

# Barrs Court Primary School

## Complaints Policy

(Statutory Policy Document)

Version No 2

September 2023



<b>Date approved by Headteacher</b>	15 <sup>th</sup> September 2023	
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<b>Date of Full Governing Body Approval (if required)</b>	4 <sup>th</sup> October 2023	
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<b>Next Review Date</b>	September 2025	

## **BARRS COURT PRIMARY SCHOOL**

### **Complaints Policy**

Barrs Court Primary School aims to work in partnership with parents in the best interests of the children. Any complaint will be given careful consideration and will be dealt with fairly and honestly.

We will provide sufficient opportunity for any complaint to be fully discussed, and aim to resolve it through open dialogue and mutual understanding.

We expect all our pupils, staff and parent/carers to speak and listen respectfully to each other. We strongly discourage gossip between staff, parents or children, including on social networking sites, as each time an incident is retold the facts get diluted or misrepresented. If you are concerned about an issue, speak to a member of staff first. Please remember, whilst your concern is with your own child/children, a teacher's priority during the school day is all the children in class. So please do not compromise them; follow the procedures.

Forms are available at the end of this document to support the process.

#### **Referral of Complaints**

The majority of formal complaints against the school will fall within the remit of the Governing Body to consider. However, there are five categories of complaint which the Local Authority Department for Children and Young People has responsibility for, not the Governing Body. These are as follows:

- Admission to the school
- Statutory Assessment of Special Educational Needs and Disabilities
- Exclusion of pupils from the school
- Child protection related issues or allegations of child abuse
- Any complaint about the action of the Governing Body

*In any of these five categories, your complaint must be sent directly to the Local Authority by following the guidance in Appendix 1.*

The Education Act 2011 removed the duty on Local Authorities to consider complaints against the curriculum, sex education and religious worship in maintained schools. These complaints must now be considered by schools.

From 1st August 2012 complaints about maintained schools not resolved by the school that would previously have been considered by the local authority should be addressed to the Secretary of State for Education.

Unless the complaint is about the Governing Body itself, the Governors will have the prime responsibility for dealing with any complaints which it has not been possible to resolve at school level. If the complainant has contacted South Gloucestershire Council directly, then the council will refer the complaint back to the Chair of Governors for consideration.

There may be occasions when the Governors wish the Local Authority to investigate and hear a complain on their behalf as the Governing Body is unable to do so, for example because all members of the Governing Body have previously discussed an issue and cannot be impartial. In such circumstances, the Local Authority will, where possible carry out the investigation. However, it will only do so where the Governing Body agrees that it will abide by the decision made by the panel (as if it were the school's own Complaint Panel). The panel will be made up of a senior officer and two Governors from other maintained schools. The Governing Body could also ask another Governing Body to investigate and hear the complaint on their behalf.

#### **Actions Before Making Any Complaint**

Our complaints procedure is not intended to replace the normal informal discussions which take place between parents, staff and the Headteacher on problems and concerns as they arise. Most issues can be resolved through this dialogue.

These concerns might include such matters as your child's work or progress, relations with staff, relations with other pupils including bullying, or your child's personal welfare. We would encourage parents to express their views at the earliest opportunity and through the appropriate channels. It is hoped that taking informal concerns seriously will avert the likelihood of them developing into formal complaints. Parents should be assured that making a complaint would not adversely affect their child.

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If the person first contacted cannot deal with the matter immediately, it will be recorded with date, name, contact address or telephone number and the nature of the complaint and it will be referred to the person best able to deal with it as soon as possible.

### Stage 1 (Informal) - Classteacher Level

An appointment should be made with the classteacher, to discuss the complaint. Appointments to see the class teacher or telephone consultations can be made at a mutually convenient time through the school office. (Please note that it is not appropriate to see a teacher at the beginning of the morning session to discuss a complaint as there is a very short time before registration takes place). If necessary the class teacher will pass on your complaint to the Headteacher or other senior member of staff for investigation.

When meeting with the class teacher to raise your concerns, please be patient, the class teacher may need time to perform an investigation or put corrective measures in place and then determine their effectiveness. This informal stage may require several meetings to reach a conclusion satisfactory to all parties. Discuss desired actions for the school and Parent/Carer, timescales, and further meetings during your appointment. The school and Parent/Carer can discuss desired actions and timescales at this meeting. The informal stage may require several meetings to reach a conclusion which is satisfactory to all parties. The classteacher may refer you to a senior leader or a Subject Leader who may attend the meetings.

If the complaint cannot be resolved, then the second stage is to make an appointment with the Headteacher.

### Stage 2 (Informal) - Headteacher Level

An appointment should be made with the Headteacher, to discuss the complaint. In the case of a written complaint, your complaint will be acknowledged within **3 school days** of receipt.

If the Headteacher cannot resolve the complaint at the initial meeting then the school may carry out an investigation involving all parties, with permission to talk to the pupil agreed in advance of the meeting. It will be the Headteacher's responsibility to decide who should conduct the investigation. This may be the Headteacher or may be a member of the Senior Leadership Team, especially if there is the likelihood of a personnel issue emerging from the investigation.

The investigation will be completed within **10 school days** and a follow on meeting held with the Parent/Carer to discuss the results of the investigation. Further meetings may be held as required if both parties agree that the concern may be resolved by subsequent meetings, whilst still at the informal level.

The Headteacher will make written notes of any informal complaint. The notes will include details of the complaint, how it was dealt with, by whom and the outcome. In the event of the complaint proceeding to the formal stage, these notes will be made available to the Complaints Panel.

If discussions between the Headteacher and the Complainant fail to resolve the issue, then the Headteacher will advise the Complainant that they may make a formal complaint to the Governing Body, by putting the complaint in writing to the Chair of Governors **within 20 days**.

If the complaint is about the Headteacher, the above procedures apply but the informal investigation will be undertaken by the Chair of Governors.

### Stage 3 (Formal) – Governing Body

When a formal complaint is received by the Chair of Governors a panel of three Governors will be convened to hear the complaint, and make a decision regarding the complaint on behalf of the Governing Body. The Governors appointed to the panel will have had no previous involvement in the complaint.

A letter of acknowledgement and a request for additional written evidence (if necessary) will be sent to the Complainant within **10 school days**. All other parties to the complaint will receive a letter outlining the complaint and requesting written evidence. All parties will be informed of the convened panel, including the Chair of the panel and should declare any objections to the Chair of Governors at this stage.

The panel will convene the complaints meetings within a reasonable time. The clerk will write and inform all those attending at least **5 school days** in advance, of the date, time and place of the meeting. Following the conclusion of the complaints meetings with all parties, the chair of the panel will provide a written response to the complaint within **15 school days**.

*N.B. - Where it is not possible to respond to a complaint within the stated timescales, all parties will be informed in writing of the reason for the delay and given an anticipated response date.*

The primary function of the Complaints Panel is to decide on the merits or otherwise of the complaint. However, the panel will also play an important role in attempting to resolve the complaint. The panel will reach a decision on whether the complaint is upheld or rejected and may call for certain action to be taken by the school or the parent/carers.

## **Complaints Policy**

The Complaints Panel will invite written evidence from all parties to the complaint. Any written evidence will be circulated to all parties prior to any meetings. The Complaints Panel will then meet with all parties to the complaint, formally and separately. Each party may be accompanied by work colleague or trade union representative for support, but they may not speak on behalf of the Complainant. All parties will be given a fair opportunity to express their point. The procedure for each meeting will be as follows:

- Introductions will be performed by the Chair of the Complaints Panel to ensure all parties are knowledgeable of, and comfortable with the membership
- The Complainant will give a statement of their complaint and the outcome sought
- The panel will question the Complainant
- The Complainant may make a final statement before leaving the meeting

The Defendant will be interviewed separately to the Complainant..

- The Defendant will respond to the complaint and give their point of view
- The panel will question the Defendant
- The Defendant may make a final statement
- The Defendant will leave the meeting

The meetings will be minuted. Care will be taken in identifying a clerk. It may be appropriate for a member of staff such as the Admin Officer to act as clerk, although consideration will be given to the sensitivity of the particular complaint.

The decision reached by the panel will be notified in writing to the Complainant and the Defendant. It will also be reported back to the next meeting of the Full Governing Body.

Written replies to Complainants will aim to answer all the points of concern, be factually correct, avoid jargon, and tell the Complainant what to do next if they are still not satisfied. It may be appropriate for the nominated complaints governor to telephone the Complainant regarding the outcome. However this will always be followed up with a letter to make sure there is no misunderstanding.

### **Appeal to The Secretary Of State**

A complaint may be made to the Secretary of State for Children, Schools and Families if a person believes that a Governing Body or Local Authority is acting 'unreasonably', or is failing to carry out its statutory duties properly (see Sections 496 and 497 of the Education Act 1996). However, intervention can only occur if the Governing Body or the Local Authority has failed to carry out a legal duty or has acted unreasonably in the performance of a duty.

Intervention would have to be expedient in the sense that there would have to be something that the Secretary of State could instruct either party to do to put matters right. The Secretary of State must be satisfied that a decision is unreasonable in the sense that no reasonable authority or governing body, acting with due regard to its statutory responsibilities, would have reached that decision. The Secretary of State cannot do anything until the school has finished looking into the complaint.

### **Monitoring and Review**

The Governing Body will review this complaints policy on a biannual basis. The Headteacher will log all formal complaints received by the school and will record how they were resolved. The Chair of Governors will examine the complaint records on an annual basis and will consider the need for any changes to the procedure

### **Vexatious Complaints**

South Gloucestershire Council Policy states: 'A complaint may become vexatious when it has been properly considered and dealt with, but the complainant is not prepared to accept the conclusion or persists in making the same or substantially the same complaint'. Continuing with such complaints can unreasonably take up time and resources and detract from the responsibility to others in the school community. The decision regarding whether a complaint has become vexatious will be made by the Chair of Governors on behalf of the Governing Body. If the Chair of Governors judges that a complaint has become vexatious he/she will inform the complainant in writing of this, stating that the matter is now closed.

### **Notes**

This complaints policy has been compiled using the South Gloucestershire Education Service document 'Complaints Against Schools, General Principles and Procedural Guidance' (revised April 2003)

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## Complaints Policy

### General Principles Regarding Any Complaint

The following principles will apply to any complaint:

- The complaint will be handled with care and sensitivity
- All stages of the complaints procedure will be investigatory rather than adversarial

Confidentiality will be respected at all times

- Responses to any complaint will be prompt
- The Complainant will be given adequate feedback and kept informed of timescales
- The Complainant will be kept informed of the options to appeal during the process
- Any investigation will be thorough and fair
- Any investigation will address all the points at issue

If any Governor is contacted directly by a Parent/Carer regarding a complaint then that Governor will refer the Parent/Carer to this complaints procedure. Individual Governors cannot act unilaterally by investigating a complaint or making any prior judgement about it. The Governor can only refer the Parent/Carer to the class teacher, the Headteacher or the Chair of Governors as appropriate.

If the complaint is one that may result in disciplinary or legal action against the Headteacher, or the complaint is regarding the Headteacher, then the complaint should immediately be escalated to Stage 3 via a letter to the Chair of Governors.

If at any stage of a complaint it becomes apparent that the Complainant is seeking some sort of financial compensation then any investigation will be halted whilst advice is sought from the Local Authority Risk and Insurance Manager.

If an anonymous complaint is received, or the Complainant requests anonymity, then the Complainant will be urged to identify themselves in the interests of fairness and of dealing effectively with the complaint. However if the anonymous complaint is of a sufficiently serious nature then the Headteacher or Chair of Governors will decide whether action is appropriate – for example, in the case of safeguarding an anonymous complaint will always be investigated and the appropriate agencies informed.

The Complainant should not attempt to bypass steps in the complaints procedure. Escalation to the Local Authority or Secretary of State levels before the formal school procedures have been exhausted will result in the Complainant being referred back to the schools procedure by those bodies

Signed (chair): <i>Helen Woods</i>	Name: Mrs H Woods	Date: 01.09.21
Signed (Head): <i>Daniel Webster</i>	Name: Daniel Webster	Date: 01.09.21
Ratified by:		Next Review: September 2023

### Appendix 1

#### Complaints dealt with by the Local Authority

##### Guidance from the South Gloucestershire Council Website

<http://www.southglos.gov.uk/education-and-learning/schools-and-colleges/school-complaints/>

You should initially make a complaint directly to the school (including a Free School or an academy) by following their complaints procedure.

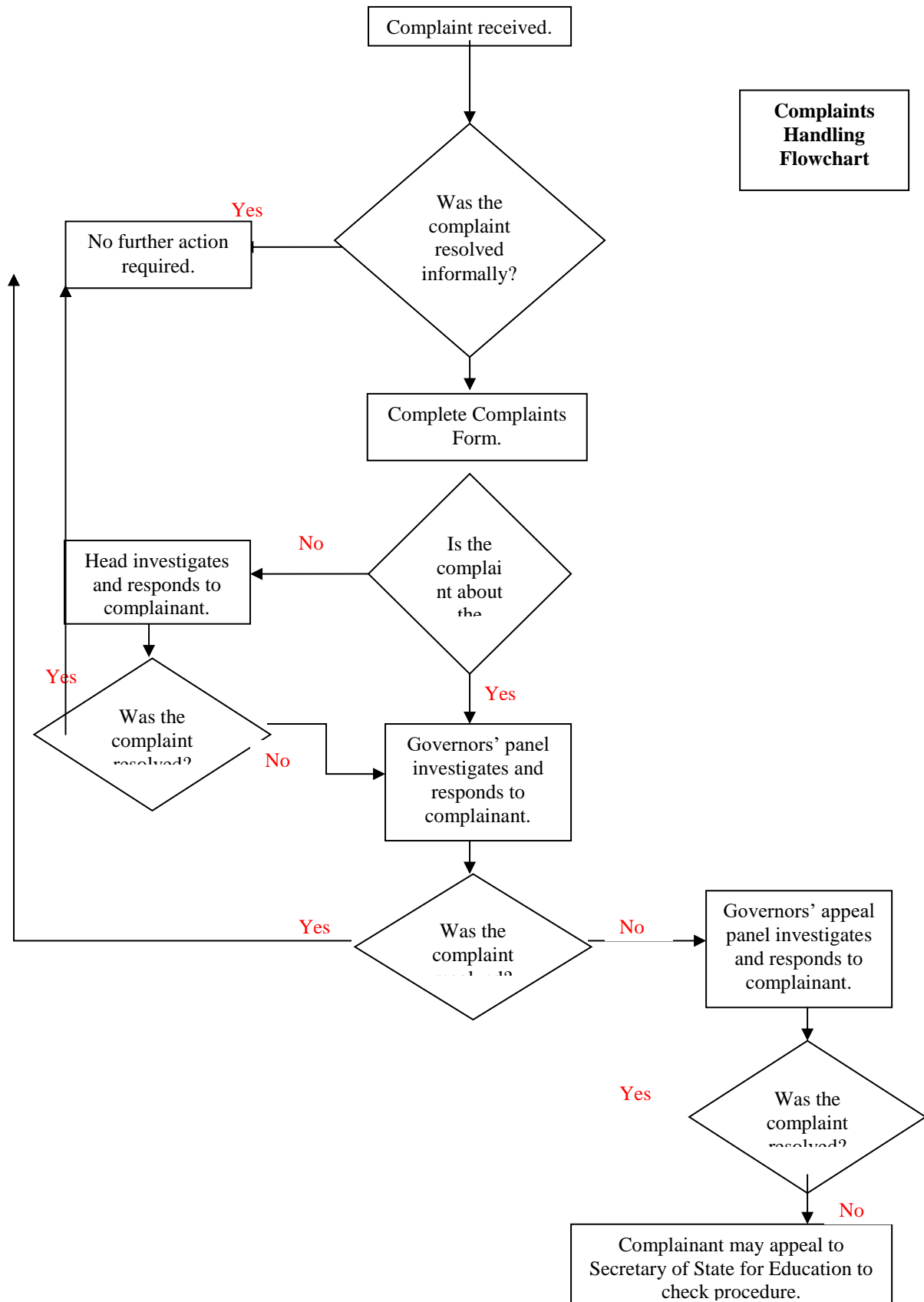
It is the responsibility of the governing body or Academy Trust to have and to publish a procedure to deal with complaints relating to the school. They are also responsible for dealing with any complaints which school staff could not resolve.

If you contact South Gloucestershire Council with your complaint, then the council will refer you back to the school.

If you have exhausted the school's own complaints process, you can forward your complaint to the Department for Education addressing your complaint to the Secretary of State. You should include all relevant documentation including correspondence.

Separate procedures apply to complaints about admission to school; about the statutory assessment of a child's special educational needs; the exclusion of pupils from school; school transport, home tuition, concerns or allegations against staff or volunteers; or child protection. If your query relates to any of these, you can contact the Complaints & FOI team on Tel: 01454 865924.

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### Appendix 2

#### **Barrs Court Primary School Policy for Handling Unreasonably Persistent, Harassing or Abusive Complainants**

The Headteacher and Governing Body are fully committed to the improvement of our school. We welcome feedback from parents / carers and will always try to resolve any concerns as quickly as possible.

This policy is intended to be used in conjunction with the school's complaints procedure. Taken together, these documents set out how we will always seek to work with parents, carers and others with a legitimate complaint to resolve a difficulty.

Sometimes, however, parents or carers pursuing complaints or other issues may treat staff and others in a way that is unacceptable. Whilst we recognise that some complaints may relate to serious and distressing incidents, we will not accept threatening or harassing behaviour towards any members of the school community.

#### **What do we mean by 'an unreasonably persistent complainant'?**

An unreasonably persistent complainant may be anyone who engages in unreasonable behaviour when making a complaint. This will include persons who pursue complaints in an unreasonable manner.

Unreasonable behaviour may include:

- actions which are
  - out of proportion to the nature of the complaint, or
  - persistent – even when the complaints procedure has been exhausted, or
  - personally harassing, or
  - unjustifiably repetitious
- an insistence on
  - pursuing unjustified complaints and/or
  - unrealistic outcomes to justified complaints
  - pursuing justifiable complaints in an unreasonable manner (eg using abusive or threatening language; or
  - making complaints in public or via a social networking site such as Facebook; or
  - refusing to attend appointments to discuss the complaint.

#### **What is 'harassment'?**

We regard harassment as the unreasonable pursuit of issues or complaints, particularly if the matter appears to be pursued in a way intended to cause personal distress rather than to seek a resolution.

Behaviour may fall within the scope of this policy if:

- it appears to be deliberately targeted at one or more members of school staff or others, without good cause;
- the way in which a complaint or other issues is pursued (as opposed to the complaint itself) causes undue distress to school staff or others;
- it has a significant and disproportionate adverse effect on the school community.

#### **What does the school expect of any person wishing to raise a concern?**

The school expects anyone who wishes to raise concerns with the school to:

- treat all members of the school community with courtesy and respect;
- respect the needs of pupils and staff within the school;
- avoid the use of violence, or threats of violence, towards people or property;
- recognise the time constraints under which members of staff in schools work and allow the school a reasonable time to respond to a complaint;
- follow the school's complaints procedure.

#### **Schools' responses to unreasonably persistent complaints or harassment**

In cases of unreasonably persistent complaints or harassment, the school may take some or all of the following steps, as appropriate:



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- inform the complainant informally that his/her behaviour is now considered by the school to be unreasonable or unacceptable, and request a changed approach;
- inform the complainant in writing that the school considers his/her behaviour to fall under the terms of the Unreasonably Persistent Complaints/ Harassment Policy;
- require all future meetings with a member of staff to be conducted with a second person present. In the interests of all parties, notes of these meetings may be taken;
- inform the complainant that, except in emergencies, the school will respond only to written communication and that these may be required to be channelled through the Local Authority.

### Physical or verbal aggression

The governing body will not tolerate **any** form of physical or verbal aggression against members of the school community. If there is evidence of any such aggression the school may:

- ban the individual from entering the school site, with immediate effect;
- request an Anti-Social Behaviour Order (ASBO);
- prosecute under Anti-Harassment legislation.
- call the police to remove the individual from the premises, under powers provided by the Education Act 1996.

Legitimate new complaints will always be considered, even if the person making them is (or has been) subject to the Unreasonably Persistent Complaints/ Harassment Policy. The school nevertheless reserves the right not to respond to communications from individuals subject to the policy.

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### Appendix 3

### Contact/Complaints Triage Table

<b>Nature of Contact</b>	<b>Appropriate person to receive contact</b>	<b>Relevant Policy/Procedure</b>
Request for published information	School Office	FOI Act Charging Policy
Request for personal pupil information	Head Teacher or Senior member of staff	DPA Charging Policy
Complaint about GB policy (content or application of)	Clerk/Chair	General Complaints Procedure
Concern about provision of facilities or services by the school	Head Teacher Chair	General Complaints Procedure
Allegation about conduct of a member of staff	Head Teacher Or Chair (if allegation against head)	School Staff Discipline Procedure (Confidential to School and Employee)
Allegation of verbal or physical assault by employee on pupil	Head Teacher OR Child Protection co-ordinator Or Chair (if allegation against head)	Local Child Protection Procedures (Confidential to school, LA CPO and parents of alleged victim)
Allegation about capability of a member of staff	Head Teacher Or Chair (if allegation against head)	School Staff Competence Procedure (Confidential to School and Employee)
Conduct of another pupil (e.g. bullying)	Head Teacher or Senior member of staff	School behaviour and discipline procedures (Confidential to School and parents of alleged perpetrator)
Discipline of a pupil	Head Teacher or Senior member of staff	School behaviour and discipline procedures (Confidential to School and parents of pupil)
Content of /Failure to maintain a statement of SEN	Head Teacher /SENCO LA	LA procedures
Admissions	Chair/Clerk (Foundation/VA) LA (Community/VC)	Admissions Procedure Admissions Appeal Procedure
Exclusion	Chair/Clerk (Foundation/VA) LA (Community/VC)	Exclusion Appeal Procedure
Failure to provide NC Entitlement or Inappropriate Curriculum	Head Teacher Clerk to GB LA	LA Procedure
Extended Services	Manager of relevant service	Procedures of Service Provider
Decision to remove licence for a person to enter school premises (banning)	Clerk to GB/Chair	GB Appeal Committee

## Complaints Policy

### Appendix 4

### Barrs Court Primary School Meeting Request Form

I wish to meet ..... to discuss the following matter:

Brief details of topic to be discussed:

Dates/times when it would be most convenient for a meeting:

Your name:

Relationship with school (e.g. parent of a pupil on the school roll):

Pupil's name (if relevant to the matter to be discussed)

Your Address:

Telephone numbers

Daytime:

Evening:

e-mail address:

**Signed** .....

**Date** .....

[Please complete this form and return it to the school office]

School use:

Date Form received:

Date response sent:

Received by:

Response sent by:

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### Appendix 5

### Barrs Court Primary School Formal Complaint Form

Please complete this form and return it, via the school office, to the Head Teacher (or Clerk to the governing body), who will acknowledge its receipt and inform you of the next stage in the procedure.

Your name: .....

Relationship with school (e.g. parent of a pupil on the school roll):  
.....

Pupil's name (if relevant to your complaint):  
.....

Your Address:

Telephone numbers

Daytime:

Evening:

e-mail address:

Please give concise details of your complaint, (including dates, names of witnesses etc...), to allow the matter to be fully investigated.:

You may continue on separate paper, or attach additional documents, if you wish.

Number of Additional pages attached =

What action, if any, have you already taken to try to resolve your complaint? (i.e. who have you spoken with or written to and what was the outcome?)

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

Signature:

Date:

School use:

Date Form received:

Received by:

Date acknowledgement sent:

Acknowledgement sent by:

Complaint referred to:			
Date:			

## Complaints Policy

### Appendix 6

### Barrs Court Primary School Complaint Review Request Form

Please complete this form and return it to Head Teacher (or Clerk to the governing body), who will acknowledge its receipt and inform you of the next stage in the procedure.

Your name: .....

Your Address:

Telephone numbers:

Daytime:

Evening:

e-mail address:

Dear Sir

I submitted a formal complaint to the school on ..... and am dissatisfied by the procedure that has been followed.

My complaint was submitted to ..... and I received a response from ..... on .....  
.

I have attached copies of my formal complaint and of the response(s) from the school.

I am dissatisfied with the way in which the procedure was carried out, because:

You may continue on separate paper, or attach additional documents, if you wish.

Number of Additional pages attached =

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

## Complaints Policy

Signature:

Date:

School use

Date Form received:

Received by:

Date acknowledgement sent:

Acknowledgement sent by:

Request referred to:			
Date:			