BORDEN GRAMMAR SCHOOL



Complaints Procedure

Review Responsibility:	Headteacher
Frequency of Review:	2 years
Date Approved:	May 25 (updated Nov 26)
Approved By:	Board of Trustees
Next Review Due By:	May 27

Contents

1. Aims **3**
2. Legislation & Guidance **3**
3. Definitions & Scope **4**
3.1 Definitions 4
3.2 Scope 4
4. Roles & Responsibilities **4**
4.1 The Complainant 4
4.2 The Investigator 5
4.3 The Complaints Co-ordinator 5
4.4 Clerk to the Board of Trustees 5
4.5 Committee Chair 5
4.6 Resolving Complaints 5
5. Principles for Investigation **6**
5.1 Timescales 6
6. Stages of Complaint (not complaints against the Headteacher or trustees) **6**
6.1 Stage 1: Informal 6
6.2 Stage 2: Formal 7
6.3 Stage 3: Review Panel 7
Convening the Panel 7
At the Meeting 7
The Outcome 8
7. Complaints Against the Headteacher, a Trustee or the Board of Trustees **8**
7.1 Stage 1: Informal 8
7.2 Stage 2: Formal 8
7.3 Stage 3: Review Panel 9
8. Referring Complaints on Completion of the School's Procedure **9**
9. Resolving Complaints **9**
10. Persistent & Vexatious Complaints **10**
10.1 Unreasonably Persistent & Vexatious Complaints 10
Steps We Will Take 10
Stopping Responding 11
10.2 Duplicate Complaints 11
10.3 Complaint Campaigns 11
11. Record Keeping & Confidentiality **11**
12. Learning Lessons **12**
13. Monitoring Arrangements **12**
14. Links with Other Policies **12**
Appendix A - Complaint Form **13**

1. Aims

Our school aims to meet its statutory obligations when responding to complaints from parents of pupils at the school, and others.
When responding to complaints, we aim to:

- Be impartial and non-adversarial
- Facilitate a full and fair investigation by an independent person or panel, where necessary
- Address all the points at issue and provide an effective and prompt response
- Respect complainants' desire for confidentiality
- Treat complainants with respect and courtesy
- Make sure that any decisions we make are lawful, rational, reasonable, fair and proportionate, in line with the principles of administrative law
- Keep complainants informed of the progress of the complaints process
- Consider how the complaint can feed into school improvement evaluation processes

We try to resolve concerns or complaints by informal means wherever possible. Where this is not possible, formal procedures will be followed.
The school will aim to give the complainant the opportunity to complete the complaints procedure in full. To support this, we will make sure we publicise the existence of this policy and make it available on the school website.
Throughout the process, we will be sensitive to the needs of all parties involved, and make any reasonable adjustments needed to accommodate individuals.
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. Borden will be guided by its own values when dealing with complaints, particularly with regards to respect, kindness and courage.

2. Legislation & Guidance

This document meets the requirements of section 29 of the Education Act 2002, which states that schools must have and make available a procedure to deal with all complaints relating to their school and to any community facilities or services that the school provides. It is also based on guidance for schools on complaints procedures from the Department for Education (DfE), including the model procedure, and model procedure for dealing with serial and unreasonable complaints. This document also meets the requirements set out in part 7 of the schedule to the Education (Independent School Standards) Regulations 2014, which states that we must have and make available a written procedure to deal with complaints from parents of pupils at the school.
It is also based on guidance published by the Education and Skills Funding Agency (ESFA) on creating a complaints procedure that complies with the above regulations, and refers to good practice guidance on setting up complaints procedures from the Department for Education (DfE).This policy therefore complies with our funding agreement and articles of association.

3. Definitions & Scope

3.1 Definitions

The DfE guidance explains the difference between a concern and a complaint:

- A concern is defined as "an expression of worry or doubt over an issue considered to be important for

which reassurances are sought"
- A complaint is defined as "an expression of dissatisfaction however made, about actions taken or a lack of action"

3.2 Scope

The school intends to resolve complaints informally where possible, at the earliest possible stage.
There may be occasions when complainants would like to raise their concerns formally. This policy outlines the procedure relating to handling such complaints.
This policy does not cover complaints procedures relating to:

- Admissions
- Statutory assessments of special educational needs (SEN)
- Safeguarding matters
- Suspension and permanent exclusion
- Whistle-blowing
- Staff grievances
- Staff discipline
- National Curriculum content
- Withdrawal from the curriculum (parents and carers can withdraw their child from any aspect of religious education, including the daily act of collective worship. They do not have to explain why)
- 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

Please see our separate policies for procedures relating to these types of complaints.
Complaints about services provided by other providers who use school premises or facilities should be directed to the provider concerned.

4. Roles & Responsibilities

4.1 The Complainant

The complainant will get a more effective and timely response to their complaint if they:

- Follow these procedures
- Cooperate with the school throughout the process, and respond to deadlines and communication promptly
- Ask for assistance as needed
- Treat all those involved with respect
- Do not publish details about the complaint on social media

4.2 The Investigator

An individual will be appointed to look into the complaint and establish the facts. They will:

- Interview all relevant parties, keeping notes
- Consider records and any written evidence and keep these securely
- Prepare a comprehensive report to the Headteacher or complaints committee, which includes the facts and potential solutions

4.3 The Complaints Co-ordinator

The complaints co-ordinator can be:

- The Headteacher
- The designated complaints trustee
- Any other staff member providing administrative support

The complaints co-ordinator will:

- Keep the complainant up to date at each stage in the procedure
- Make sure the process runs smoothly by liaising with staff members, the Headteacher, clerk and the chair of trustees.
- Be aware of issues relating to:
    - Sharing third-party information
    - Additional support needed by complainants; for example, interpretation support or where the complainant is a child or young person
- Keep records

4.4 Clerk to the Board of Trustees

The clerk will:

- Be the contact point for the complainant and the complaints committee, including circulating the relevant papers and evidence before complaints committee meetings
- Arrange the complaints hearing
- Record and circulate the minutes and outcome of the hearing

4.5 Committee Chair

The committee chair will:

- Chair the meeting, ensuring that everyone is treated with respect throughout
- Make sure all parties see the relevant information, understand the purpose of the committee, and are allowed to present their case

4.6 Resolving Complaints

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

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

5. Principles for Investigation

When investigating a complaint, we will try to clarify:

- What has happened
- Who was involved
- What the complainant feels would put things right

5.1 Timescales

The complainant must raise the complaint within 3 months of the incident. If the complaint is about a series of related incidents, they must raise the complaint within 3 months of the last incident.
We will consider exceptions to this timeframe in circumstances where there were valid reasons for not making a complaint at that time and the complaint can still be investigated in a fair manner for all involved.
When complaints are made out of term time, we will consider them to have been received on the first school day after the holiday period.

If at any point we cannot meet the timescales we have set out in this policy, we will:

- Set new time limits with the complainant
- Send the complainant details of the new deadline and explain the delay

6. Stages of Complaint (not complaints against the Headteacher or trustees)

6.1 Stage 1: Informal

The school will take informal concerns seriously and make every effort to resolve the matter quickly. It may be the case that the provision or clarification of information will resolve the issue.

The complainant should raise the complaint as soon as possible with the relevant member of staff (often the classroom teacher, tutor, Head of Department, office manager or Head of Year in the first instance) either in person or by letter, telephone or email. If the complainant is unclear who to contact or how to contact them, they should contact the school office (contact details on the school website).

The school will acknowledge informal complaints within 2 school days, and investigate and provide a response within 10 school days.

If a complainant is dissatisfied with the outcome from the initial member of staff, the matter should be escalated to the next appropriate tier of management, such as a line manager, Head of Department, or member of the Leadership Team, depending on the nature of the concern, before escalating to Stage 2 (Formal). Complainants who are unsure of the appropriate point of contact should refer to the complaints flowchart on the school website or contact the school office for guidance. The member of staff who the complaint is escalated to should acknowledge informal complaints within 2 school days, and investigate and provide a response within 10 school days, the same as the initial member of staff.

The informal stage may involve a meeting between the complainant and relevant members of staff/Leadership where appropriate.

If the complaint is not resolved informally, it can be escalated to a formal complaint.

Concerns should not be raised directly with the Headteacher at the initial stage. Complainants are expected to follow the school's staged escalation procedure, beginning with the most appropriate member of staff.

Complainants should not approach individual trustees to raise concerns or complaints. They have no power to act on an individual basis and it may also prevent them from considering complaints at Stage 3 of the procedure.

6.2 Stage 2: Formal

The formal stage involves the complainant putting the complaint to the Headteacher and/or the subject of the complaint preferably using the form created for this purpose (Appendix A) or,

- In a letter or email
- Over the phone
- In person
- Through a third party acting on their behalf

The complainant should provide details such as relevant dates, times and the names of witnesses of events, alongside copies of any relevant documents. The complainant should also state what they feel would resolve the complaint.

If complainants need assistance raising a formal complaint, they can contact the school office (details can be found on the school website).

The Headteacher will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within 5 school days.

The Headteacher (or other person appointed by the Headteacher for this purpose) will then conduct their own investigation. The written conclusion of this investigation will be sent to the complainant within 20 school days.

If the complainant is not satisfied with the response and wishes to proceed to the next stage of this

procedure, they should inform the clerk to the board of trustees in writing within 5 school days (email clerktothetrustees@bordengrammar.kent.sch.uk).

6.3 Stage 3: Review Panel

Convening the Panel

Complaints will be escalated to the panel hearing stage if the complainant is not satisfied with the response to the complaint at the second, formal stage.

The panel will be appointed by or on behalf of the proprietor and must consist of at least 3 people who were not directly involved in the matters detailed in the complaint. At least 1 panel member must be independent of the management and running of the school. The panel cannot be made up solely of board of trustees members, as they are not independent of the management and running of the school.

The panel will have access to the existing record of the complaint's progress (see section 10).

The complainant must have reasonable notice of the date of the review panel. The clerk will aim to find a date within 20 school days of the request, where possible.

If the complainant rejects the offer of 3 proposed dates without good reason, the clerk will set a date. The hearing will go ahead using written submissions from both parties.

Any written material will be circulated to all parties at least 5 school days before the date of the meeting.

At the Meeting

The meeting will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own disability or special needs require it.

Prior knowledge and consent of all parties attending will be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.

At the review panel meeting, the complainant and representatives from the school, as appropriate, will be present. Each will have an opportunity to set out written or oral submissions prior to the meeting.

The complainant must be allowed to attend the panel hearing and be accompanied if they wish. We don't encourage either party to bring legal representation, but will consider it on a case-by-case basis. For instance, if a school employee is called as a witness in a complaint meeting, they may wish to be supported by their union.

Representatives from the media are not permitted to attend.

At the meeting, each individual will have the opportunity to give statements and present their evidence, and witnesses will be called, as appropriate, to present their evidence.

The panel, the complainant and the school representative(s) will be given the chance to ask and reply to questions. Once the complainant and school representative(s) have presented their cases, they will be asked to leave and evidence will then be considered.

The panel will then put together its findings and recommendations from the case. The panel will also provide copies of the minutes of the hearing and the findings and recommendations to the complainant and, where relevant, the individual who is the subject of the complaint, and make a copy available for inspection by the proprietor and Headteacher.

The Outcome

The committee can:

- Uphold the complaint, in whole or in part
- Dismiss the complaint, in whole or in part

If the complaint is upheld, the committee will:

- Decide the appropriate action to resolve the complaint
- Where appropriate, recommend changes to the school's systems or procedures to prevent similar issues in the future

The school will inform those involved of the decision in writing within 10 school days.

7. Complaints Against the Headteacher, a Trustee or the Board of Trustees

Complaints made against the Headteacher or any member of the board of trustees should be directed to the clerk to the trustees in the first instance (email clerktothetrustees@bordengrammar.kent.sch.uk).

7.1 Stage 1: Informal

If the complaint is about the Headteacher or 1 member of the board of trustees (including the chair or vice-chair), a suitably skilled and impartial trustee will carry out the steps at stage 1 (set out in section 6.1 above).

7.2 Stage 2: Formal

The formal stage will follow the same process detailed in section 6.2 but would be investigated by an impartial trustee.
If the complaint is:

- Jointly about the chair and vice-chair or
- The entire board of trustees or
- The majority of the board of trustees

An independent investigator will carry out the steps in stage 2 (set out in section 6.2 above). They will be appointed by the board of trustees and will write a formal response at the end of their investigation.

7.3 Stage 3: Review Panel

This stage will follow the same process detailed in section 6.3.
If the complaint is:

- Jointly about the chair and vice-chair or
- The entire board of trustees or
- The majority of the board of trustees

A committee of independent trustees will hear the complaint. They will be sourced from local schools or the local authority and will carry out the steps at stage 3 (set out in section 6 above).

8. Referring Complaints on Completion of the School's Procedure

If the complainant is unsatisfied with the outcome of the school's complaints procedure, they can refer their complaint to the Department of Education (DfE). The DfE will check whether the complaint has been dealt with properly by the school. The DfE will not overturn a school's decision about a complaint, but will intervene if a school or trust has:

- Breached a clause in its funding agreement
- Failed to act in line with its duties under education law
- Acted (or is proposing to act) unreasonably when exercising its functions

If the school's complaints procedure is found to not meet regulations, the school will be asked to correct its procedure accordingly.
For more information or to refer a complaint, see the following webpage: https://www.gov.uk/complain-to-dfe. We will include this information in the outcome letter to complainants.

9. Resolving Complaints

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.

Resolution of the situation may be helped if complainants are encouraged to state what actions they feel might resolve the problem at any stage. An admission that the school could have handled the situation better is not the same as an admission of negligence. 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.

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.

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.

10. Persistent & Vexatious Complaints

10.1 Unreasonably Persistent & Vexatious Complaints

Most complaints raised will be valid, and therefore we will treat them seriously. However, a complaint may become unreasonable if the person:

- Has made the same complaint before, and it's already been resolved by following the school's complaints procedure
- Makes a complaint that is obsessive, persistent, harassing, prolific, defamatory or repetitive
- Insists on pursuing a complaint that is unfounded, or out of scope of the complaints procedure, beyond all reason
- Pursues a valid complaint, but in an unreasonable manner, e.g. refuses to articulate the complaint, refuses to cooperate with this complaints procedure, or insists that the complaint is dealt with in ways that are incompatible with this procedure and the timeframes it sets out
- Makes a complaint designed to cause disruption, annoyance or excessive demands on school time
- Seeks unrealistic outcomes, or a solution that lacks any serious purpose or value
- Breaches our parent/visitor code of conduct

Steps We Will Take

We will take every reasonable step to address the complainant's concerns, and give them a clear statement of our position and their options. We will maintain our role as an objective arbiter throughout the process, including when we meet with individuals. We will follow our complaints procedure as normal (as outlined above) wherever possible.

If the complainant continues to contact the school in a disruptive way, we may put communications strategies in place. We may:

- Give the complainant a single point of contact via an email address
- Limit the number of times the complainant can make contact, such as a fixed number per term
- Ask the complainant to engage a third party to act on their behalf, such as Citizens Advice
- Put any other strategy in place as necessary

Stopping Responding

We may stop responding to the complainant when all of these factors are met:

- We believe we have taken all reasonable steps to help address their concerns
- We have provided a clear statement of our position and their options
- The complainant repeatedly breaches our parent/visitor code of conduct
- The complainant contacts us repeatedly, and we believe their intention is to cause disruption or inconvenience

Where we stop responding, we will inform the individual that we intend to do so. We will also explain that we will still consider any new complaints they make.

In response to any serious incident of aggression or violence, we will immediately inform the police and communicate our actions in writing. This may include barring an individual from our school site.

10.2 Duplicate Complaints

If we have resolved a complaint under this procedure and receive a duplicate complaint on the same subject from a partner, family member or other individual, we will assess whether there are aspects that we hadn't previously considered, or any new information we need to take into account.

If we are satisfied that there are no new aspects, we will:

- Tell the new complainant that we have already investigated and responded to this issue, and that the local process is complete
- Direct them to ESFA if they are dissatisfied with our original handling of the complaint If there are new aspects, we will follow this procedure again.

10.3 Complaint Campaigns

Where the school receives a large volume of complaints about the same topic or subject, especially if these come from complainants unconnected with the school, the school may respond to these complaints by:

- Publishing a single response on the school website
- Sending a template response to all of the complainants

If complainants are not satisfied with the school's response, or wish to pursue the complaint further, the normal procedures will apply.

11. Record Keeping & Confidentiality

The school will record the progress of all complaints, including information about actions taken at all stages, the stage at which the complaint was resolved, and the final outcome. The records will also include copies of letters and emails, and notes relating to meetings and phone calls.

This material will be treated as confidential and stored securely, and will be viewed only by those involved in investigating the complaint or on the review panel.

This is except where the secretary of state (or someone acting on their behalf) or the complainant requests access to records of a complaint through a freedom of information (FOI) request or through a subject access request under the terms of the Data Protection Act, or where the material must be made available during a school inspection.

Records of complaints will be kept securely, only for as long as necessary and in line with data protection law, our privacy notices and our records management policy.

The details of the complaint, including the names of individuals involved, will not be shared with the whole board of trustees in case a review panel needs to be organised at a later point.

Where the board of trustees is aware of the substance of the complaint before the review panel stage, the school will (where reasonably practicable) arrange for an independent panel to hear the complaint.

Complainants also have the right to request an independent panel if they believe there is likely to be bias in the proceedings. The decision to approve this request is made by the board of trustees, who will not

unreasonably withhold consent.

12. Learning Lessons

The board of trustees will review any underlying issues raised by complaints with the Headteacher where appropriate, and respecting confidentiality, to determine whether there are any improvements that the school can make to its procedures or practice to help prevent similar events in the future.

13. Monitoring Arrangements

The board of trustees will monitor the effectiveness of the complaints procedure in making sure that complaints are handled properly. The board of trustees track the number and nature of complaints, and review underlying issues as stated in section 11.
The complaints records are logged and managed by the PA to the Headteacher. This policy will be reviewed by the board of trustees every 2 years.
At each review, the policy will be approved by the full board of trustees.

14. Links with Other Policies

Policies dealing with other forms of complaints include:

- Admissions Policy
- Disciplinary Policy & Procedure
- GDPR UK & Data Protection Policy & Privacy Notices
- Grievance Policy
- Parent/Visitor Code of Conduct
- Safeguarding & Child Protection Policy
- Special Educational Needs Policy
- Suspensions & Permanent Exclusions Policy
- Whistleblowing Policy

Appendix A - Complaint Form

Please complete and return to the Complaints Co-ordinator (Headteacher) via the School Office who will acknowledge receipt and explain what action will be taken.

Your name:
Pupil's name (if relevant):
Your relationship to the pupil (if relevant):
Address: **Postcode:** **Day time telephone number:** **Evening telephone number:** **Email address:**
Please give details of your complaint, including whether you have spoken to anybody at the school about it.
What actions do you feel might resolve the problem at this stage?
Are you attaching any paperwork? If so, please give details.
Signature:……Date:……
<u>Official use</u>
Date acknowledgement sent:
By who:
Complaint referred to:
Action taken:
Date: