



BROOKHURST PRIMARY SCHOOL

**BROOKHURST PRIMARY SCHOOL
COMPLAINTS PROCEDURE**

UPDATED March 2022





The School Standards and Framework Act 1998 requires schools to establish a formal complaints procedure. Section 29 of the Education Act 2002 requires governing bodies of all maintained schools and nursery schools in England to have in place by 1 September 2003 a procedure to deal with complaints. The procedure must make provision for complaints from different categories of person i.e. governors, parents, guardians, pupils and the general public.

This document outlines a three-stage complaints procedure to manage complaints from parents, guardians and members of the general public starting with an informal stage for concerns and ending with an appeal to the governing body. The first stage deals with concerns which have the potential to be managed by the majority of the staff during the course of their duties. Complaints dealt with at stage 2 will either be managed by the Headteacher or a senior member of staff. When a formal complaint arises and is not dealt with to the satisfaction of the complainant, it will first be addressed by the Headteacher at stage 2, if they have not been involved at stage 1, then subsequently by the governing body at stage 3.

For the purposes of this policy, the definition of a complaint is seen to be:

“A clear statement of dissatisfaction of a service provided or requested”.

This would arise if a concern was not dealt with to the satisfaction of the complainant at stage one.

Complaints not covered by this procedure:

Staff grievance and capability proceedings along with child protection investigations are outside the process.





Complaints that are covered by the procedure:

The range of complaints or concerns raised are likely to be wide ranging and varied and could include complaints concerning:

- child's lack of progress at school
- disagreements over school policy e.g. homework, uniform
- health and safety issues, cleanliness of facilities and state of repair
- inappropriate discipline
- individual teacher's actions or attitudes toward a parent or pupil
- lack of effective action e.g. over bullying
- playground supervision
- racist behaviour
- sexual harassment
- teacher's failure to keep order
- unfair treatment of child





Support for a person complained against

Staff who may be questioned as part of a complaints procedure investigation will be treated in a fair way and be given an opportunity to put their case. They will be told about the procedure and be kept informed of progress. Care will be taken to maintain the balance between supporting the individual so that his/her rights and reputation are protected, and investigating a complaint thoroughly and impartially.

The complaints procedure is distinct from formal disciplinary proceedings for staff. There may be occasions where a complaint launches a disciplinary procedure which puts the complaints procedure on hold. If so, the complainant will be informed of this and any non-disciplinary aspects of the complaint should be dealt with by the usual complaints procedures; the complainant should be “up-dated” on likely further delays to a response. It may be clear after the disciplinary procedures have been completed that particular responses to the complainant are required.

Confidentiality

All conversations and correspondence will be treated with discretion. It is vitally important that complainants feel confident that their complaint will not penalise their child. However, from the outset all parties to a complaint should be aware that some information may have to be shared with others involved in the operation of the complaints procedure. Headteachers and members of the senior management team may feel it appropriate to be accompanied by another member of staff when dealing with some complaints. Complainants should be aware that a written record will be maintained of all meetings as part of the procedure.

Anonymous Complaints

Anonymous complaints will be disregarded unless somebody is prepared to substantiate them, unless there is a possibility that they relate to a serious issue such as safeguarding. It should be at the Headteacher or Governing Body’s discretion to decide whether the gravity of an anonymous complaint warrants an investigation.

Redress

If the outcome of the complaint procedure shows the school is at fault, it is often sufficient to provide redress in the form of an acknowledgement that the complaint is valid. Alternatively, it may be appropriate to offer one or more of:

- an apology
- an explanation
- a promise that the event complained of will not recur
- an undertaking to review school policies or practices in the light of the complaint
- in appropriate circumstances, financial compensation.





Fear of litigation will not prevent the school from admitting when mistakes have been made, but advice will be sought from the Authority's Risk and Insurance Section if financial compensation is being sought or if litigation is a possibility.

Should the complainant act aggressively or in an unreasonable manner the complaints procedure will be delayed.

Record Keeping

All concerns raised by parents, whether oral or written, or other stakeholders are recorded as a "Parental Concern". At the point when a concern has become a complaint that can not be resolved on the spot but needs investigation and/or consultation, the complaint should be registered on the "Complaints" form (see appendix 1).





THE COMPLAINTS PROCEDURE

STAGE 1

The vast majority of concerns and complaints can be resolved informally. There are many occasions where concerns are resolved straight away through the class teacher or office staff or Headteacher, depending on whom the complainant first approached. Complainants are encouraged to raise concerns with members of staff without any formality, either in person, by telephone or in writing.

At first it may be unclear whether a complainant is asking a question or expressing an opinion rather than making a complaint. The following procedure should be followed:

1. A complainant may want a preliminary discussion about an issue to help decide whether he or she wishes to take the issue further.
2. Complainants are offered an opportunity to discuss their concern with the appropriate member of staff designated to deal with the situation who will clarify with the complainant the nature of the concern, and reassure them that the school wants to hear about it. The member of staff may be able to explain to the complainant how the situation happened. If possible, the sort of outcome the complainant is looking for will be identified.
3. If the member of staff first contacted cannot immediately deal with the matter, s/he will make a clear note of the date, name, contact address or phone number and a brief note on the nature of the complaint. The outcome of any subsequent investigation and necessary action should be recorded as part of the parental concern. This should be shared with the complainant at the earliest opportunity.
4. If the concern relates to the Headteacher, the complainant will be advised to contact the Chair of the Governing Body in writing, care of the school office.
5. Where no satisfactory solution has been found within a maximum of 15 school days, complainants will be asked if they wish their concern to be considered further. If they do then they will be given clear information, both orally and in writing, about how to proceed and about any independent advice available to them.





STAGE 2

At stage 2 it has become clear that the concern is a definite complaint. In some cases the Headteacher or senior member of staff will already have been involved in looking at the matter; in others it is his/her first involvement. In either case, the Headteacher will use guidelines to ensure consistency among cases, and to make sure that nothing happens at this stage which could make it difficult for later stages to proceed smoothly.

1. The Headteacher will acknowledge the complaint orally or in writing, within a maximum of 3 school days of receiving the complaint, confirming the exact nature of the complaint. The acknowledgement will give a brief explanation of the school's complaint procedure and a target date for providing a response to the complaint. This will be within 15 school days. If this proves impossible, a letter will be sent explaining the reason for the delay and giving a revised target date for a response.
2. The Headteacher will provide an opportunity for the complainant to meet him/her to supplement any information provided previously. It will be made clear to the complainant that if s/he wishes, s/he may be accompanied to any meeting by a friend, relative, representative, or advocate who can speak on his or her behalf.
3. If necessary, the Headteacher will interview witnesses and take signed statements from witnesses and those involved. If the complaint concerns a pupil, the pupil identified will be interviewed. The pupil will be interviewed with another member of staff present and in the case of a serious complaint with their parents present.
4. The Headteacher will keep a written record of interviews, telephone conversations, and other documentation.
5. Once all the relevant facts have been established, the Headteacher will then produce a written response to the complainant, or may wish to meet the complainant to discuss/resolve the matter directly.
6. A written response will include a full explanation of the decision and the reasons for it. Where appropriate, this will include what action the school will take to resolve the complaint. The complainant will be advised that if s/he wishes to take the complaint further s/he should notify the Chair of the Governing Body within a maximum of 10 school days of receiving the outcome letter.
7. If a complaint is against the action of a Headteacher, the Chair of the Governing Body will carry out all the Stage 2 procedures.





STAGE 3

Upon receipt of a written complaint appropriate to this stage of the procedure or where a complainant appeals against the decision of the Headteacher (Stage 2 of the procedure) within an agreed period, within a maximum of 15 school days of receipt of the decision letter, the Headteacher will notify the Chair of Governors so that a review can be instituted.

1. The Clerk to the Governing Body will write to the complainant to acknowledge the Chair of Governors has received a written request for a review. The letter will also explain that the complainant has the right to submit any further documents relevant to the complaint. These should be made available immediately so that they can be circulated to all committee members.
2. The committee of the Governing Body will set a reasonable timetable for the investigation and will communicate the timetable to the complainant.
3. The Clerk to the Governors will arrange to convene the Complaints Committee elected from members of the Governing Body. (It may be necessary for the Governing Body to appoint reserves to this committee to ensure that three governors are available to carry out their task within the set time).
4. The Complaints Committee members will be governors who have had no prior involvement with the complaint. If s/he has not previously been involved, the Chair of the Governing Body will chair the committee; otherwise the Vice Chair will do so. The Headteacher will not have a place on the committee.
5. The Chair/Vice Chair will ensure that the complaint is heard by the committee within a maximum of 20 school days of receiving the letter. All relevant correspondence regarding the complaint must be made available to the committee members at least 5 school days before the hearing.
6. The Chair/Vice-Chair will write and inform the complainant, Headteacher, any relevant witnesses, and members of the committee at least 5 school days in advance, of the date, time and place of the meeting. The notification to the complainant will also inform him/her of the right to be accompanied to the meeting by a friend/advocate/interpreter. The letter will also explain how the meeting will be conducted and the complainant's right to submit further written evidence to the committee.
7. The Chair/Vice-Chair of the Governing Body will invite the Headteacher to attend the committee meeting and prepare a written report for the committee in response to the complaint. The Headteacher may also invite members of staff directly involved in matters raised by the complainant to respond in writing or in person to the complaint. Any relevant documents including the Headteacher's report should be received by all concerned – including the complainant – at least 5 school days prior to the meeting.
8. The involvement of staff other than the Headteacher is subject to the discretion of the Chair of the committee.





9. It is the responsibility of the Chair of the committee to ensure that the meeting is properly minuted.
10. The aim of the meeting will be to resolve the complaint and achieve a reconciliation between the school and the complainant. However, it has to be recognised that sometimes it may only be possible to establish facts and make recommendations which will satisfy the complainant that his or her complaint has been taken seriously.
11. If either party should intend to introduce previously undisclosed evidence or witnesses, it is in the interests of natural justice to adjourn the meeting so that the other side has time to consider and respond to the new evidence.
12. The meeting will allow for :
 - the complainant to explain their complaint and the Headteacher to explain the school's response
 - the Headteacher to question the complainant about the complaint and the complainant to question the Headteacher and/or other members of staff (if invited to be present by the Chair of the committee) about the school's response
 - committee members to have an opportunity to question both the complainant and the Headteacher
 - any party to have the right to call witnesses (subject to the approval of the Chair) and all parties having the right to question all the witnesses
 - final statements by both the complainant and the Headteacher.
13. The Chair of the committee will explain to the complainant and the Headteacher that the committee will consider its decision, and a written decision will be sent to both parties within a maximum of 15 school days. The complainant, Headteacher, other members of staff and witnesses will then leave.
14. The committee will then consider the complaint and all the evidence presented and (a) reach a unanimous, or at least a majority, decision on the complaint and (b) decide upon the appropriate action to be taken to resolve the complaint and (c) where appropriate, suggest recommended changes to the school's systems or procedures to ensure that problems of a similar nature do not happen again.
15. A written statement outlining the decision of the committee will be sent to the complainant and Headteacher.
16. The chair will ensure that parents are aware that they can complain to the Secretary of State for Education if they are unhappy with the outcome of the review.
17. The school will ensure that a copy of all correspondence and notes are kept on file in the school's records.





The complainant can appeal against the decision of the Chair within a maximum of 15 school days of receipt of the decision letter. The Governing Body can either delegate the appeal to the complaints committee, or may, where they think it appropriate, appoint 3 other governors to form a complaints panel to investigate and make a recommendation by majority decision to the Governing Body.

Complaints concerning the teacher/s with responsibility for investigating complaints

Where a complaint concerns in whole or part the conduct of the teacher responsible for investigating complaints, the teacher should, on receipt of the formal complaint, immediately refer the matter to the Headteacher. The Headteacher will then investigate the complaint.

Complaints concerning the Headteacher, a Governor or the Governing Body

In these cases the Chair of the Governing Body must investigate the complaint.

Complaints concerning the Chair of Governors

A senior member of staff or Headteacher, upon receiving a formal complaint against the Chair, must notify the clerk, who must then table the complaint at an extraordinary meeting of the Governing Body. The Chair must withdraw from any discussion. The Governing Body will refer the matter to the Complaints Committee of the governing body.

Withdrawal of Complaints

Formal complaints may be withdrawn at any stage by notice in writing.

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Complaints Register

A register of all formal complaints made under the complaints procedure is to be maintained. The register includes the following:

- a) name and address of the complainant
- b) a brief description of the complaint
- c) a record of the time taken to resolve the matter
- d) the outcome of the complaint.





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COMPLAINT FORM

Please complete and return to the school office who will acknowledge receipt and explain what action will be taken.

Are you a : parent/carer child other (please specify)_____

Your name : _____

Pupil's name : _____

Address : _____

Contact numbers: _____

Details of complaint (please continue on a separate sheet if necessary):





What action, if any, have you already taken to try and resolve your complaint (Who did you speak to and what was the response) ? Please attach any relevant paper work .

What actions do you feel might resolve the problem at this stage?

Signature : _____ Date: _____

For office use: Complaint referred to _____

Date _____

Signed _____





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STAGE 2 COMPLAINT

Date complaint referred to Headteacher :

Complainant acknowledged - orally/by letter and date :

School's complaint procedure forwarded? Yes/No

Target date for response :

General nature of complaint

Date of meeting with complainant :

Others present:





Statements attached? No/ Yes

Witnesses interviewed

Statements attached? Yes/no

Pupils interviewed in the presence of:

Statements attached? Yes/No

Records of correspondence/telephone calls attached? Yes/No

Meeting date with complainant or date response letter sent :

Written response attached? Yes/No

Complaint referred to governing body (**STAGE 3**)? If so, Date referred:





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STAGE 3 (meeting of the complaints committee)

COMPLAINTS COMMITTEE

Role : The committee has the power to make decisions on behalf of the governing body and may

- uphold the complaint
- uphold it in part, or
- dismiss it

Where the issue under consideration does not fall within the remit of the committee, the members may still wish to make recommendations. A Complaints Committee will be appointed at the Governing Body meeting in the Autumn Term. Where possible the governing body will avoid appointing a parent governor who potentially is likely to have significant involvement because of regular visits to the school site or a teacher governor.

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COMPLAINTS COMMITTEE MEETING

Before the meeting :

A copy of the agenda, the complaint, and any written response from the Headteacher should be sent to Complaints Committee members and the Chair of Governors at least five school days before the meeting. Each member must immediately read the papers to check that they have no significant involvement with the case under consideration, but should not discuss it with anyone else. If they need to withdraw from the committee the clerk should organise a substitute. It is essential to withdraw at this stage so that a substitute can be arranged.

The meeting

- The complainant and the Headteacher (with their friends/advocates) should be invited in and asked to leave together.
- At the discretion of the Chair witnesses should be invited to join the meeting when their input is required and to leave immediately afterwards
- It is not appropriate for a child/pupil to attend





MODEL AGENDA

1. Apologies.

2. To consider members' declaration of interests, entitlement to vote and any requirements to withdraw from the meeting.

3. To confirm the order of the procedure.

4. To agree whether the decision should be conveyed orally to all parties at the end of the meeting (as well as in writing afterwards).

5. Invitation to complainant and Headteacher to join meeting and introduction to governors.

6. Introduction and explanation of procedure.

7. To note the role of the clerk at the meeting.

8. Complainant's presentation and witnesses and questions to both by Headteacher and/or governors.

9. Headteacher's response and witnesses and questions to both by complainant and/or governors.

10. Any further questions or points from any of the parties.

11. Opportunity for summing up by Headteacher.

12. Opportunity for summing up by complainant.

13. Summing up by the Chair.





14. Complainant and Headteacher leave meeting.

15. To decide on the complaint. The committee can

- uphold the complaint in full
- uphold it in part, or
- dismiss it.

16. To consider whether and how to refer issues of principle or general practice to another forum, such as the governing body, or to an individual such as the Headteacher.

17. To inform the complainant and the Headteacher of the governing body's decision and further rights of representation (if agreed at 4 above).

18. Confidentiality: to consider whether any items are confidential and should therefore not be available to persons wishing to inspect governing body papers.





GUIDANCE NOTES FOR PARENTS

If you have a concern or complaint we would like you to tell us about it. We welcome suggestions for improving our work in the school. Be assured that no matter what you wish to tell us, our support and respect for you and your child in the school will not be affected in any way. Please tell us of your concern as soon as possible. It is difficult for us to investigate properly an incident or problem which has happened some time ago.

What to do first:

Most concerns can be sorted out quickly by speaking with your child's class teacher.

What to do next:

If you are dissatisfied with the teacher's response (or with the Headteacher's initial reaction if he/she has already been involved) you can make a complaint to the Headteacher.

If your complaint is about an action of the Headteacher personally, then you should refer it to the Chair of Governors. Their details are available on the School Website.

You may also find it helpful at this stage to have a copy of the full statement of the General Complaints Procedure as this explains in detail what procedures are followed. This is available from the school office and on our school website.

The Headteacher will ask to meet you for a discussion of the problem. You may take a friend or someone else with you if you wish. The Headteacher will conduct a full investigation of the complaint and may interview any members of staff or pupils involved. You will receive a written response to your complaint.

If you are still unhappy:

The problem will normally be solved by this stage. However, if you are still not satisfied you may wish to contact the Chair of the Governing Body to ask for referral of your complaint to the Complaints Committee of the governing body. It will then be heard by a group of three governors who have no previous knowledge of the problem and so will be able to give it a fresh assessment. You will be invited to attend and speak to the committee at a meeting which the Headteacher will also attend. The General Complaints Procedure statement explains how these meetings operate.

Further action:

Complaints about school problems are almost always settled within schools but in exceptional cases can be referred to the Secretary of State for Education if it is not resolved during stages one to four. It may be possible to refer the problem to an outside body such as the Ombudsman (for example if the complaint relates to admissions).





Independent Advice Contacts – The names of these Associations can be passed may be useful in helping you with issues relating to your child:

Wirral Parent Partnership is an impartial information, support and advice service for parents/carers of children with special educational needs and/or disabilities and also for professionals working to support those needs. Through a variety of means Wirral Parent Partnership Service works closely with parents/carers, schools, the Local Authority, local support services and voluntary organisations to increase parental understanding of special educational needs to enable parents/carers to become more involved in their children's educational development.

WIRED (Parent Partnership) may be able to help a parent if:

- . You think your child needs extra help at school.
- . Your child is at risk of exclusion due to his/her behaviour.
- . She/he has a Statement of Educational Needs.
- . You would like your child's needs to be formally assessed.
- . You are attending a school meeting.
- . You need help with understanding or completing paperwork

WIRED ADDRESS:

Wirral Parent Partnership

Wirral Business Park

Arrowe Brook Road

Upton, Wirral,

CH49 1SX

Tel: 0151 670 1500

Fax: 0151 670 1600

Tel: 0844 880 1500

Fax: 0151 670 1600

Email: ppadmin@wired.me.uk





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After all attempts and avenues have been exhausted you have the right to contact the Education Funding Agency (EFA) via the Department for Education to have the matter reviewed. They have guidelines which they follow as to whether they can investigate a complaint further, they can be contacted at:

Department for Education

Castle View House

East Lane

Runcorn

Cheshire

WA7 2GJ

Website www.education.gov.uk

Child Protection – If there is a complaint received from a pupil, parent, carer regarding a School Employee then contact Local Area Designated Officer immediately on 666 4582

