

Section Title	Paragraph Numbers
Overview	1-2
Part 1: General Principles of Complaints	3-13
Dealing with Complaints – Initial Concerns	3-4
Dealing with Complaints – Formal Procedures	5-6
Framework of Principles	7
Investigating Complaints	8
Resolving Complaints	9-11
Vexatious Complaints	12
Time Limits	13
Part 2: The Formal Complaints Procedure	14-18
Stages of Complaints	14-18
Part 3: Managing and Recording Complaints	19-23
Recording Complaints	19-20
Governing Body Review	21-22
Publicising the Procedure	23
The Act	Annex A
Complaints Procedure	Annex B
Complaint Flowchart	Annex C
Complaint Form	Annex D

Complaints policy and procedures

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'*. DfE

Overview

1. From 1 September 2003 Governing Bodies (GBs) of all maintained schools and maintained nursery schools in England are required, under Section 29 of the Education Act 2002, summarised in Annex A, to have in place a procedure 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. This document is the Bishopstone Church of England Primary School Complaints Policy.
2. This Complaints Policy is based on Local Authority (LA) principles. A framework of principles can be found at paragraph 8. LAs are already required to set up a procedure for dealing with certain types of complaints, for example, complaints about the curriculum or collective worship in a school. The GB's complaints procedure does not replace the arrangements made for those types of complaint. In addition, there are certain complaints which fall outside the remit of the GB's complaints procedure, for example, staff grievances or disciplinary procedures.

Part 1: General principles of complaints

Dealing with Complaints – Initial concerns

3. It should be clearly understood that there is a fundamental difference between a concern and a complaint. Taking informal concerns seriously at the earliest stage will help us reduce the numbers that develop into formal complaints.
4. These key messages deal with complaints but the underlying principle is that concerns ought to be handled, if at all possible, without the need for formal procedures. The requirement to have a complaints procedure should not in any way undermine our efforts to resolve the concern informally. In most cases the class teacher or the individual delivering the service in the case of extended school provision, will receive the first approach. It would be helpful if staff were able to resolve issues on the spot, including apologising where necessary.

Dealing with Complaints – Formal procedures

5. Formal procedures will need to be invoked when initial attempts to resolve the issue are unsuccessful and the person making the complaint (the 'complainant') remains dissatisfied and wishes to take the matter further.
6. The school has nominated a member of staff (the 'complaints co-ordinator') to have responsibility for the operation and management of the school complaints procedure. Generally, this is the chair of the Governing Body's (GB's) Complaints sub-committee.

Framework of Principles

7. 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**;

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- be **non-adversarial**;
- 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.

Investigating Complaints

8. At each stage, the complaints co-ordinator will make sure 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 further information is necessary);
 - **clarify** what the complainant feels would **put things right**;
 - interview those involved in the matter and/or those complained of, 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

9. At each stage in the procedure all parties must 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 apology;
 - an explanation;
 - 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.
10. It will be useful if complainants are encouraged to state what actions they feel might resolve the problem at any stage.
11. We must aim to identify areas of agreement between the parties. It is also of equal importance to clarify any misunderstandings that might have occurred as this can create a positive atmosphere in which to discuss any outstanding issues.

Vexatious Complaints

12. If properly followed, our complaints procedure should limit the number of complaints that become protracted. However, there will be occasions when, despite all stages of the procedures having been followed correctly and appropriately, the complainant remains dissatisfied. If the complainant tries to reopen the same issue, the chair of the GB is able to inform them in writing that the procedure has been exhausted to the best of the GB's ability and that the matter is now closed.

Time Limits

13. We will aim to consider, and resolve complaints as quickly and efficiently as practicable. We will inform the complainant of the timescale in which we will attempt to resolve the issue. However, where in-depth investigations are necessary, new time limits may need to be set and the complainant sent details of the new deadline and an explanation for the delay.

Part 2: The Formal Complaints Procedure

The Stages of Complaints

14. This Complaints Procedure has 3 stages. A flow chart can be found in Annex C. At each we will aim to clarify exactly who will be involved, what will happen, and how long it will take. There may, on occasion, be the need for some flexibility (for example the possibility of further meetings between the complainant and the member of staff directly involved) and further investigations may be required by the head teacher after a meeting with the complainant.
15. The 3 stages of the Bishopstone CE Primary School Complaints Procedure are:
 - Stage one: complaint heard by staff member;
 - Stage two: if unresolved, complaint heard by head teacher;
 - Stage three: if still unresolved, complaint heard by GB's Complaints sub-committee.

We will always aim to resolve the issue at the lowest of these 3 levels possible.

16. If unsatisfied with the proposed resolution at any stage, an unsatisfied complainant can always take a complaint to the next stage.
17. Should the complaint involve the head teacher or an individual Governor, the complainant may raise their concern directly with the Chair of the GB. Should the complaint involve the Chair of the GB, the complainant may raise their concern directly with the LA.
18. The Complaints Procedure can be found in Annex B.

Part 3 – Managing and Recording Complaints

Recording Complaints

19. We will record the progress of the complaint and the final outcome. A complaint may be made in person, by telephone, or in writing. The complaint form to be used can be found in Annex D. 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 should be kept and a copy of any written response added to the record.
20. The GB Complaints sub-committee chair is responsible for the records and holds them centrally.

Governing Body Review

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21. The GB will 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. Wherever possible and practicable, complaints information shared with the whole GB will not name individuals.
22. As well as addressing an individual's complaints, the process of listening to, and resolving complaints contributes to school improvement. The monitoring and review of complaints by the school and the GB can be a useful tool in evaluating our school's performance.

Publicising the Procedure

23. There is a legal requirement for the Complaints Policy and Procedures to be publicised. The Bishopstone CE Primary School Complaints Policy and Procedures will be published on the school website.

The school will seek to follow SBC legislation regarding complaints alongside reference to **Best Practice Advice for School Complaints Procedures 2016** published by the DfE – this includes following their list of complaints that do not fall in this policy, for which there are separate statutory procedures.

Policy approved by **Emma Lindsay**

Designation **Head Teacher**

Signed *Emma Lindsay*

Date.....September 2017

Review.....September 2018



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Annex A

Section 29 of the Education Act 2002 requires that:

- (1) The governing body of a maintained 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 falling 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 body shall have regard to any guidance given from time to time (in relation to England) by the Secretary of State.

Section 39 of the Education Act 2002 provides the following:

“maintained school” means a community, foundation or voluntary school, a community or foundation special school or a maintained nursery school;

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Annex B

Bishopstone CE Primary School Complaints Procedure

Stage One: 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. To that end, staff should be made aware of the procedures, so that they know what to do when they receive a complaint.

It would assist the procedure if the school respected the views of a complainant who indicates that he/she would have difficulty discussing a complaint with a particular member of staff. In these cases, the complaints co-ordinator can refer the complainant to another staff member. Where the complaint concerns the head teacher, the complaints co-ordinator can refer the complainant to the chair of governors.

Similarly, if the member of staff directly involved feels too compromised to deal with a complaint, the complaints co-ordinator may consider referring the complainant to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the complaint objectively and impartially is crucial.

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 Two: Complaint Heard by Headteacher

The head teacher'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 one and may wish to pursue 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 Three: Complaint Heard by Governing Body Complaints sub-committee

Should the head teacher's attempt to resolve the complaint to the satisfaction of all parties, the complainant should write to the Chair of Governors giving details of the complaint. The Chair, or a nominated governor, will convene a GB complaints sub-committee meeting.

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

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

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Bishopstone C.E. Primary School

Bishopstone Church of England School, Bishopstone, Swindon, Wiltshire, SN6 8PW

Annex C

Roles and Responsibilities

The Role of the Clerk

The Department for Education strongly recommends that any panel or group of governors considering complaints be clerked. The clerk will be 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;
- collate any written material and send it to the parties in advance of the hearing;
- meet and welcome the parties as they arrive at the hearing;
- record the proceedings;
- notify all parties of the Complaints sub-committee's decision.

The Role of the Chair of the Governing Body or the Nominated Governor

The nominated governor role:

- check that the correct procedure has been followed;
- if a hearing is appropriate, notify the clerk to arrange the panel;

The Role of the Chair of the Complaints sub-committee

The Chair of the Complaints sub-committee has a key role, ensuring that:

- the remit of the sub-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 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 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.

Notification of the sub-committee's decision

The chair of the sub-committee needs to ensure that the complainant is notified of the sub-committee's decision, in writing, with the sub-committee's response; this is usually within a set deadline which is publicised in the

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Bishopstone Church of England School, Bishopstone, Swindon, Wiltshire, SN6 8PW

procedure. The letter needs to explain if there are any further rights of appeal and, if so, to whom they need to be addressed.

Checklist for a Complaints sub-committee hearing

The sub-committee 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, and be followed by their witnesses.
- The head teacher may question both the complainant and the witnesses after each has spoken.
- The head teacher is then invited to explain the school's actions and be followed by the school's witnesses.
- The complainant may question both the head teacher and the witnesses after each has spoken.
- The sub-committee may ask questions at any point.
- The complainant is then invited to sum up their complaint.
- The head teacher 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 sub-committee within a set time scale.

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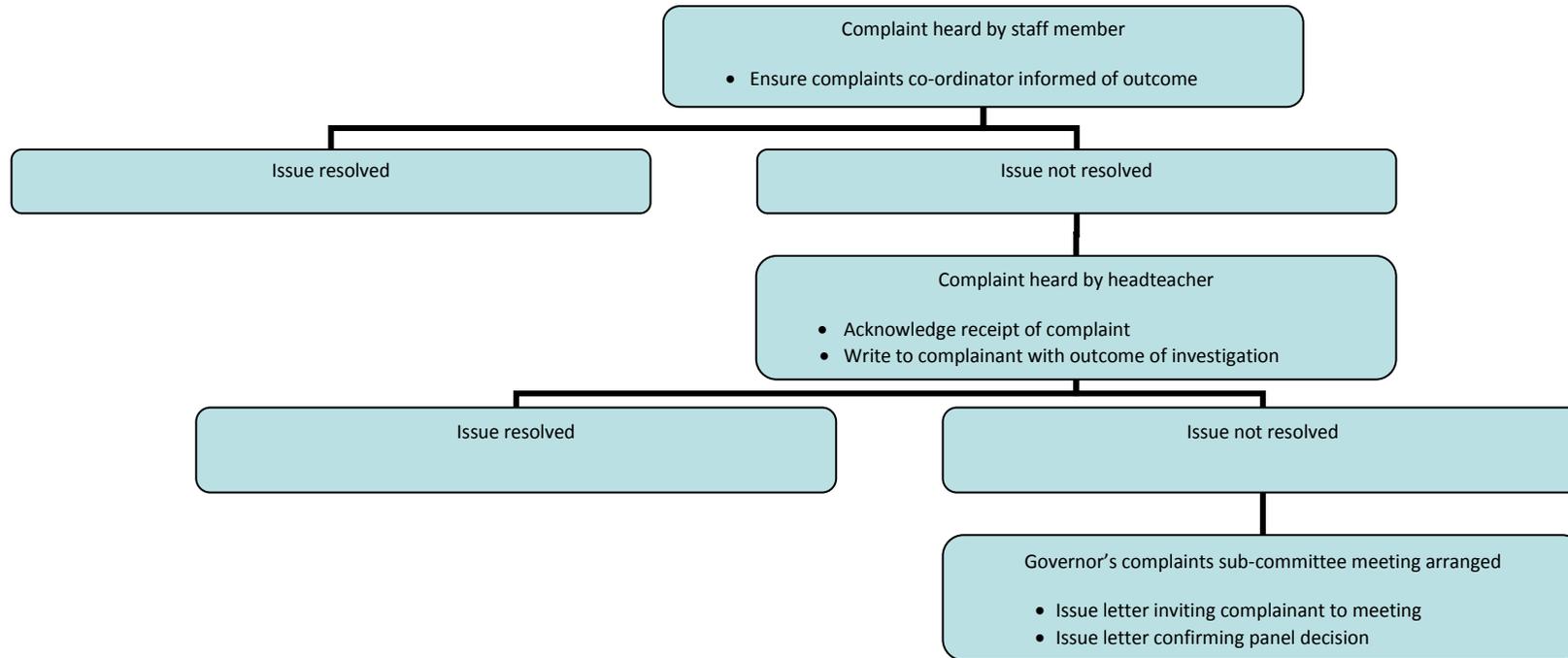
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Annex C

Bishopstone CE Complaints Procedure

Flowchart – Summary of dealing with complaints



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Annex D

Complaint Form

Please complete and return to Emma Lindsay (complaints co-ordinator) who will acknowledge receipt and explain what action will be taken.

Your name:

Pupil's name:

Your relationship to the pupil:

Address:

Postcode:

Day time telephone number:

Evening telephone number:

Please give details of your complaint.

What action, if any, have you already taken to try and resolve your complaint.

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(Who did you speak to and what was the response)?

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

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Bishopstone Church of England School, Bishopstone, Swindon, Wiltshire, SN6 8PW

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

Signature:

Date:

Official use

Date acknowledgement sent:

By who:

Complaint referred to:

Date:

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