



# THE BISHOPS' BLUE COAT CHURCH OF ENGLAND HIGH SCHOOL

## COMPLAINTS POLICY

<b>Is this policy statutory?</b>	<b>Yes</b>
<b>Review Period</b>	<b>3 Years</b>
<b>Date of approval</b>	<b>1<sup>st</sup> February 2018</b>

## **Statement of intent**

The Bishops' Blue Coat Church of England High School aims to resolve all complaints at the earliest possible stage and is dedicated to continuing to provide the highest quality of education possible throughout the procedure.

The Complaints Procedures Policy has been created to deal with any complaint against a member of staff or the school as a whole, relating to any aspects of the school or the provision of facilities or services.

Parents/carers and staff will both have the common interest of doing the very best for the students at The Bishops' High School. Sometimes there will be differences of opinion, in that the school has to take into account the best interests of all our students, whilst parents/carers focus will often be related to their child. There will sometimes be differences in opinion on what is the best for a child in the short, medium and long term.

Bishops' takes the view that staff-parent relations are very important and so we try to ensure that our process is not unnecessarily adversarial.

Parents/carers should never feel, or be made to feel, that a complaint made in a reasonable and appropriate way will be taken amiss, or will reflect adversely on the student or his/her opportunities at school. We will try to investigate and try to resolve every complaint in a positive manner and will treat every complaint as an opportunity to improve our service.

Any person, including a member of the public, is able to make a complaint about the provision of facilities or services that The Bishops' Blue Coat Church of England High School provides. This policy outlines the procedure that the complainant and school must follow.

Once a complaint has been made it can be resolved or withdrawn at any stage.

At The Bishops' Blue Coat Church of England High School, the complaints coordinator will be the first point of contact when following the complaints procedure.

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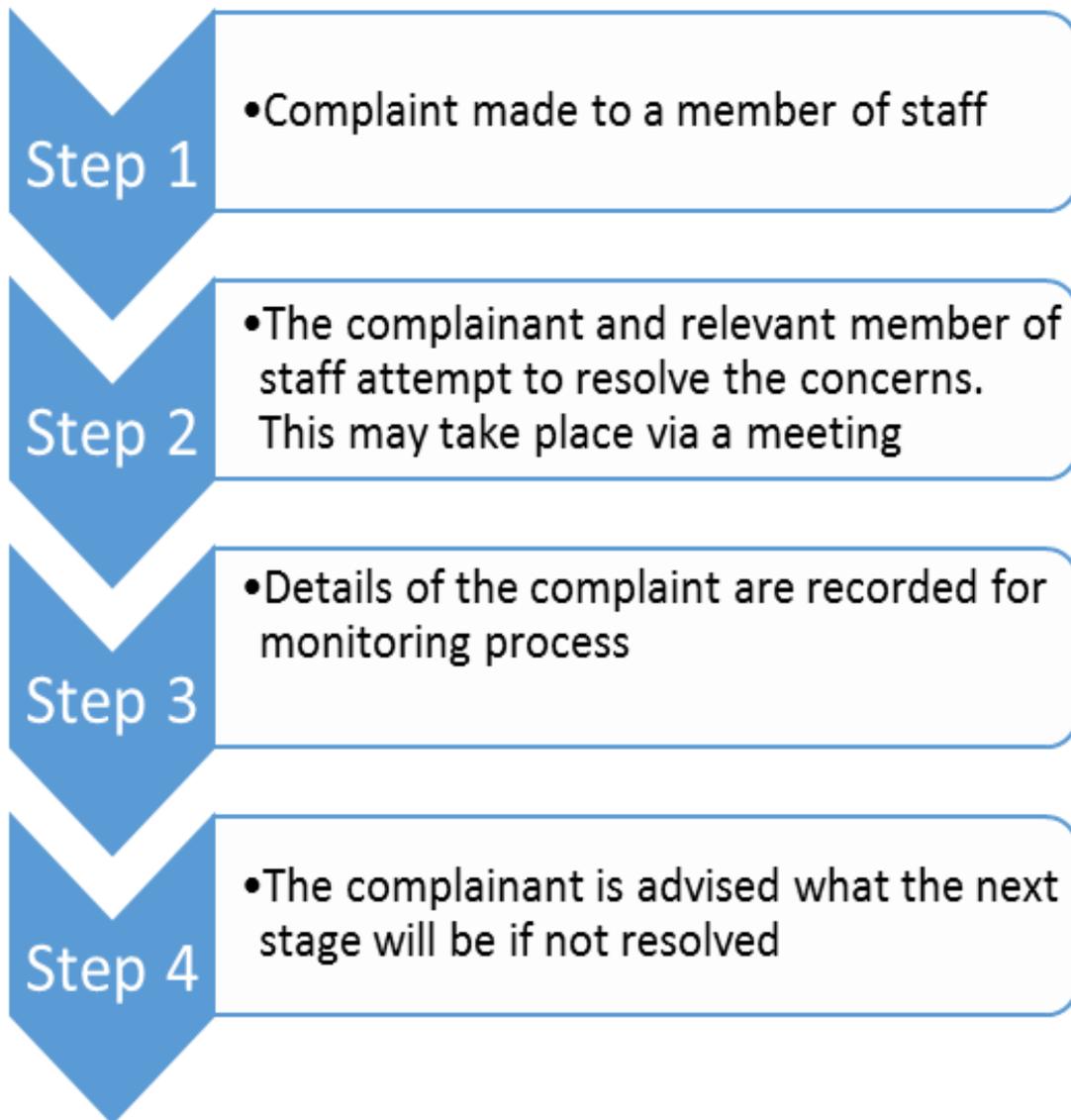
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Stage 1 – Informal complaint procedure at a glance



Signed by:

Headteacher \_\_\_\_\_

Date: \_\_\_\_\_

Chair of Governors \_\_\_\_\_ Date: \_\_\_\_\_

## 1. Legal framework

1.1. This policy has due regard to statutory legislation, including, but not limited to, the following:

- The Education Act 2002
- The Data Protection Act 1998
- The Freedom of Information Act 2000
- The Immigration Act 2016
- The Equality Act 2010

1.2. This policy also has due regard to guidance including, but not limited to, the following:

- DfE 'Best Practice Advice for School Complaints Procedures 2016' 2016
- HM Government 'Code of practice on the English language requirement for public sector workers' 2016

## 2. Definition

2.1. For the purpose of this policy, a "complaint" can be defined as 'an expression of dissatisfaction', which can be regarding actions taken or a perceived lack of action.

2.2. Complaints can be resolved formally or informally dependent on the complainant's choice.

2.3. A concern can be defined as 'an expression of worry or doubt' for which reassurance is sought.

2.4. Any complaint or concern will be taken seriously, whether formally or informally, and the appropriate procedures shall be taken.

NB. For the purpose of this policy, "concerns" will be classed and addressed as complaints. Any further references to "complaints" will include "concerns".

## 3. Roles and responsibilities

3.1. The complainant will:

- Co-operate with the school in seeking a solution to the complaint.
- Express the complaint and their concerns in full at the earliest possible opportunity.
- Promptly respond to any requests for information or meetings.
- Ask for assistance as needed.
- Treat any person(s) involved in the complaint with respect.

3.2. The complaints co-ordinator will:

- Ensure that all parties involved in the complaint are updated throughout each stage of the procedure.
- Keep up-to-date records throughout the procedure.
- Liaise with all parties involved to ensure the complaints procedure runs smoothly, including the Headteacher, Clerk and Chair of Governors.
- Be aware of issues with regard to sharing third party information.
- Understand the complainant's need for additional support, including interpretation support, and be aware of any issues concerning this.

3.3. The investigator is involved in stages one and two of the procedure. Their role includes:

- Providing a sensitive and thorough interviewing process of the complainant in order to establish what has happened and who is involved.
- Interviewing all parties that are involved in the complaint, including staff and children.
- Liaising with the complainant and complaints co-ordinator to clarify an appropriate resolution to the problem.
- Identifying and recommending solutions and courses of actions to take.
- Being mindful of timescales and ensuring all parties involved are aware of these timescales.
- Responding to the complainant in a clear and understandable manner.

3.4. The panel chair at Stage 3 will:

- Ensure all meetings are minuted.
- Explain the remit of the panel to the complainant.
- Ensure that all issues are addressed and that outcomes are reached based on facts and evidence.
- Help to put at ease and console individuals involved who are not used to speaking at such hearings, particularly any children involved.
- Conduct the hearing in an informal manner, ensuring that everyone is treated with respect and courtesy.
- Ensure that the room's layout and setting is informal and non-adversarial, yet still sets the appropriate tone.
- Confirm that no member of the panel has previously been involved in the earlier stages of the procedure or has an external interest in the outcome of the proceedings.
- Give both the complainant and the school the opportunity to state their case and seek clarity without undue interruption.
- Provide copies of any written material or evidence to everyone in attendance of the meeting, ensuring that everyone has seen the necessary material.
- Organise a short adjournment of the hearing if required.
- Continuously liaise with the clerk and complaints co-ordinator to ensure the procedure runs smoothly.
- Help to provide the support necessary where the complainant is a child.

3.5. All panel members will be aware that:

- The review panel hearing is independent and impartial.
- No individual with prior involvement in the complaint, or the circumstances surrounding it, is permitted to sit on the panel.
- The aim of the panel is to achieve a reasonable resolution and, ultimately, attain reconciliation between the parties involved.
- Reconciliation between the school and complainant is not always achievable, and that it may only be possible to establish facts and make recommendations to reassure the complainant that their case has been taken seriously.
- The panel can:
  - Dismiss or uphold the complaint, in completely or in part.
  - Decide on appropriate action to be taken.
  - Recommend changes that the school can make to prevent reoccurrence of the problem.
- A copy of all findings and recommendations made by the review panel will be provided to the complainant and where relevant, the person complained about.
- When a child is present at the hearing, extra care needs to be taken to ensure that the child does not feel intimidated, as well as ensuring the child's view is represented equally.

3.6. The panel clerk will:

- Continuously liaise with the complaints co-ordinator.
- Keep up-to-date records of all proceedings throughout the procedure.
- Set the date, time and venue of all hearings, ensuring that this is appropriate, convenient and accessible to all parties involved.
- Collate all written material or evidence involved and send it to the parties involved in timely advance of the hearing.
- Greet all parties as they arrive at the hearing.
- Ensure that the minutes of the panel hearing are circulated.
- Notify the relevant parties of the panel's decision and any other actions to be taken.

#### 4. Making a complaint

- 4.1. The Bishops' Blue Coat Church of England High School will ensure that all aspects of the complaint's procedure are:
- Impartial and fair to all parties involved and published on the school website.
  - Respectful of confidentiality duties.
  - Continuously under improvement, using information gathered during the procedure to inform the school's senior management team.
  - Used to address all issues in order to provide appropriate and effective responses where necessary.
- 4.2. Complaints are expected to be made as soon as possible after an incident arises in order to amend the issue in an appropriate timescale.
- 4.3. The Bishops' Blue Coat Church of England High School upholds an 8-week time limit in which a complaint can be lodged regarding an incident.
- 4.4. Complaints made outside this time limit will not be automatically refused and exceptions will be considered.
- 4.5. Complaints should be made using the appropriate Complaints Procedure Form.
- All complaints shall be considered whether made in person, by telephone, in writing or electronically via email.
  - All correspondence, statements and records relating to individual complaints are kept confidential except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access to them
- 4.6. A complaint can progress to the next stage of the procedure even if it is not viewed as "justified". All complainants are given the opportunity to fully complete the complaints procedure.
- 4.7. Any complaint made against the Headteacher shall be initially dealt with by the Chair of Governors.
- 4.8. Any complaint made against the chair of governors or any other member of the Governing board should be made in writing to the clerk to the Governing board.

#### 5. Complaints procedure

- 5.1. **Stage one** – Complaint made to a member of staff
- Initially, the complaint will be heard by the member of staff to whom the complaint relates. For example if the complaint were about a student's homework, not being marked the parent would in the first instance discuss this with the relevant teacher. It is in everyone's interest that complaints are resolved at the earliest possible stage without resort to formal procedures. More often than not, as long as both sides are willing to listen to and understand each other's position, the complaint can be resolved effectively at this level.

- The member of staff can discuss the complaint with the Headteacher or complaints co-ordinator in order to seek support.
- If the complaint concerns the Headteacher, the complaints co-ordinator should be informed and will need to handle the complaint. The complainant can then be referred to the Chair of the Governing board.
- In case a complaint is made initially to a governor, the complainant should be referred to the appropriate person. The governor in question should not act alone on a complaint outside the procedure; if they do, they cannot be involved if the complaint is subject to a hearing at a later stage of the procedure.
- The complainant and the relevant member of staff should discuss the issue in a respectful and informal manner to seek a mutual resolution.
- If an appropriate resolution cannot be sought at this level, or if the complainant is dissatisfied with the outcome following the initial discussions, the complainant may wish to proceed to the next level of the procedure.

## **5.2. Stage two – Complaint made to the Headteacher**

- Stage two of the process will be completed within **21** school days. Where the situation is recognised as complex, and it is deemed to be unable to be resolved within this timescale, the headteacher will contact the complainant to inform them of the revised target date via a written notification.
- An appointment with the headteacher should be made, as soon as reasonably practical, in order to avoid any possible worsening of the situation.
- In terms of a complaint being made against a member of staff, the headteacher will discuss the issue with the staff member in question. Where necessary, the headteacher will conduct interviews with any relevant parties, including witnesses and children, and take statements from those involved.
- All discussions shall be recorded by the headteacher and findings and resolutions will be communicated to the complainant either verbally or in writing.
- Once all facts are established, the headteacher shall contact the complainant in writing with an explanation of the decision.
- If the complaint is against the headteacher, the complainant will initially need to write, in confidence, to the chair of the governing board. The chair will seek to resolve the issue informally using stage two procedure, substituting Chair for headteacher.
- Any further action The Bishops' Blue Coat Church of England High School plans to take to resolve the issue will be explained to the complainant in writing.
- If the complainant is not satisfied with the outcome suggested, the procedure will progress to stage three.

## **5.3. Stage three – Complaints Appeal Panel (CAP)**

- Following receipt of a stage two outcome, the complaint should be made in writing to the Clerk of Governors within 5 school days.
- Written acknowledgement of the complaint will be made within 5 school days. This will inform the complainant that a CAP will hear the complaint within 21 school days.
- Where there is a panel hearing of a complaint a parent/carer may attend and be accompanied if they wish.
- The Chair of Governors, or other nominated governor, will convene a CAP and make provision for a hearing before a panel consisting of at least three people who are not directly involved in the matters of the complaint, ensuring at least one member of the panel is independent of the management and running of the academy. The panel cannot be made up solely of governing body members because they are not independent of the management and running of the academy. It is a matter for the academy to identify suitably independent individuals who can fulfil the role and responsibility of being the independent member
- If the complainant believes there is likely to be bias in the proceedings, they reserve the right to request an independent panel.
  - The Bishops' Blue Coat Church of England High School will consider the request but ultimately the decision is made by the governing board.

- 5 days' notice will be given to all parties attending the CAP, including the complainant.
- Prior to the hearing, the Chair of Governors will have written to the complainant informing them of how the review will be conducted. The Headteacher will also have a copy of this letter.
- At the hearing, all participants will be given the opportunity to put their case across and discuss any issues.
- The CAP will consider issues raised in the original complaint and any issues which have been highlighted during the complaints procedure.
- The meeting should allow for:
  - The complainant to explain their complaint and the Headteacher to explain the reasons for their decision.
  - The complainant to question the Headteacher, and vice versa, about the complaint.
  - Any evidence, including witnesses who have been prior approved by the chair of the CAP, to be questioned.
  - Members of the CAP to question both the complainant and the Headteacher.
  - Final statements to be made by both parties involved.
- The complainant will receive a written response explaining the final outcome within 10 school days. This letter will also explain whether there are any further rights of appeal and to whom they need to be addressed. – The panel will provide a copy of its findings and recommendations to the complainant and a written response explaining the final outcome within 10 school days. This letter will also explain whether there are any further rights of appeal and to whom they need to be addressed.
- Copies of all documents/findings will be available at The Bishops' Blue Coat Church of England High School; for inspection if required.

## **6. Interviewing witnesses**

- 6.1.** When interviewing children in order to gather information regarding a complaint, the interview should be conducted in the presence of another member of staff or, in the case of serious complaints, e.g. where the possibility of criminal investigation exists, in the presence of their parents/carers.
- 6.2.** The Bishops' Blue Coat Church of England High School will ensure that the conduction of interviews does not prejudice an LA designated officer's (LADO), or police, investigation.
- 6.3.** The school understands the importance of ensuring a friendly and relaxed area, which is free from intimidation.
- 6.4.** All children interviewed will be made fully aware of what the interview concerns and their right to have someone with them.
- 6.5.** Staff are allowed a colleague to support them at their interview. The colleague must not be anyone likely to be interviewed themselves, including line managers.
- 6.6.** The interviewer will not express opinions in words or attitude, to not influence the interviewee.
- 6.7.** The interviewee will sign a copy of the transcription of the interview.

## **7. Recording a complaint**

- 7.1.** A written record of all formal complaints made will be kept , using the complaints procedure form, detailing the main issues raised, ready to discuss at a later date. The complaints made will be kept regardless of the outcome.
- 7.2.** The Bishops' Blue Coat Church of England High School will agree the level of minuting required with all parties to ensure all parties are able to review the discussions at a later date.
- 7.2.** Details of any complaint made shall not be shared with the entire governing board unless completely necessary, in case an independent panel is needed to hear the complaint.
- 7.3.** The progress and the final outcome of a complaint will be recorded and kept up-to-date by the complaints coordinator.
- 7.4.** The Bishops' Blue Coat Church of England High School will hold all records of complaints centrally.

## **8. Complaints not covered by this procedure**

- 8.1.** Complaints regarding the following topics should be directed to the LA:
  - Statutory assessments of Special Educational Needs and Disabilities
  - School re-organisation proposals
  - Matters which may require a Child Protection Investigation
  - Admissions to schools
- 8.2.** Complaints concerning admissions will be directed to the appropriate admissions authority.
- 8.3.** Complaints about children being excluded from the school should be dealt with by following the process explained at: <https://www.gov.uk/school-discipline-exclusions/exclusions>
- 8.4.** Staff grievances and disciplinary procedures will be dealt with using The Bishops' Blue Coat Church of England High School's internal grievance procedure. In these cases, complainants will not be informed of the outcome of any investigations.
- 8.5.** This complaints procedure is not to be used when addressing any complaints made about services provided by a third party who may use the school premises or facilities. All complaints concerning this should be directed to the service provider.

## **9. Exceptional circumstances**

- 9.1.** If the complaint suggests that a child has been at risk of significant harm through violence, emotional abuse, sexual harassment or neglect, it may be referred without further notice to the children's social care and/or to the LA.
- 9.2.** If a social services authority decides to investigate a situation, the headteacher or governing board may postpone the complaints procedure.
- 9.3.** Where a matter can be resolved through a legal appeal, it will not be considered as a formal complaint. The key areas are: admissions decisions, certain decisions relating to formal assessment of special educational needs, and decisions to permanently exclude a child.

## **10. Serial and persistent complainants**

- 10.1.** The school will act in a manner they believe to be appropriate when dealing with an individual who consistently makes related complaints or who continuously asks the school to reconsider their position.
- 10.2.** If a complainant attempts to re-open an issue which has previously fully completed the complaints procedure, the chair of the governing board will inform the complainant that the matter is now closed.
  - If the complainant contacts the school regarding the same issue again, the complaint may be classed as 'serial' or 'persistent' and the school does not have an obligation to respond.
  - The school must ensure that a complaint is not classed as 'serial' before they have fully completed the complaints procedure.
- 10.3.** The Bishops' Blue Coat Church of England High School will not take the decision to stop responding to an individual lightly. The school will ensure that:
  - They have previously taken reasonable step to address the problem.
  - They have provided the complainant with a statement of their position.
- 10.4.** The complainant falls within the definition of "unreasonable" (Appendix A)
- 10.5.** If the school believes that the complainant is continuously contacting the school to cause disruption or inconvenience, or if the complainant is being abusive or threatening, the school has the right to not respond to the correspondent.
- 10.6.** Once The Bishops' Blue Coat Church of England High School decides to no longer respond to a complainant, the individual will be informed of this decision in writing.

## **11. Barring from the premises**

- 11.1.** School premises are private property and therefore any individual can be barred from entering the premises.
- 11.2.** If a parent's/carer's behaviour is cause for concern, a school can ask the individual to leave the premises.
- 11.3.** The Headteacher will notify the parties involved via writing, explaining that their implied licence for access to the premises has been temporarily revoked subject to any representations that the individual may wish to make.

- 11.4.** The individual involved will be given the opportunity to formally express their views regarding the decision to bar them.
- 11.5.** This decision to bar will be reviewed, taking into account any discussions following the incident.
- 11.6.** If the decision is made to continue the bar, the individual will be contacted in writing, informing them of how long the bar will be in place.
- 11.7.** Anyone wishing to make a complaint regarding a barring order can do so in writing, including email, to the Headteacher or chair of governors.
- 11.8.** Once the school's complaints procedure is completed, the remaining avenue of appeal is through the Courts.

## **12. Role of the school complaints unit (SCU)**

- 12.1.** If a complainant remains dissatisfied once all stages of the complaint procedure has been completed, they have the right to refer their complaint to the Secretary of State.
- 12.2.** The Secretary of State will only intervene when they believe that the governing board has acted unlawfully or unreasonably.
- 12.3.** The SCU will not overturn a school's decision about a complaint except in exceptional circumstances, such as the school acting unlawfully.
- 12.4.** When making a final decision about a complaint, the school reserves the right to seek advice from the SCU on whether they are acting reasonably and lawfully; however, they will not be able to advise on how to resolve the complaint.

## Explanation of Policy for Unreasonable Complaints

The Bishops' Blue Coat Church of England High School is committed to dealing with all complaints fairly and impartially, and to providing a high quality service to those who complain. We will not normally limit the contact complainants have with the school; however, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

The Bishops' Blue Coat Church of England High School defines unreasonable complainants as 'those who, because of the frequency or nature of their contacts with the school, hinder our consideration of their or other people's complaints'.

A complaint may be regarded as unreasonable when the person making the complaint:

- Refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance.
- Refuses to co-operate with the complaints investigation process while still wishing their complaint to be resolved.
- Refuses to accept that certain issues are not within the scope of a complaints procedure to The Bishops' Blue Coat Church of England High School e.g. prescribed by law or regulatory bodies such as Health & Safety or Ofsted.
- Insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice
- Introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on, or raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales.
- Changes the basis of the complaint as the investigation proceeds.
- Repeats the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed).
- Refuses to accept the findings of the investigation into that complaint where the school's complaints procedure has been fully and properly implemented and completed, including referral to the DfE.
- Seeks an unrealistic outcome.
- Behaves in an unacceptable manner such, as verbally abusive or physically aggressive manner or knowing information is false/falsifying information.
- Publishing unacceptable information in a variety of media, such as in social media websites and newspapers.

Complainants should limit the numbers of communications with a school while a complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text) as it could delay the outcome being reached.

Whenever possible, the Headteacher or Chair of Governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

If the behaviour continues, the Headteacher will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact The Bishops' Blue Coat Church of England High School causing a significant level of disruption, we may specify methods of communication and limit the number of contacts.

In response to any incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. This may include banning an individual from The Bishops' Blue Coat Church of England High School premises.



## Complaints Procedure Form

If you have tried unsuccessfully to resolve your complaint and wish to take the matter further, please complete this form and send it to the Headteacher (if your complaint is against the Headteacher, send the form to the Chair of the Governing Board, at the school address)

Name:	Address:
Pupil's name:	
Pupil's date of birth:	
Daytime telephone number:	
Evening telephone number:	
Email:	Postcode:
What is your complaint concerning, and what action would you like the Headteacher to take?	
When did you discuss your concern/complaint with the appropriate member of staff?	
What was the result of the discussion?	
Signed:	Date: