting attended separately by the complainant and the Executive Headteacher. Written evidence is submitted in advance to all parties and verbal evidence will be given at the review meeting.

12.2 The meeting will be conducted in an informal manner with each party treating the other with respect and courtesy. Once the meeting has ended, the Chair of the panel will explain that the panel will consider the issues and a written decision will be sent in writing within 10 working days.





Appendix 1

COMPLAINTS PROCEDURE FORMAL RECORD FORM

This section to be completed by the Service User:

Name:

Relationship with School

(e.g., parent of a pupil)

Address

Daytime Telephone number

Evening Telephone Number

Summary of Complaint

Please set out the details of your complaint (providing as much detail as possible, particularly dates, times, locations, and the identities of those involved). You may attach additional sheets if required but please be as concise as possible.



Individuals involved:

Please provide the names, job title, and contact details of any people involved in your complaint, including witnesses.

Have you tried to resolve the complaint informally? Yes
No

If yes, please provide a brief summary of the outcome and why you feel that your complaint has not been resolved satisfactorily.

If no, please provide a brief summary because you have not tried to resolve the complaint informally.

Resolution:

Please provide a brief summary of the resolution you are seeking

Signature

Date:



This section to be completed by the Executive Headteacher / Governor investigating the complaint

Name of investigating Executive Headteacher / Governor:

Date of meeting with the complainant:

Conclusions reached/decisions made/actions agreed following the meeting:

Date complainant notified of the outcome:



This section to be completed by the review panel chair

Date of review meeting:

Name of Governor chairing the review panel:

Summary of basis for review of the complaint:

Outcome of review

Date complainant notified of outcome of review:

Further comments

Form completed by:

Signature:

Date: