

# BURLINGTON INFANT AND NURSERY SCHOOL

**POLICY TITLE: Complaints Policy**

**Persons with Responsibility:** Su Yay-Walker

**Key Legislation:**

**Documents consulted:**

Best Practice Advice for School Complaints Procedures 2016 (DfE, Jan 2016)

**Policy History:**

Issue No.	Date	Author	Summary of Changes	Next Review Date
1	Jan 2017	SYW		Jan 2020
2	Jan 2020	SYW		Spring 2023
3				

Approved by Governors at a meeting on :

Please refer to signed minutes of this meeting

***Policy Storage: see footer***

# **Burlington Infant and Nursery School**

## **Complaints Policy**

### **Introduction**

Burlington Infant and Nursery School endeavours to provide the best education possible for all of its pupils in an open and transparent environment. We welcome any feedback that we receive from parents, pupils and third parties, and we accept that not all of this will be positive. Where concerns are raised the school intends for these to be dealt with:

- Fairly
- Openly
- Promptly
- Without Prejudice

In order to do so, the following procedure explains what you should do if you have any concerns about the school.

### **Raising concerns**

All concerns or complaints must be made in person, by telephone, or in writing. The school will record the details and the progress of the concern/complaint and the final outcome. The majority of concerns can be dealt with informally without resorting to the complaints procedure. Where you have a concern about any aspect of the school or your child's education or wellbeing, raise this with your child's class teacher. Ideally, they will be able to address your concerns on the spot, or can arrange a meeting with you to discuss the issue. Wherever possible, the school will ask you what you think will resolve the issue. If you feel your concern has not been addressed by the class teacher, then please contact the year leader.

Where appropriate, the year leader will carry out a full and fair investigation to establish all facts. All concerns will be dealt with confidentially, although the staff member may need to take notes if they feel that the matter may need to be taken further or it may arise again in the future. Any such notes will be kept in accordance with the principles of the General Data Protection Regulations . However, such notes would be able to be used to as evidence if further investigation was required, or if the concern became a formal complaint.

### **Concern or 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'.

### **Safeguarding**

Wherever a concern or a complaint indicates that a child's wellbeing or safety is at risk, the school is under a duty to report this immediately to the local authority. Any action taken will be in accordance with the school's safeguarding policy. This policy is on the school website.

### **Social Media**

In order for concerns or complaints to be resolved as quickly and fairly as possible, Burlington Infant and Nursery School requests the complainants do not discuss concerns/complaints publically via social media such as Facebook and Twitter. Complaints will be dealt with confidentially for those involved, and we expect complainants to observe confidentiality also.

## **Complaints that result in staff capability or disciplinary**

If at any formal stage of the complaint it is determined that staff disciplinary or capability proceedings are necessary in order to resolve the issue, the details of this action will remain confidential to the Headteacher and/or the individual's line manager. The complainant is entitled to be informed that action is being taken and the eventual outcome of any such action, but they are not entitled to participate in the proceedings or receive any detail about them.

## **Procedure and Timeframes**

We will endeavour to resolve any concerns and complaints as quickly as possible but acknowledge that in some circumstances, this may take longer due to the complexity of information needed to review a complaint or difficulties regarding individual's availability to deal with the complaint, for example. If the complaint takes longer to resolve, the complainant will be kept informed of the progress of the investigation.

The school reserves the right not to investigate complaints that have been made 3 weeks after the subject of the complaint took place, except in exceptional circumstances. What is meant by exceptional circumstances is where new evidence has come to light, where the complaint is of an especially serious matter or where there is reasonable justification for why the complainant has been unable to raise the complaint before this time. The Headteacher will review the situation and decide whether or not to enact the complaints procedure, informing the Chair of Governors of the decision.

## **Who should I approach?**

**Educational matters:** Classroom teacher or Year leader

Year 2 Leader: Mrs MacMillan  
Year 1 Leader: Ms Ellis  
Reception: Miss Chisholm  
Nursery: Mrs Davies

**Pastoral care:** Classroom teacher, Year leader or Deputy Headteacher (Mrs Docwra/Mrs McEvoy)

**Financial/Administration matters:** Headteacher or School Business manager

**Complaint about a staff member's conduct:** direct approach to the staff member themselves. Where this does not resolve the situation, their year leader or Deputy Headteacher should be approached.

## **Complaints about the head teacher or the governors**

Where a complaint regards the Headteacher, the complainant should first directly approach the Headteacher in an attempt to resolve the issue informally. If the complainant is not satisfied with this outcome they should notify the Clerk to the Governors (Mrs Nadia Ahmed in the School Office). The Stage 2 process will then commence, but with the Chair of Governors as the individual responsible for the investigation rather than the Headteacher.

Where a complaint regards a governor, the same process applies as for the Headteacher. Where a complaint concerns the Chair of Governors, the individual should contact the Clerk to the Governors. Informal resolution will be sought, but where this fails, the complaints procedure at Stage 3 will take immediate effect. The Vice Chair will mediate any proceedings.

## Stages of the Complaint

### Stage 1 – Informal investigation by Year leader

Where as a result of raising a concern the complainant still feels that the issue has not been addressed, or where the outcome has been that the complaint needs further investigation than can be resolved briefly, they may progress by making an informal complaint. In doing so, the following steps will be followed:

1. Complainant contacts the Year leader.
2. The complainant must explain in writing
  - An overview of the complaint so far
  - who has been involved
  - why the complaint remains unresolved
  - action they would like to be taken to put things right.
3. The year leader will respond within **5 working days** in person, by telephone or in writing (excluding those which fall in the school holidays) of having received the written complaint. They will explain what action they intend to take.
4. Where the complaint is about a member of staff or a school governor, the Headteacher will arrange an informal mediation meeting between the two parties to see if a resolution can be reached.
5. The year leader/Headteacher will provide a written confirmation of the outcome of their investigation within **15 working days** (excluding those which fall in the school holidays) of having sent confirmation of the intended action. Where the complainant is not satisfied with the outcome, they are able to progress to stage 2 of the complaints process, and launch a formal written complaint.
6. The year leader/Headteacher will make a record of the concern and the outcomes of the discussion which will be held centrally for twelve months, in line with the principles of the Data Protection Act 1998

### Stage 2 – Formal investigation by Headteacher

1. The complainant may submit a formal complaints form to the Headteacher via the school office. See page 8 for a copy of this form.
2. The Headteacher will respond in writing within **10 working days** (excluding those that fall in the school holidays) of the date of receipt of the complaint to acknowledge receipt of the complaint and explain what action will be taken, giving clear timeframes.
3. A log of all correspondence in relation to the complaint will be kept in accordance with the Data Protection Principles.
4. The Headteacher will consider all relevant evidence; this may include but is not limited to:
  - a statement from the complainant,
  - where relevant a statement from an individual who is the subject of the complaint
  - any previous correspondence regarding the complaint
  - any supporting documents in either case

- interview with anyone related to the complaint.
5. The Headteacher may decide to have a meeting with the complainant (and where relevant, the subject of the complaint) if they feel that it would be appropriate for the investigation.
  6. After considering the available evidence, the Headteacher can:
    - Uphold the complaint and direct that certain action be taken to resolve it
    - Reject the complaint and provide the complainant with details of the stage three appeals process
    - Uphold the complaint in part: in other words, the Headteacher may find one aspect of the complaint to be valid, but not another aspect. They may direct for certain action to be taken to resolve the aspect that they find in favour of the complainant.
  7. The Headteacher must inform the complainant of their decision in writing within **20 working** days (excluding those that fall in the school holidays) of having issued written acknowledgement of the receipt of the complaint. They must explain clearly why they have come to the decision that they made. They must detail any agreed actions as a result of the complaint. Finally, they must provide the complainant with details of how to progress the complaint to stage three if they are not satisfied, providing them with the contact details of the Clerk to the Governors (see the end of the procedure for these).

### **Stage 3 – appeal – review by a panel of the governing board.**

If the complainant wishes to appeal a decision by the Headteacher at stage 2 of the procedure, or they are not satisfied with the action that the Headteacher took in relation to the complaint, the complainant is able to appeal this decision.

They must write to the Clerk to the Governors (contact details available from the School Office) as soon as possible after receiving notice of the Headteacher's decision, briefly outlining the content of the complaint and requesting that a complaints appeal panel is convened.

The Clerk to the Governors will fulfil the role of organising the time and date of the appeal hearing, inviting all the attendees, collating all the relevant documentation and distributing this 5 days in advance of the meeting, recording the proceedings in the form of minutes, and circulating these and the outcome of the meeting.

The complainant must request an appeal panel within 4 weeks of receiving the Headteacher's decision or it will not be considered, except for in exceptional circumstances. On receipt of this written notification, the following steps will be followed:

1. The Clerk to the Governors will write to the complainant within five working days (not including the school holidays) to confirm receipt of the appeal request and detail further action to be taken.
2. The Clerk to the Governors will convene a panel of two or three governors. All panel members will have no prior knowledge of the content of the complaint.
3. The appeal hearing will take place within 20 working days (excluding those which fall in the school holidays) of receipt of the date of the confirmation letter from the Clerk to the Governors to the complainant, confirming the appeal.
4. In addition to the panel, the following parties will be invited, where applicable:

- the complainant
- the Headteacher who dealt with the complaint at Stage 2
- where the complaint regards a member of staff, the staff member who is the subject of the complaint.

The complainant is also able to bring a companion with them to the hearing if they wish. Where the subject of the complaint is a member of staff, that staff member is also able to bring a companion with them.

The companion will be a friend or a colleague. Neither party is able to bring legal representation with them. If after the hearing any party feels that legal action is necessary, please see the contact details at the end of the procedure.

5. If the attendance of any pupils is required at the hearing, parental permission will be sought if they are under the age of 18. Extra care will be taken to consider the vulnerability of children where they are present at a complaints hearing.
6. Where the complaint is about a governor/trustee, the complainant may request that the appeal is heard by an entirely independent panel. It is at the discretion of the Governing board who will notify the Clerk of the Governors of their decision. Where an entirely independent panel is required, timescales may be affected while the school source appropriate individuals for the review.
7. The panel can make the following decisions:
  - 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.
8. All parties who attended the meeting will be informed in writing of the outcome of the appeal within 5 working days (excluding those which fall in the school holidays).

This is the final stage at which the school will consider the complaint. If the complainant remains dissatisfied and wishes to take the complaint further, please see the contact details at the end of the document. The school will not consider the complaint beyond this.

### **Unreasonable complaints**

Where a complainant raises an issue that has already been dealt with via the school's complaints procedure, and that procedure has been exhausted, the school will not reinvestigate the complaint except in exceptional circumstances, for example where new evidence has come to light.

If a complainant persists in raising the same issue, the Headteacher will write to them explaining that the matter has been dealt with fully in line with the school complaints procedure, and therefore the case is now closed. The complainant will be provided with the contact details of the Department for Education Ministerial and Public Communications Division if they wish to take the matter further.

Department for Education

Piccadilly Gate

Store Street

Manchester M1 2WD

Telephone 0370 000 2288

Unreasonable complaints include the following scenarios:

- The complainant refuses to cooperate with the school's relevant procedures.
- The complainant changes the basis of the complaint as the complaint progresses.
- The complainant seeks an unrealistic outcome.
- Excessive demands are made on the time of staff and school governors and it is clearly intended to aggravate. This includes a succession of complaints, where the complainant opens a new complaint as another ends. If the complaint is deemed reasonable, the Headteacher will allow 2 complaints to be investigated per complainant per year.
- The complainant acts in a way that is abusive or offensive.

The Headteacher will use their discretion to choose not to investigate these complaints. Where they decide to take this course of action, they must inform the Chair of Governors that they have done so, explaining the nature of the complaint and why they have chosen not to investigate. If the Chair of Governors deems it appropriate to, they can redirect the Headteacher to investigate the complaint. The full complaints procedure will commence from stage one on this direction.

If the Chair of Governors upholds the Headteacher's decision not to look into the complaint and the complainant deems this decision to be so unreasonable that no other rational body in the same position would have made that decision, then the complainant may write to the Department for Education (see the contact details above).

Contact details for external organisations if not satisfied with the outcomes of the complaints procedure in full:

- If you have any queries regarding any aspect of the complaints procedure, please direct these to the Clerk to the Governors (Nadia Ahmed) in the school office.
- If the complainant feels that the Governing board acted 'unreasonably' in the handling of the complaint, they can complain to the Department for Education after the complaints procedure has been exhausted. Please note that 'unreasonable' is used in a legal sense and means acting in a way that no reasonable school or authority would act in the same circumstances. <https://www.gov.uk/complain-about-school>
- Ofsted will also consider complaints about schools.

### **Relevant legislation and guidance**

The Equality Act 2010 <http://www.legislation.gov.uk/ukpga/2010/15/contents>

The General Data Protection Regulations (EU) 2016/697 (GDPR)  
<https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/>

The Data Protection Act 2018 <https://www.gov.uk/data-protection>

The Education (Independent School Standards) Regulations 2014  
<http://www.legislation.gov.uk/uksi/2014/3283/contents/made>

Education Act 2002 <http://www.legislation.gov.uk/ukpga/2002/32/contents>

The Department for Education *Best Practice advice for school complaints procedures*  
<https://www.gov.uk/government/publications/school-complaints-procedures>

**Burlington Infant and Nursery School**

**Formal Complaints Form**

Name	
Name of pupil, year group and your relationship to them (where applicable)	
Contact address	
Contact telephone day	
Contact telephone mobile	
Contact email address	
Details of the complaint	
Action taken so far (including staff member who has dealt with it so far) or solutions offered	
The reason that this was not a satisfactory resolution for you	
What action would you like to be taken to resolve the problem?	

Signed:

Date:

<i>Official use</i>	
Date received:	Signed: