



BORDEN GRAMMAR SCHOOL

School Complaints Procedure

Date Drawn Up	May 2008
Date Last Revised	April 2019
Drawn Up/Revised By	The Headteacher, (in keeping with guidance from the ESFA & KCC)
Date Ratified by Governors (Finance & Resources Committee)	29.4.19
Frequency of Review	Three yearly
Next Review Date	January 2022



Complaints Procedure Contents Page

	Page
1. Aims and Principles of the Policy	3
2. Part 1: General Principles	4
3. Part 2: The Formal Complaints Procedure	7
4. Part 3: Managing and Recording Complaints	8
5. Part 4: Policy for Unreasonable Complainants	9
6. Annex A: Stage One to Stage Four	11
7. Annex B: Checklist for a Panel Hearing	15
8. Annex C: Flowchart – Summary of Dealing with Complaints	16
9. Annex D: Complaint Form	17

School Complaints Procedure

Borden is committed to providing the very best education for our young people and we want our pupils to be healthy, happy and safe and to do well. We recognise the importance of establishing and maintaining good relationships with parents, carers and the wider community. We are aware that there may be occasions where people have concerns or complaints and the following procedure sets out the steps that should be followed in order to resolve these as promptly, fairly and informally as possible.

School governing bodies are required under Section 29 of the Education Act 2002 to have in place a procedure for dealing with complaints relating to the school. Borden has taken notice of the non-statutory guidance issued by the Department for Education in January 2016 ('Best Practice Advice for School Complaints Procedures').

Sometimes when concerns are more specific, there are alternative and more appropriate policies for dealing with them. The following are examples of specific topics and the correct policy to refer to should you have a concern or complaint. You can access these policies on our website or ask for a copy from the school office.

- Pupil Admissions: please see the school's admissions policy or contact Kent County Council Admissions team
- Special Educational Needs: you can use this policy to complain unless your child has an Education, Health and Care Plan and you wish to appeal against a decision that the local authority has taken. If this is the case, you need to contact the local authority.
- Staff grievance, capability or disciplinary; these are covered by separate school policies and procedures
- Anonymous complaints: Please refer to the school's whistleblowing policy
- Subject Access Requests and Freedom of Information Requests: please see the school's Data protection and Freedom of Information Policies.

Aims and principles of the policy

This policy aims to:

- Encourage the resolution of concerns and complaints by informal means wherever possible
- Ensure that concerns are dealt with quickly, fully and fairly within defined time limits wherever possible
- Provide effective and appropriate responses to concerns and complaints
- Maintain good relationships between the school and all those involved

Where concerns are raised, the school intends for these to be dealt with fairly, openly and promptly. The governing body has approved the following procedure which explains what you should do if you have any concerns about the school.

Where appropriate, the school may offer mediation to resolve a concern or complaint at any stage of the process. The school may also use someone independent from the school to investigate a complex issue and to report back to the headteacher, Chair of Governors or Governor Complaints Panel (depending on which the stage of the process the complaint is being dealt with).

Part 1: General Principles

Dealing with concerns and complaints

1. The school will endeavour to take informal concerns seriously at the earliest stage so that a concern does not become a complaint
2. One underlying principle is that concerns ought to be handled, if at all possible, without the need for formal procedures. The requirement to have a complaints procedure need not in any way undermine efforts to resolve a concern informally. It is helpful if staff are able to resolve issues on the spot, including apologising where necessary. If a concern cannot be resolved by an individual member of staff it should be swiftly referred to that person's line manager.

Safeguarding

3. Wherever a complaint indicates that a pupil'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.

Dealing with Complaints – Formal procedures

4. The formal procedures will need to be invoked when initial attempts to resolve the issue are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further.
5. The Headteacher (complaints co-ordinator) has responsibility for the operation and management of the school complaints procedure. If staff disciplinary or capability procedures are deemed necessary, the details will remain confidential to the Headteacher and/or line manager and the complainant is not entitled to participate in the process or know details about the proceedings.

Correspondence, statements and records relating to individual complaints are to be kept confidential except where the Secretary of State or a body conducting an inspection under section 162A of the 2002 Act requests access to them.

Framework of Principles

6. The school's policy will:
 - encourage resolution of problems by **informal** means wherever possible;
 - be easily **accessible** and **publicised**;
 - be **simple** to understand and use;
 - be **impartial**;
 - be **non-adversarial**;
 - have established time limits and keep people informed of the progress;
 - ensure a full and **fair** investigation by an independent person where necessary;
 - respect people's desire for **confidentiality**;
 - address all the points at issue and provide an **effective** response and **appropriate** redress, where necessary;
 - provide **information** to the school's senior management team so that services can be improved.

Investigating Complaints

7. At each stage, the person investigating the complaint, will make sure that they:
 - establish **what** has happened so far, and **who** has been involved;
 - clarify the nature of the complaint and what remains unresolved;
 - meet with the complainant or contact them (if unsure or further information is necessary);
 - clarify what the complainant feels would put things right;
 - interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish;
 - conduct the interview with an open mind and be prepared to persist in the questioning;
 - keep notes of the interview.

Resolving Complaints

8. If a complaint is found to be justified it might be sufficient to acknowledge that the complaint is valid in whole or in part. In addition, it may be appropriate to offer one or more of the following:
 - an apology;
 - an explanation;
 - an admission that the situation could have been handled differently or better;
 - an assurance that the event complained of will not recur;
 - an explanation of the steps that have been taken to ensure that it will not happen again;
 - an undertaking to review school policies in light of the complaint.
9. Resolution of the situation may be helped if complainants are encouraged to state what actions they feel might resolve the problem at any stage.
10. An admission that the school could have handled the situation better is not the same as an admission of negligence.
11. During any investigation it will be important to clarify any misunderstandings that might have occurred to create a positive atmosphere in which to discuss any outstanding issues.
12. Complaint from a member of the Public: If a complaint is not from a parent/carer of a pupil of the school (for example, from a member of the public) it should be made directly to the Headteacher, preferably in writing.
13. Social media: In order for complaints to be resolved as quickly and fairly as possible, we ask that complainants do not raise concerns or discuss them publicly via social media (In keeping with our home-school agreement). The school will deal with complaints in confidence and expects complainants to observe confidentiality too.
14. Malicious/Vexatious Complaints/Correspondence:

If numerous complaints/correspondence are received from one parent /carer or the general public and it is established that these complaints have been unfounded, and/or have no legitimate aim and/or are malicious/vexatious in nature these will no longer be accepted or considered. The Governors or the Headteacher will write to the complainant

advising this is the case. There is no internal route of appeal for the complainant against the Academy's decision.

Time-Limits

15. The school will seek to resolve complaints as quickly and efficiently as possible. Realistic time limits will be given for action within each stage. However, where further investigations are necessary, new time limits can be set and the complainant sent details of a new deadline and an explanation for the delay.

Part 2: The Formal Complaints Procedure

The Stages of Complaints

16. Borden's complaints procedure has well-defined stages. A flow chart summary can be found in Annex C. At each stage complainants will be informed of who will be involved, what will happen, and how long it will take. There may, on occasion, be the need for some flexibility; for example, the possibility of further meetings between the complainant and the member of staff directly involved and further investigations may be required by the Headteacher after a meeting with the complainant. Both of these examples could be included.

17. In most cases a four stage process will be adopted:-

- Stage one: complaint heard by staff member (though not the subject of the complaint);
- Stage two: complaint heard by Headteacher;
- Stage three: complaint dealt with by the Chair of Governors
- Stage four: complaint heard by Governing Body's complaints appeal panel;

The Headteacher may, if deemed necessary, intervene at Stage one or ask that a senior member of staff undertakes Stage 2, but must seek a decision from the Headteacher to take back to the complainant.

18. Regardless of how many stages the school chooses, an unsatisfied complainant can always take a complaint to the next stage.

If, after going through all stages of the school complaints procedure a complainant is still dissatisfied the complainant may take their complaint to:

Ministerial & Public Communications Division

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

19. If a complaint concerns the conduct of the Headteacher or a governor or where a Headteacher or governor has been involved in the issue previously, then the complainant should write to the Chair of Governors in the first instance.

Part 3: Managing and Recording Complaints

Recording Complaints

20. The school will record the progress of a complaint and the final outcome. A complaint may be made in person, by telephone, or in writing. At the end of a meeting or telephone call, it would be helpful if the member of staff ensured that the complainant and the school have the same understanding of what was discussed and agreed. A brief note of meetings and telephone calls can be kept and a copy of any written response added to the record. The complainant may be asked to use a complaint form from Annex D to secure clarity of information.

The school will keep a written record of the complaint made and action taken (regardless of whether the complaint is upheld).

Governing Body Review

21. The Governing Body will monitor the level and nature of complaints and review the outcomes on a regular basis to ensure the effectiveness of the procedure and make changes where necessary. Complaints information shared with the whole Governing Body will not, as a matter of course, name individuals.

22. When individual complaints are heard the school may identify underlying issues that need to be addressed. The monitoring and review of complaints by the school and the Governing Body will be part of evaluating the school's performance.

Publicising the Procedure

23. Details of the Complaints Procedures will be included on the school website.

Part 4:- Policy for Unreasonable Complainants

Our 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 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'*.

Examples: 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;
- 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;
- makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced;
- changes the basis of the complaint as the investigation proceeds;
- repeatedly makes 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 complaint procedure has been fully and properly implemented and completed including referral to the Department for Education;
- seeks an unrealistic outcome;
- Makes excessive demands on school time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with.

A complaint may also be considered unreasonable if the person making the complaint does so either face-to-face, by telephone or in writing or electronically:-

- maliciously;
- aggressively;
- using threats, intimidation or violence;
- using abusive, offensive or discriminatory language;
- knowing it to be false;
- using falsified 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 school causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after 6 months.

In response to any serious 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 school premises.

Barring from the School Premises

Although fulfilling a public function, schools are private places. The public has no automatic right of entry. Schools will therefore act to ensure they remain a safe place for pupils, staff and other members of their community.

If a parent's behaviour is a cause for concern the school will ask him/her to leave the premises. In serious cases the Headteacher can notify the parent in writing that their implied licence to be on school premises has been temporarily revoked. The school would give the parent the opportunity to formally express their views on the decision to bar in writing. The school would then review the decision and either confirm, amend or lift the bar that had been put in place.

Anyone wishing to complain about being barred should write to the Headteacher by letter or Chair of Governors. However, complaints about barring cannot be escalated to the Department for Education.

Stage One: Complaint Heard by Staff Member

It is in everyone's interest that complaints are resolved at the earliest possible stage. The experience of the first contact between the complainant and the school can be crucial in determining whether the complaint will escalate. To that end, if staff are made aware of the procedures, they know what to do when they receive a complaint. The school will respect the views of a complainant who indicates that he/she would have difficulty discussing a complaint with a particular member of staff. In these cases, the complaints co-ordinator can refer the complainant to another staff member. Where the complaint concerns the Headteacher, the complaints co-ordinator can refer the complainant to the Chair of Governors.

Similarly, if the member of staff directly involved feels too compromised to deal with a complaint, an appropriate senior member of staff may consider referring the complainant to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the complaint objectively and impartially is crucial. Where the first approach is made to a governor, the next step would be to refer the complainant to the appropriate person and advise them about the procedure.

This stage of the procedure should normally be completed within 10 school working days.

Stage Two: Complaint Heard by Headteacher

If a parent is still dissatisfied after the informal stage, he/she, or the member of staff can refer the matter to the Headteacher. This can be done in writing, as this will often make the situation clear to all involved parties. A template is provided in the appendix to help with this process. The Headteacher will acknowledge in writing the complaint received and will either investigate the complaint fully or delegate it to an appropriate member of staff (such as the Assistant Headteacher for the key stage, Head of Year or Head of Subject). The Headteacher will write to the parent/carer with the outcome of the investigation. If the matter is complex the Headteacher may need to speak to other staff and pupils to investigate the concerns. This should happen within 20 working days. If this timescale cannot be met the Headteacher should inform the parent/carer that this will take longer, explain the reasons for this and give a timescale when the investigation will be completed. The Headteacher, if appropriate, may offer a meeting with the parent/carer or other complainant at a mutually convenient time. At the meeting, and through discussion, the Headteacher will clarify what the issues are. What the parent/carer hopes to achieve will also be discussed. Together, all parties will, wherever possible, agree an acceptable outcome, to the satisfaction of all parties involved. These should be written down and agreed by all parties so there is no misunderstanding. Again parents/carers will be given a copy of this.

Stage Three (Formal): Complaint dealt with by the Chair of Governors

If after Stage 2, the complaint is still not resolved to the parent's / carer's satisfaction, the complaint can be referred by the parent/carer, or by the Headteacher, to the Chair of Governors. This can be done in writing, to the Chair at the school address, c/o the Clerk to Governors, as this will often make the situation clear to all involved parties. A template is provided in the Appendix to help with this process.

If the Headteacher is the subject of the complaint, the complaint should go straight to the Chair of Governors and miss out Stages 1 and 2. The Chair of Governors has 20 school days to investigate the complaint. If it cannot be resolved within this time, the Chair will inform the complainant and explain why it is taking longer. Reasons for this may be that the complaint is complex and needs more time or someone involved is absent through sickness or holidays. The Chair of Governors should, however, give a realistic timescale for when the complaint should be resolved. The Chair should inform the complainant of when it is

expected that the investigation should be completed. The Chair of Governors will write to the parent/carer with the outcome of the investigation.

The Chair of Governors, if appropriate, may offer a meeting with the parent/carer or other complainant at a mutually convenient time. At the meeting, and through discussion, the Chair of Governors will clarify what the issues are. What the parent/carer hopes to achieve will also be discussed. Together, all parties will, wherever possible, agree an acceptable outcome, to the satisfaction of all parties involved. These should be written down and agreed by all parties so there is no misunderstanding. Again parents/carers will be given a copy of this.

Stage 4 Formal: Complaint Heard by Governing Bodies Complaints Appeal Panel

The complainant needs to write to the Chair of Governors giving details of the complaint. The Chair, or a nominated governor, will convene a Governing Body complaints panel or arrange for the complaint to be investigated by an appropriate independent investigator. At this stage the complaints from Annex D should be used, with additional papers attached if necessary.

If the complaint is still not resolved to the parent/carer's satisfaction, or the Chair of Governors feels that it is necessary, he/she can set up a Complaints Committee to consider the complaint. The Chair of Governors will decide if this is appropriate and, as far as possible, a Complaints Committee is regarded as a last resort, unnecessary if the Chair of Governors is able to resolve the complaint. The Chair of Governors can appoint an investigating officer to gather evidence and conduct preliminary interviews on the Chair's behalf. The investigating officer will provide a detailed report of his/her investigation of the complaint. Parents/carers should be given a copy of this report. It is important that the investigating officer is seen as impartial, so if the investigating officer is another governor, he/she cannot be a member of the associated Complaints Committee.

The Complaints Committee will follow the most recent DfE guidance and will be made up of two members of Borden's Governing Body and one panel member who is independent of the management and running of the School/Academy. Governors may need to be brought in from other schools' governing bodies because Borden's Governors are 'tainted' as a result of having prior knowledge of the complaint. The Complaints Committee should meet at a time convenient to all parties. The complainant, Headteacher, Chair of Governors and any member of staff who is the subject of the complaint are invited to the meeting. Any person invited can bring a friend or supporter if he/she wishes. The Complaints Committee will consider any written material and also give the person making the complaint and the Headteacher, Chair of Governors and member(s) of staff an opportunity to state their cases and to question others present. The committee will ensure that all present are treated fairly. The meeting will be minuted by the Clerk to Governors, and everyone in attendance will be given a copy of the minutes. The committee will give its decision, in writing, within five school days after the meeting, along with the reasons for the decision.

The panel can:

- 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. A copy of these findings and recommendations will be (i) sent by electronic mail or a method of communication deemed appropriate by the school, to the complainant and where relevant the person complained about (ii) available for inspection on the school premises by the proprietor and the headteacher.

The aim of the hearing, will always be to resolve the complaint and achieve reconciliation between the school and the parent/carer. However, it has to be recognised that the parent/carer might not be satisfied with the outcome if the hearing does not find in their favour. It may only be possible to establish the facts and make recommendations which will satisfy the complainant that his or her complaint has been taken seriously.

If after this school-based process, the complaint is still not resolved to the parent's/carer's satisfaction, the final stage of appeal is to the Secretary of State for Education. Complainants should be advised to write to Ministerial and Public Communications Division, Department for Education, Piccadilly Gate, Store Street, Manchester, M1 2WD

The Remit of The Complaints Appeal Panel

The panel can:

- 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.

Governors sitting on a complaints panel will give due regard to the following points:-

- a. The appeal hearing is independent and impartial and that it is seen to be so. No governor may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it. In deciding the make-up of the panel, governors will try to ensure that it is a cross-section of the categories of governor and sensitive to the issues of race, gender and religious affiliation.
- b. The aim of the hearing, which needs to be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant. However, it has to be recognised the complainant might not be satisfied with the outcome if the hearing does not find in their favour. It may only be possible to establish the facts and make recommendations which will satisfy the complainant that his or her complaint has been taken seriously.
- c. An effective panel will acknowledge that many complainants feel nervous and inhibited in a formal setting. Parents often feel emotional when discussing an issue that affects their child. The panel chair will ensure that the proceedings are as welcoming as possible. The layout of the room will set the tone and care will be taken to ensure the setting is informal and not adversarial.
- d. Extra care needs to be taken when the complainant is a child. Careful consideration of the atmosphere and proceedings will ensure that the child does not feel intimidated. The panel needs to be aware of the views of the child and give them equal consideration to those of adults. Where the child's parent is the complainant, it would be helpful to give the parent the opportunity to say which parts of the hearing, if any, the child needs to attend.
- e. The governors sitting on the panel need to be aware of the complaints procedure.

Roles and Responsibilities

The Role of the Clerk

The Clerk is the contact point for the complainant and will:

- set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible;
- collate any written material and send it to the parties in advance of the hearing;
- ensure that complainants are met and welcomed as they arrive at the hearing;
- ensure that a record is kept of the proceedings;
- notify all parties of the panel's decision.

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

The nominated governor role:

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

The Role of the Chair of the Panel

The Chair of the Panel will ensure that:

- the remit of the panel is explained to the parties and each party has the opportunity of putting their case without undue interruption;
- the issues are addressed;
- key findings of fact are made;
- parents and others who may not be used to speaking at such a hearing are put at ease;
- the hearing is conducted in an informal manner with each party treating the other with respect and courtesy;
- the panel is open minded and acting independently;
- no member of the panel has a vested interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure;
- each side is given the opportunity to state their case and ask questions;
- written material is seen by all parties. If a new issue arises it would be useful to give all parties the opportunity to consider and comment on it.

Notification of the Panel's Decision

The chair of the panel will ensure that the complainant is notified of the panel's decision, in writing, with the panel's response within ten school working days of the hearing.

Annex B

Checklist for a Panel Hearing

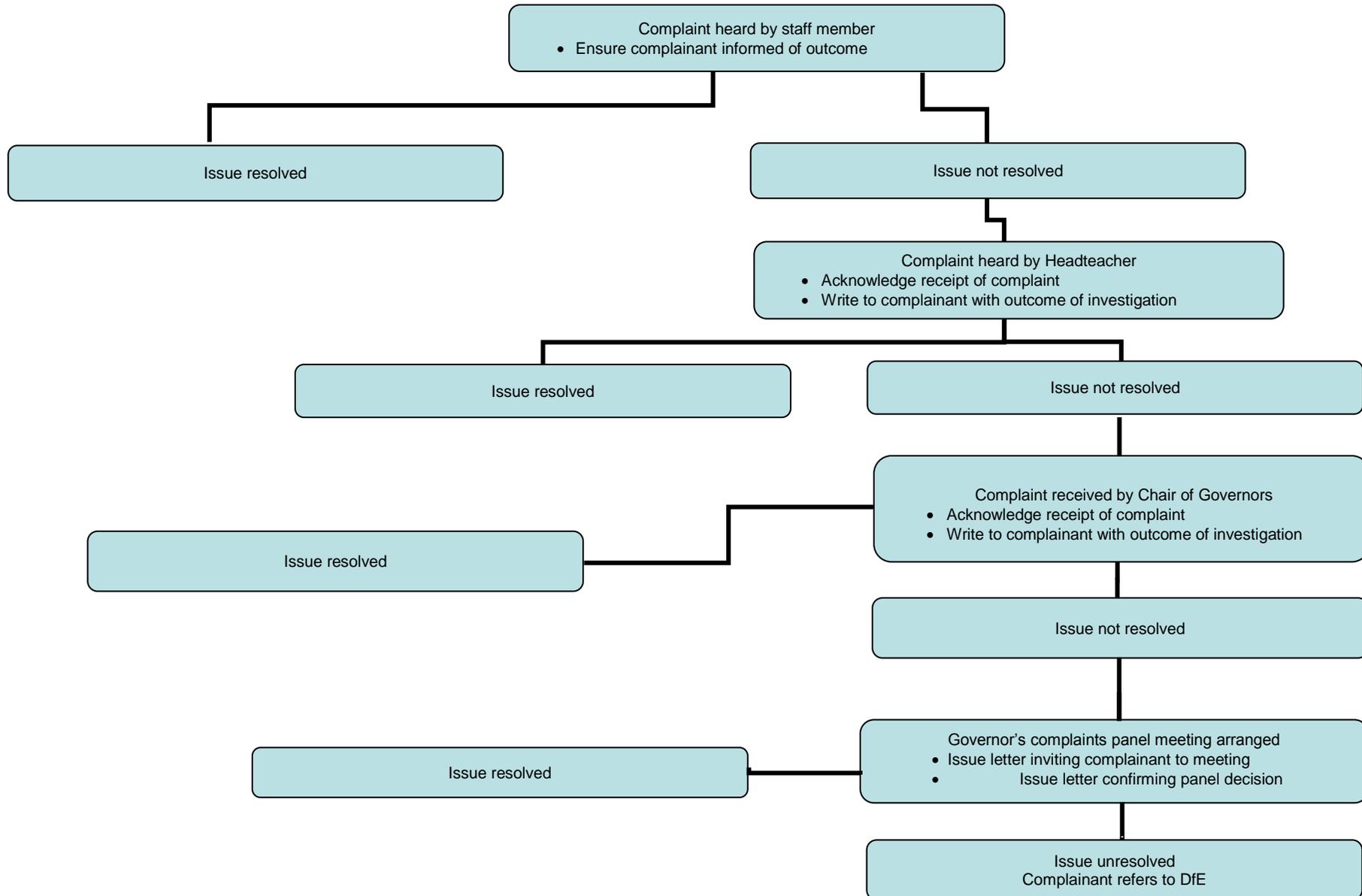
The panel needs to take the following points into account:

- The hearing is as informal as possible.
- Witnesses are only required to attend for the part of the hearing in which they give their evidence.
- After introductions, the complainant is invited to explain their complaint, and be followed by their witnesses.
- The headteacher may question both the complainant and the witnesses after each has spoken.
- 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 may ask questions at any point.
- The complainant is then invited to sum up their complaint.
- The headteacher is then invited to sum up the school's actions and response to the complaint.
- Both parties leave together while the panel decides on the issues.
- The chair explains that both parties will hear from the panel within a set time scale.

Flowchart

Annex C

Summary of Dealing with Complaints



Complaint Form

Please complete and return to the Headteacher who will acknowledge receipt and explain what action will be taken.

Your name:

Pupil's name:

Your relationship to the pupil:

Address:

Postcode:

Day time telephone number:

Evening telephone number:

Please give details of your complaint.

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

Signature:

Date:

Official use

Date acknowledgement sent:

By who:

Complaint referred to:

Date: