

Frederick Bremer School



Complaints Policy

September 2019

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Does this policy need to be ratified by Governors?	Yes, Full Governors
If yes, which committee	
Ratified by Governors on	Pending, last ratified 26/09/2018
This policy is communicated by the following means	Website Parent Handbook



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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
- 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 ensure we publicise the existence of this policy and make it available on the school website (www.bremer.org.uk).

2. Legislation and 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).

3. Definitions and scope

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”.

The school will resolve concerns through day-to-day communication as far as possible.

A **complaint** is defined as “an expression of dissatisfaction however made, about actions taken or a lack of action”.

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
- Exclusion



- Whistle-blowing
- Staff grievances
- Staff discipline

Please see our separate policies for procedures relating to these types of complaint.

Arrangements for handling complaints from parents of children with SEN about the school's support are within the scope of this policy. Such complaints should first be made to the Headteacher; they will then be referred to this complaints policy. Our SEND policy includes information about the rights of parents of pupils with disabilities who believe that our school has discriminated against their child.

Complaints about services provided by other providers who use school premises or facilities should be directed to the provider concerned.

4. 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

We also intend to address complaints as quickly as possible. To achieve this, realistic and reasonable time limits will be set for each action within each stage.

Where further investigations are necessary, new time limits will be set, and the complainant will be sent details of the new deadline with an explanation for the delay.

The school expects that complaints will be made as soon as possible after an incident arises and no later than 3 months afterwards. We will consider exceptions to this time frame 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.

5. Stages of complaint (not complaints against the Headteacher or a governor)

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 or the Headteacher as appropriate, 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.

The school will acknowledge informal complaints within 3 working days, and investigate and provide a response within 14 working days.

The informal stage will involve a meeting between the complainant and the designated member of the Senior Leadership, as appropriate.

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



Stage 2: Formal

Inform the Headteacher in writing

Complaints should be made by completing the complaints form (Appendix 1) with as much detail about the complaint, including details such as relevant dates, times, and the names of witnesses of events. The complainant should also state what they feel would resolve the complaint.

The Headteacher (or designated member of the senior leadership team) will call a meeting to clarify concerns, and seek a resolution. The complainant may be accompanied to this meeting, and should inform the school of the identity of their companion in advance.

In certain circumstances, the school may need to refuse a request for a particular individual to attend any such meeting – for example, if there is a conflict of interest. If this is the case, the school will notify the complainant as soon as they are aware, so that the complainant has the opportunity to arrange alternative accompaniment.

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 14 working days.

If the complainant wishes to proceed to the next stage of the procedure, they should inform the chair of governors in writing within 7 working days of the date of the letter.

Inform the chair of governors in writing

This letter should set out the details of the complaint including evidence as set out above. The complainant should also specify what they feel would resolve the complaint, and how they feel the previous stage of the procedure has not addressed their complaint sufficiently.

The written conclusion of this investigation will be sent to the complainant within 21 working days.

If the complainant wishes to proceed to the next stage of the procedure, they should inform the chair of governors in writing within 7 working days of the date of the letter.

Stage 3: Submit the complaint to the review panel

Stage 3 can be triggered by the completion of appendix 3. The review panel consists of members of the governing board. These individuals will have access to the existing record of the complaint's progress.

The complainant must have reasonable notice of the date of the review panel; however, the review panel reserves the right to convene at their convenience rather than that of the complainant. 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 (see Appendix 3 for the agenda for this meeting)

The complainant must be allowed to attend the panel hearing and be accompanied by a suitable companion if they wish.

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 will be given the chance to ask and reply to questions. Once the complainant and school representatives have completed presenting their cases, they will be asked to leave and evidence will then be considered.

The panel must then put together its findings and recommendations from the case. The panel will also provide a copy of the findings and recommendations to the complainant and, where relevant, the subject of the complaint, and make a copy of the findings and recommendations available for inspection by the headteacher.

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



6. Complaints against the Headteacher or a governor

Complaints made against the Headteacher should be directed to the chair of governors (cog@bremer.waltham.sch.uk). All complaints must be completed using the complaint template.

Where a complaint is against the chair of governors or any member of the governing board, it should be made in writing to the clerk to the governing board in the first instance.

7. 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 School Complaints Unit (SCU), which investigates complaints relating to maintained schools on behalf of the secretary of state.

The SCU will not re-investigate the matter of the complaint. It will look at whether the school's complaints policy and any other relevant statutory policies that the school holds were adhered to. The SCU also looks at whether the school's statutory policies adhere to education legislation. It may direct the school to re-investigate the complaint where it is clear the school has acted unlawfully or unreasonably.

For more information or to refer a complaint, see the following webpage:

<https://www.gov.uk/complain-about-school>

8. Persistent complaints

Where a complainant tries to re-open the issue with the school after the complaints procedure has been fully exhausted and the school has done everything it reasonably can in response to the complaint, the chair of governors (or other appropriate person in the case of a complaint about the chair) will inform the complainant that the matter is closed.

If the complainant subsequently contacts the school again about the same issue, the school can choose not to respond. The normal circumstance in which we will not respond is if:

- The school has taken every reasonable step to address the complainant's needs, *and*
- The complainant has been given a clear statement of the school's position and their options (if any), *and*
- The complainant is contacting the school repeatedly but making substantially the same points each time

However, this list is not intended to be exhaustive.

The school will be most likely to choose not to respond if:

- We have reason to believe the individual is contacting the school with the intention of causing disruption or inconvenience, and/or
- The individual's letters/emails/telephone calls are often or always abusive or aggressive, and/or
- The individual makes insulting personal comments about, or threats towards, school staff

Unreasonable behaviour which is abusive, offensive or threatening may constitute an unreasonably persistent complaint.

Once the school has decided that it is appropriate to stop responding, the complainant will be informed in writing, either by letter or email.

The school will ensure when making this decision that complainants making any new complaint are heard, and that the school acts reasonably.



9. Record-keeping

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 held centrally, 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 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 for 3 years from the date of the resolution of the complaint.

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

Where the governing board 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 governing board, who will not unreasonably withhold consent.

10. Learning lessons

The Governing Body 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.

11. Monitoring arrangements

The Governing Body will monitor the effectiveness of the complaints procedure in ensuring that complaints are handled properly. The Governing Body will track the number and nature of complaints, and review underlying issues as stated in section 10.

The complaints records are logged and managed by the School Business Manager.

This policy will be reviewed by the Governing Body annually.

12. Links with other policies

Policies dealing with other forms of complaints include:

- Child protection and safeguarding policy and procedures
- Admissions policy
- Exclusions policy
- Staff grievance procedures
- Staff disciplinary procedures
- SEN policy and information report
- GDPR policy



Appendix One: Complaints Form

Frederick Bremer School Complaint Form

Please complete and return this form to the Head Teacher / The Chair of Governors / The Clerk of the Governing Body (relevant stage of the Complaints Process) who will acknowledge receipt and explain what action will be taken.

Your name:

Address:

Telephone (Daytime):

(Evening):

E-mail:

Your child's name & Year Group (if relevant to your complaint):

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

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

Who did you speak to and what was their response?

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

Signature _____

Date _____

Appendix Two: Complaint review request form (request to move to STAGE 3)

Complaint Review Request Form

Please complete and return this form to the Chair of the Complaints Committee who will acknowledge receipt and inform you of the next stage in the procedure.

Your name:

Relationship with the School (e.g. Parent, neighbour): Address:

Telephone (Daytime): (Evening):

E-mail:

Your child's name (if relevant to your complaint):

Year group:

Dear Sir/Madam

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

I have attached copies of my formal complaint, and the responses from the school.

I am dissatisfied with the way this procedure has been carried out because:

In order to resolve this issue, I request the following actions:

Signature:

Date:

Appendix Three: Procedures for Stage 3 Review Meeting

1. The Chair of the Complaints Committee will introduce him/herself and ask the people present to introduce themselves. It needs to be made clear at the start of the meeting, who can be present for what part of the meeting. The Chair will then explain the purpose and format of the meeting and advise those present that at any time they can ask for a short break. It should be noted that complainants may feel uncomfortable speaking in front of a large number of people, and therefore it may be more productive for people to be invited into part of the hearing only
2. The complainant will be asked to give a verbal statement in support of his/her written letter of complaint and why he/she feels that the issue has not been resolved. He/she will be permitted to call witnesses and to produce relevant documentation.
3. The person subject to the complaint will be given the opportunity to ask questions:
 - of the complainant on the evidence given by him/her and
 - of any of the witnesses the complainant has called on their evidence.
4. The Chair and other Complaints Committee members will take the opportunity to ask questions and seek clarification.
5. The person subject to the complaint will be given the right of reply, to state his/her case, to call witnesses and to produce relevant documentation.
6. The complainant will be given the opportunity to ask questions:
 - of the person subject to the complaint on the evidence given by him/her
 - of any of the witnesses the person subject to the complaint has called on their evidence.
7. The Chair and other Complaints Committee members will take the opportunity to ask any further questions they may have. When the Complaints Committee members understand all the issues, the Chair will ask all parties to leave, except the members and the clerk.

After the meeting:

The Complaints Committee members then discuss the issues in private and will need to consider the information, come to a decision and suggest a way to resolve the issue taking into account the best interests of the child or children.

When the Complaints Committee have reached a decision the Chair will inform everyone concerned in writing of its conclusion as soon as possible, but in any event, within 10 school days of the meeting.

The decision of the Complaints Committee is final. They will report their findings to the Governing Body ensuring that any issues coming out of the investigation are put into action.