



Brompton Community Primary School

Complaints Policy

Overview of Complaints procedure for all complainants

What to do if you have a concern or a complaint?

We aim to work closely with everyone to ensure that all children can learn and play happily at school.

We view all complaints in a positive way, as it helps the school improve its practices.

However, sometimes problems do occur and the best person to talk to first if you have a child in school is usually your child's class/form or subject teacher.

If you do not have a child in school please talk to the Headteacher.

If you are still worried or concerned, the head teacher will be happy to talk to you at a mutually convenient time. Please contact the school office to make an appointment to talk to the Headteacher or write to the Headteacher, explaining your complaint and what you would like to happen now.

This is part of a full procedure which all schools have in place and has been approved by the Governing Board. If the Headteacher cannot resolve the issue or if the complaint is about the Headteacher you should then write to the Chair of Governors. If your complaint is about a governor or governors please write to the Clerk of the Governing Board through the school.

Full details of our complaints procedure can be found in this leaflet or look on the school's website for further information.

Please do not hesitate to contact us - we look forward to hearing from you.

Introduction

This policy aims to reassure that any concern or complaint raised will be dealt with in a fair, open and responsive way with the aim of achieving a speedy and satisfactory resolution. The school recognises a willingness to listen to questions and criticisms and to respond positively and in a way in which improvements can be made to school practices.

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, the school must be clear about the procedures they will apply when they receive a complaint.

The Governing Body of Brompton Community Primary School have adopted the following policy to deal with formal complaints from members of the school community or general public.

Staff are dedicated to giving all children the best possible education and caring properly for their health, safety and welfare at all times. We are committed to working closely with parents and believe that the school and parents must work together in partnership, each carrying out their own particular responsibilities to help pupils gain the most from their time in school.

However, the school is obliged to have procedures in place for dealing with all complaints whether these are from parents, legal guardians or members of the public. This model policy is a good practice guide and sets out the procedures that will apply to most general complaints received by schools.

It is not intended to cover those matters for which there is a specific statutory process to object, complain or appeal.

This Complaints policy complies with Section 29 of the Education Act 2002.

Who can make a complaint?

This complaints procedure is not limited to parents or carers of children that are registered at the school. Any person, including members of the public, may make a complaint to Brompton Community Primary School about any provision of facilities or services that we provide. Unless complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions), we will use this complaints procedure.

The difference between a concern and a complaint

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 defined as 'an expression of dissatisfaction however made, about actions taken or a lack of action'.

It is in everyone's interest that concerns and complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to use the formal stages of the complaints procedure. Brompton Community Primary School takes concerns seriously and will make every effort to resolve the matter as quickly as possible.

If you have difficulty discussing a concern with a particular member of staff, we will respect your views. In these cases, the Headteacher, will refer you to another staff member.

Similarly, if the member of staff directly involved feels unable to deal with a concern, the Headteacher will refer you to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the concern objectively and impartially is more important.

We understand however, that there are occasions when people would like to raise their concerns formally. In this case, Brompton Community Primary School will attempt to resolve the issue internally, through the stages outlined within this complaints procedure.

Scope of this Complaints Procedure

This procedure covers all complaints about any provision of community facilities or services by Brompton Community Primary School, other than complaints that are dealt with under other statutory procedures, including those listed below.

Exceptions	Who to contact
Admissions to schools Statutory assessments of Special Educational Needs School re-organisation proposals	Concerns about admissions, statutory assessments of Special Educational Needs, or school re- organisation proposals should be raised with North Yorkshire County Council.
Matters likely to require a Child Protection Investigation	Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance. If you have serious concerns, you may wish to contact the local authority designated officer (LADO) who has local responsibility for safeguarding or the Multi-Agency Safeguarding Hub (MASH).
Exclusion of children from school*	Further information about raising concerns about exclusion can be found at: www.gov.uk/school-discipline-exclusions/exclusions . *complaints about the application of the behaviour policy can be made through the school's complaints procedure. http://brompton.n-yorks.sch.uk/

Whistleblowing	We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors. The Secretary of State for Education is the prescribed person for matters relating to education for whistleblowers in education who do not want to raise matters direct with their employer. Referrals can be made at: www.education.gov.uk/contactus . Volunteer staff who have concerns about our school should complain through the school's complaints procedure. You may also be able to complain direct to the LA or the Department for Education (see link above), depending on the substance of your complaint.
Staff grievances	Complaints from staff will be dealt with under the school's internal grievance procedures.

Staff conduct	Complaints about staff will be dealt with under the school's internal disciplinary procedures, if appropriate. Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.
Complaints about services provided by other providers who may use school premises or facilities	Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct.
National Curriculum - content	Please contact the Department for Education at: www.education.gov.uk/contactus

If other bodies are investigating aspects of the complaint, for example the police, local authority (LA) safeguarding teams or Tribunals, this may impact on our ability to adhere to the timescales within this procedure or result in the procedure being suspended until those public bodies have completed their investigations.

If a complainant commences legal action against Brompton Community Primary School in relation to their complaint, we will consider whether to suspend the complaints procedure in relation to their complaint until those legal proceedings have conclude

Resolving Complaints

At each stage in the procedure, Brompton Community Primary School wants to resolve the complaint. If appropriate, we will acknowledge that the complaint is upheld in whole or in part. In addition, we may offer one or more of the following:

- an explanation
- an admission that the situation could have been handled differently or better
- an assurance that we will try to ensure the event complained of will not recur
- an explanation of the steps that have been or will be taken to help ensure that it will not happen again and an indication of the timescales within which any changes will be made
- an undertaking to review school policies in light of the complaint
- an apology.

Initial Concerns and Complaints

It is in everyone's interest that complaints are resolved at the earliest possible stage and we expect that the majority of concerns will be resolved in this way. The complainant should initially raise any concern directly with the member of staff most directly involved and if not satisfied discuss concerns with a senior member of staff.

Second Contact: Referral to Headteacher

If the complainant is not satisfied with the response from the senior member of staff they should:

- Raise any concerns directly with the Headteacher, preferably in writing, using the attached formal complaints form.
- The Headteacher will investigate the complaint via discussions with those involved.
- Once all of the relevant facts have been established, the Headteacher will produce a written response and/or may wish to speak to the complainant to resolve the matter directly.
- The response will document the decision reached and the reasons for it. Where appropriate, it will also include what action the school will take/has taken to resolve the complaint. (It is best practice for the Headteacher to

include in the letter the right for the complainant to write to the Chair of Governors if not satisfied with the decision).

- (NB In some cases it may be useful to use a recorded delivery service to ensure that written communication can be evidenced).
- As far as is reasonable this will take place within 10 school working days of the initial complaint being received by the Headteacher.

Third Contact: Referral to Chair of Governors

If the complainant is not satisfied with the Headteacher's response, then they have the option to put their complaint in writing within 10 school working days of the Headteacher's response, addressing their correspondence to the Chair of Governors or Clerk to the Governing Body c/o the school in a sealed envelope marked 'For Immediate Action' 'Private and Confidential'.

It is helpful at this point if the complainant can indicate in writing how they would like the matter to be resolved and what outcome they would like to see achieved. The Chair of Governors will acknowledge the complaint in writing within five school days of receipt.

The Chair of Governors will conduct their own investigation into the complaint and may provide an opportunity for the complainant to meet informally with them to discuss the detail, clarify the nature of the complaint and what remains unresolved and finally what they feel would put things right.

The Chair of Governors will make a decision, on the basis of the information gathered, and possible outcomes may include:

- 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.

All decisions will be recorded in writing within 10 school working days of the Chair of Governors completing their investigation, as far as is reasonably practical, and a copy provided to the complainant. The letter/report to the complainant will offer the right of appeal to the Governing Body Complaints Committee.

If the complaint relates to the Headteacher, the complainant should write directly to the Chair of Governors, c/o the school, with their complaint.

Fourth Contact: Referral to the Complaints Committee

If the complainant wishes to appeal they must do so in writing to the Chair of Governors, c/o the school, within 10 school working days providing a clear explanation as to why they wish to lodge an appeal.

Individual complaints would not be heard by the whole Governing Body 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.

The complainant will be offered the opportunity to attend a meeting where they will be able to discuss their complaint with the committee (minimum of three governors, not previously involved) and explain why they are not satisfied with the Chair of Governor's decision. Should the complainant or school intend to call witnesses to the Committee meeting, their name/s should be notified to the Clerk to the Governing Body prior to the meeting in order that appropriate meeting room requirements can be sourced. It is the responsibility of the complainant and school to ensure that witnesses are invited to the meeting.

The complaints committee will consider the issue and write to inform the complainant within 10 school working days of their decision. Possible outcomes may include:

- 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 reoccur.

This is the last school-based stage of the complaints process and is not convened to merely rubber stamp previous decisions

Should the complainant not be satisfied with the outcome then they may complain to the Secretary of State for Education. Concerns, reasons why the complaint is being submitted and copies of all correspondence relevant to the complaint should be mailed to:

The Secretary of State
Department for Education, Sanctuary Buildings
Great Smith Street, London, SW1P 3BT

Anonymous Complaints

The School/Governing Body will not consider anonymous complaints.

Vexatious Complaints

There may be occasions when, despite all stages of the procedures having been followed, the complainant remains dissatisfied. If the complaint becomes vexatious (e.g. the complainant tries to re-open the same issue), the Chair of Governing Body can inform the complainant in writing that the procedure has been exhausted and the matter is now closed.

Monitoring

As well as addressing an individual's complaint, the process of listening to and resolving complaints would contribute to school improvements. When individual complaints are heard, schools may identify issues that need to be addressed. The Governing Body should review this policy within their policy review cycle.

Next Steps

If the complainant believes the school did not handle their complaint in accordance with the published complaints procedure or they acted unlawfully or unreasonably in the exercise of their duties under education law, they can contact the Department for Education after they have completed Stage 2.

The Department for Education will not normally reinvestigate the substance of complaints or overturn any decisions made by Brompton Community Primary School. They will consider whether Brompton Community Primary School has adhered to education legislation and any statutory policies connected with the complaint.

The complainant can refer their complaint to the Department for Education online at:

www.education.gov.uk/contactus, by telephone on: 0370 000 2288 or by writing to:

Department for Education Piccadilly Gate Store Street Manchester M1 2WD.

Withdrawal of a Complaint

If a complainant wants to withdraw their complaint, we will ask them to confirm this in writing.



Formal Complaint Form

Name:	
Address	
Postcode:	
Pupil's Name (if applicable)	
Pupil's Class Teacher (if applicable)	
Telephone Number - Daytime/Mobile	
Telephone Number - Evening	
Email Address:	
Relationship to the School i.e. parent, carer, neighbour, member of the public	

Please provide details of your concern/complaint

Have you raised this with another member of staff?	Yes	No
If so, can you please provide details		

When did you do this?	Date:
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What action, if any, have you already taken to try and resolve your complaint? Who did you speak to and what was the response?

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

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

Name: (please print)	
Signed:	
Date:	
Official Use	
Date acknowledgement sent	
By whom	
Complaint referred to	
Date	

Please return this form to the Headteacher

Proposed Format for a Complaints Meeting

- 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.
- The Complainant and Headteacher will enter the room where the hearing is taking place together.
- A Chair for the Committee meeting will be appointed whom will introduce the panel members and the Clerk as well as outline the process for the meeting.
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- The complainant is invited to explain their complaint, and be followed by their witnesses.
- The Headteacher may question both the complainant and the witnesses after each has spoken.
- The panel will question the complainant.
- The Headteacher is then invited to explain the school's actions and be followed by the school's witnesses.
- The complainant may question both the Headteacher and the witnesses after each has spoken.
- The panel will question the Headteacher.
- The complainant is invited to sum up their complaint.
- The Headteacher is invited to sum up the school's actions and response to the complaint.
- Both parties leave together while the Committee decides on the issues.
- The Chair of the Committee explains that both parties will hear from the Committee within a set time scale.
- The Clerk will remain with the panel to clarify any issues.

Roles and Responsibilities

Complainant

The complainant will receive a more effective response to the complaint if they:

- explain the complaint in full as early as possible
- co-operate with the school in seeking a solution to the complaint
- respond promptly to requests for information or meetings or in agreeing the details of the complaint
- ask for assistance as needed
- treat all those involved in the complaint with respect
- refrain from publicising the details of their complaint on social media and respect confidentiality.

Investigator

The investigator's role is to establish the facts relevant to the complaint by:

- providing a comprehensive, open, transparent and fair consideration of the complaint through:
- sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved
- interviewing staff and children/young people and other people relevant to the complaint
- consideration of records and other relevant information
- analysing information
- liaising with the complainant and the complaints co-ordinator as appropriate to clarify what the complainant feels would put things right.

The investigator should:

- conduct interviews with an open mind and be prepared to persist in the questioning
- keep notes of interviews or arrange for an independent note taker to record minutes of the meeting
- ensure that any papers produced during the investigation are kept securely pending any appeal
- be mindful of the timescales to respond
- prepare a comprehensive report for the headteacher or complaints committee that sets out the facts, identifies solutions and recommends courses of action to resolve problems.

The headteacher or complaints committee will then determine whether to uphold or dismiss the complaint and communicate that decision to the complainant, providing the appropriate escalation details.

Complaints Co-ordinator (this could be the headteacher / designated complaints governor or other staff member providing administrative support)

The complaints co-ordinator should:

- ensure that the complainant is fully updated at each stage of the procedure
- liaise with staff members, headteacher, Chair of Governors, Clerk and LAs (if appropriate) to ensure the smooth running of the complaints procedure
- be aware of issues regarding:
- sharing third party information
- additional support. This may be needed by complainants when making a complaint including interpretation support or where the complainant is a child or young person
- keep records.

Clerk to the Governing Body

The Clerk is the contact point for the complainant and the committee and should:

- ensure that all people involved in the complaint procedure are aware of their legal rights and duties, including any under legislation relating to school complaints, education law, the Equality Act 2010, the Freedom of Information Act 2000, the Data Protection Act (DPA) 2018 and the General Data Protection Regulations (GDPR)

- set the date, time and venue of the meeting, ensuring that the dates are convenient to all parties (if they are invited to attend) and that the venue and proceedings are accessible
- collate any written material relevant to the complaint (for example; stage 1 paperwork, school and complainant submissions) and send it to the parties in advance of the meeting within an agreed timescale
- record the proceedings
- circulate the minutes of the meeting
- notify all parties of the committee's decision.

Committee Chair

The committee's chair, who is nominated in advance of the complaint meeting, should ensure that:

- both parties are asked (via the Clerk) to provide any additional information relating to the complaint by a specified date in advance of the meeting
- the meeting is conducted in an informal manner, is not adversarial, and that, if all parties are invited to attend, everyone is treated with respect and courtesy
- complainants who may not be used to speaking at such a meeting are put at ease. This is particularly important if the complainant is a child/young person
- the remit of the committee is explained to the complainant
- written material is seen by everyone in attendance, provided it does not breach confidentiality or any individual's rights to privacy under the DPA 2018 or GDPR. If a new issue arises it would be useful to give everyone the opportunity to consider and comment upon it; this may require a short adjournment of the meeting
- both the complainant and the school are given the opportunity to make their case and seek clarity, either through written submissions ahead of the meeting or verbally in the meeting itself
- the issues are addressed
- key findings of fact are made
- the committee is open-minded and acts independently
- no member of the committee has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure
- the meeting is minuted
- they liaise with the Clerk (and complaints co-ordinator, if the school has one).

Committee Member

Committee members should be aware that:

- the meeting must be independent and impartial, and should be seen to be so

No governor may sit on the committee if they have had a prior involvement in the complaint or in the circumstances surrounding it.

- the aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant. We recognise that the complainant might not be satisfied with the outcome if the meeting does not find in their favour. It may only be possible to establish the facts and make recommendations.
- many complainants will feel nervous and inhibited in a formal setting Parents/carers often feel emotional when discussing an issue that affects their child.
- extra care needs to be taken when the complainant is a child/young person and present during all or part of the meeting

Careful consideration of the atmosphere and proceedings should ensure that the child/young person does not feel intimidated.

The committee should respect the views of the child/young person and give them equal consideration to those of adults.

If the child/young person is the complainant, the committee should ask in advance if any support is needed to help them present their complaint. Where the child/young person's parent is the complainant, the committee should give the parent the opportunity to say which parts of the meeting, if any, the child/young person needs to attend.

However, the parent should be advised that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting that the committee considers is not in the child/young person's best interests. The welfare of the child/young person is paramount.