




BRAMPTON PRIMARY SCHOOL

COMPLAINTS PROCEDURE

2018 / 2019

ADOPTED AT A MEETING OF THE FULL GOVERNING BODY / COMMITTEE

Approved by ¹	
Name:	Gillian Hodgson
Position:	Chair of Governing Body
Signed:	
Date:	September 2018
Review date ² :	September 2021

INTRODUCTION

This procedure fulfils the requirements of The Education Act 2002 (Section 29) for “all governing bodies to have a procedure to deal with complaints relating to aspects of the school, and any community facilities or services that the school provides.”

Following this page there is an information sheet for parents and others, giving them clear advice on how to raise a concern; make a formal complaint; and appeal to the governing body. It also outlines the way the school will respond. The school will provide a copy of the information sheet on request, and include it (or a summary of it) in the school prospectus and on our website.

This procedure does not apply to (and should not be used for) statutory appeals in relation to:

- Admissions
- Exclusions
- Statementing for children with special educational needs

Similarly, it should not be used for dealing with complaints relating to

- Child protection
- Staff discipline, capability or grievance

If a concern is brought to the attention of the school that relates to any of these matters, the school will refer to the local authority or its HR provider to ensure that the relevant statutory or local authority procedure is used.

The governing body is not responsible for handling complaints about third party providers offering community facilities or services through our premises or using school facilities for external events. They have their own complaints procedures.

Definition of a complaint (for the purposes of this procedure)

This document explains how any concern, complaint or allegation received by the school should be handled. It should be read in conjunction with the leaflet '*Information for Parents, Carers and Other Users of School Services*'

- 1) In its initial stages (Part A) it sets out how the school will receive any complaint, of whatever nature, and how it will respond to the complainant. The investigative and appeal stages (Part B) are only to be used to deal with concerns or complaints about a school decision, a policy or procedure, or the way a school policy or procedure has (or has not) been implemented.

If, at any stage, a complaint is received alleging child abuse, the member of staff or governor receiving the complaint will contact the local authority for advice immediately via the Local Authority Designated Officer (LADO). In such cases, the school will be advised to ensure that the procedures set out by the Cumbria Local Safeguarding Board are followed.

Any other allegation of misconduct or misbehaviour by a member of staff should not be treated using the Part B procedure: the governing body has adopted a separate disciplinary procedure for dealing with such matters.

- 2) Concerns and complaints may be expressed by parents, carers, volunteers or members of the community with an interest in the working of the school, on matters for which the school is directly responsible. For the purposes of this procedure, a complaint may be regarded as the formal registering of what may previously have been raised informally as a concern, either by the complainant requesting that the school use the formal procedure, or the school determining that it should use the procedure.

This procedure may also be used to handle any complaints raised about volunteers, such as governors, where employment procedures are not appropriate.

PART A: Receiving and responding to a concern or complaint

- 3) It is expected that those wishing to raise a concern about an aspect of their child's education will arrange through the office to meet with the relevant member of staff (or their manager) about whom the concern is being raised. It may be appropriate to arrange for staff to have a senior colleague present for the meeting. Members of staff will
 - deal with and resolve the concern if they can
 - report to the Headteacher that they have been notified about a concern and
 - explain what action they have taken to deal with it
- 4) If the concern is about a matter of school policy, then this should be referred to the Headteacher.
- 5) If a member of the school (staff or governor) receives any concern, complaint, or allegation which is not about them personally, it will be referred in the first instance to the Headteacher² so that a decision can be made about how to respond. If the complaint is about the Headteacher, it will be referred to the chair of governors; if it is about the chair of governors, it will be referred to the clerk to the governing body.

- 6) Many concerns can be resolved by giving the complainant the opportunity to discuss matters with the individual concerned, whether a member of staff, the Headteacher or a governor. The school expects that the vast majority of concerns will be resolved at this stage and relevant managers will make every effort to arrange for such a discussion to take place.
- 7) The conclusions of any meeting with the complainant and the outcomes of any informal investigation by a member of staff will be put in writing and copied to the complainant within **5 school days** following the meeting. The letter to the complainant should also explain that if they remain dissatisfied, they have **10 school days** to request that their concern is investigated as a complaint.

PART B: Investigating a complaint

- 8) This refers to either
 1. An investigation by the Headteacher or a senior member of staff (for complaints against members of staff other than the Headteacher). OR
 2. An investigation by a nominated member of the governing body (for complaints against the Headteacher, or a governor).

In the following paragraphs, the word 'investigator' refers to either the Headteacher, senior member of staff or governor as appropriate.

Making a complaint

- 9) The complainant should put his/her complaint in writing. The complainant may make a request for formal consideration of their complaint in person, or by telephone. In this case, the person receiving the request will record the details, confirm with the complainant that the written record correctly reflects their complaint, and then pass it to the relevant manager, or the Headteacher, or the chair of governors, or the clerk, whichever is appropriate.

Initial response to a complaint

- 10) However the complaint is notified, it will be acknowledged within **5 school days** by the investigator¹. The investigator may provide the complainant with a copy of this guidance, once s/he is sure that this will be the procedure that s/he will follow.
- 11) Where appropriate, the investigator may offer an opportunity to meet the complainant as soon as possible to discuss the complaint, confirm what will be investigated and what outcome the complainant seeks. The outcomes of this meeting should then be confirmed in writing with the complainant and signed by both the complainant and the investigator. A copy of the outcomes should be sent to the complainant within **10 school days** of the meeting.
- 12) If it emerges at the meeting that the complainant is expecting to know that disciplinary action will be taken as a result of the complaint, or that a decision taken as part of another statutory process will be overturned, then the investigator should make clear that this is not possible

¹ If the complaint is first received by the clerk or chair of governors, they may send the acknowledgement

(as disciplinary procedures are confidential) and close the meeting. They should then take advice to make sure that the right procedure is being used.

Investigation

13) The complaint will then be investigated. The investigation may include:

- a) interviews with the person against whom the complaint is made (whether staff, governor, visitor, volunteer)
- b) interviews with any other relevant witnesses
- c) a review of any written papers
- d) referring to any relevant school policies or procedures

The investigator may also wish to contact the local authority to check what procedures the school should have in place and what is regarded as good practice.

14) **Interviews with children will only be undertaken by professionals (such as teachers or support staff who have a clearly established working relationship with the child) and not by governors. Permission will normally need to be obtained from pupils' parents for such interviews to take place. The school will take advice as necessary from the local authority to ensure that such interviews are conducted appropriately.**

15) The investigation will usually be concluded within **20 days** dating from the meeting with the complainant (or from receipt of the complaint where no meeting has taken place, or from the date of confirmation by the complainant that no meeting is sought) and a written response sent to the complainant at the end of the investigation. If there is to be a delay in concluding the investigation, a letter should be sent to the complainant explaining the reason for the delay and providing a revised date.

16) The written response will explain briefly

- a) what the investigation entailed (but not details of what was said or written by witnesses)
- b) whether the complaint has been upheld and if it isn't, the main reasons for not upholding
- c) any action the school proposes to take to resolve the complaint where it is upheld, including offering a resolution meeting (but not including any subsequent, specific actions against any individual)
- d) any policy or procedure recommendations to be made to the Headteacher or governing body in the light of the investigation (whether the complaint is upheld or not)
- e) that there is a right of appeal to a panel of governors
- f) that any appeal must be made in writing within **10 school days** of their receiving the outcome letter (or of any failed resolution meeting)
- g) that if the right of appeal is not exercised, the matter is closed

17) Where a member of staff or volunteer (e.g. a governor) is the subject of the complaint, s/he will also receive a copy of the written response.

18) The complainant is not normally entitled to see any written records, notes or minutes made by the investigator during the investigation, except notes of meetings where the complainant was present (The school may nevertheless be required to comply with a release of information through a Data Protection disclosure or Freedom of Information request).

Resolution meeting (optional)

The school might offer or agree to a resolution meeting at any time.

- 19) Where a complainant agrees to attend a resolution meeting, this will usually be arranged no later than 10 school days after the date of the letter to the complainant. The purpose of the meeting is to give the opportunity for all parties to meet and agree any restorative actions.
- 20) Matters raised in this informal meeting would be confidential to that meeting with the only minutes being agreed outcomes. The meeting will be chaired or conducted by the investigator or the chair of governors or a third party external to the school. (This might be a representative of the local authority, the diocese, a governor of another school, a retired Headteacher or other professional known in the community). The chair of the meeting may be nominated by either party, but should be acceptable to both.
- 21) In the event that the complaint has not been upheld, such a meeting may be delayed until after any appeal has been heard.
- 22) Should the meeting not produce a resolution, then the complainant can still appeal to a panel of the governing body against the outcome of the investigation. This request must be made within 10 school days of the resolution meeting.

Appeal to the governing body

- 23) The governing body reserves the right not to proceed with an appeal where the complainant offers no specific grounds: it will not proceed with an appeal simply because the complaint has not been upheld.
- 24) Whilst it is expected that complainants will normally write direct to the clerk, a recorded verbal notification of the complainant's request for an appeal hearing is acceptable, provided it is given within the relevant timescale.
- 25) A letter will be sent to the complainant acknowledging that they have exercised their right to an appeal. This letter will:
 - a) acknowledge that the complainant has exercised their right to appeal
 - b) confirm the grounds for the appeal
 - c) notify the complainant of the date on which his/her complaint will be heard or reviewed (which will be within **20 days** of receiving the appeal request)
 - d) explain the format of the appeal **hearing or review**
 - e) inform the complainant of his/her right to submit any documents relevant to the complaint (but not material that would constitute an additional complaint) not later than **10 school days** prior to the **hearing or review**)
 - f) explain the complainant's right to be accompanied at the hearing by a friend/adviser of their choice
- 26) An independent Complaints Panel will consist of two Governors and one person independent of the management of the running of the school who have not previously been involved in the complaint.

27) The investigator will also be invited to prepare a written report in response to the appeal for submission to the review panel and or be invited to attend the hearing. They have the same rights as the complainant.

28) All relevant correspondence and any additional written materials produced by either side will be circulated to all parties not later than **5** school days before the date of the appeal. Any such material must not divulge confidential information relating to individual employees or children other than the complainant's.

Appeal review

29) The panel will meet and review all the written evidence presented to them. Their remit is to consider

- a) whether the previous handling of the complaint was sound
- b) whether the previous judgement reached was justifiable
- c) whether to uphold or overturn the appeal

30) The panel may agree to adjourn to enable them to consider any significant written evidence not previously considered, or to remedy any significant defect in the previous investigation. This will not normally include any further interviewing of either the investigator or the **sa** complainant, nor witnesses for either side, but this may happen if it is clear that there have been defects in the previous investigation, and this must be put right to ensure a just decision is reached.

31) The panel will draft a response to the appeal. The written response will summarise

- a) what evidence the appeal panel considered
- b) whether the appeal has been upheld and if it isn't, the main reasons for not upholding
- c) any policy or procedure recommendations to be made to the Headteacher or governing body in the light of the appeal (whether the complaint is upheld or not)
- d) that this concludes the school's complaints procedure

The Secretary of State

The complainant has a separate right to complain to the Secretary of State if they believe that the governing body or the LA is acting unreasonably or is failing to carry out its statutory duties properly.

Ofsted

The complainant has a separate right to complain to the Office for Standards in Education (Ofsted). Contact details can be found at www.ofsted.gov.uk.

Annex 1

EXPLANATORY NOTES FOR STAFF AND GOVERNORS

CHILD PROTECTION

- 1) If a complaint is received against a member of staff that amounts to an allegation of child abuse, the advice of the Local Authority Designated Officer (LADO) will be immediately sought.

WHICH PROCEDURE?

- 2) The school will always try to resolve concerns at the earliest possible stage, but will not prolong the use of an informal approach in order to delay or avoid a formal investigation. It reserves the right to deal with a concern by using the 'investigating complaints' stage of the procedure, if this will resolve matters more speedily.
- 3) The school will not normally investigate anonymous complaints, but may retain and review any written material submitted anonymously for future reference and to ensure any warning signs are considered that will secure the safety of pupils and staff.
- 4) Complainants may not determine how a complaint will be investigated. Where a statutory or local authority procedure does not have to be followed, the school will use the relevant procedure most recently adopted by the governing body. Any variation to the procedure by the school should be agreed with the complainant in advance.
- 5) Complaints about governors will only be handled by the chair or clerk, using either this procedure, or by referring to guidance set out in A Guide to the Law for School Governors
- 6) If the complainant has raised concerns about racist or homophobic incidents, staff should take advice from Allyson Carty allyson.carty@cumbriacc.gov.uk or Sara Nobili-Park sara.nobili-park@cumbriacc.gov.uk

TIMESCALES

- 7) All concerns will be responded to swiftly and appropriate action taken, including making an apology where appropriate, so that concerns do not unnecessarily escalate to formal complaints.
- 8) All references to 'days' are to school days. Where timescales are prescribed, the school recognises that there may be circumstances for both parties that prolong the procedure – such as sickness absence or holiday – and it would be reasonable to expect some variation or flexibility. The complainant will be informed of any change to timescales as soon as possible.
- 9) When a complaint is being handled, the investigator should arrange provisional dates for all stages in the procedure, allowing the school to plan for the appeal stage in advance.

INVESTIGATORS / PANEL MEMBERS/ 'TAINTED' GOVERNORS

- 10) The Headteacher will ensure that those senior staff who may be delegated to act as an investigator will have this duty included in their job description.
- 11) The governing body will delegate to the chair and Secretary to the Academy Trust and Governing Body, the power to appoint any suitable governor at the time a complaint is received.
- 12) If any complaint is being investigated by a governor, either the chair or the investigating governor will also ensure that arrangements for any potential appeal are provisionally made at the outset of the investigation.
- 13) All categories of governor may be regarded as suitable to be appointed as investigators or to a panel, provided that a governor is not previously 'tainted' or has a *personal* conflict of interest that would prevent them from acting impartially.
- 14) A governor will only be regarded as 'tainted,' and therefore ineligible to act as investigator or member of an appeal panel, if they have had either
 - a) Substantial personal involvement in the matter, or
 - b) Substantial prior knowledge of the details of the complaint that would render them incapable of acting impartially (e.g., the investigator could not also sit on the appeal panel).

The fact that the complainant (or any individual who is the subject of the complaint) might deem a governor tainted will not be regarded as a sole determination of their ineligibility.

- 15) Relevant staff and governors will attend training to ensure that complaints can be handled appropriately.

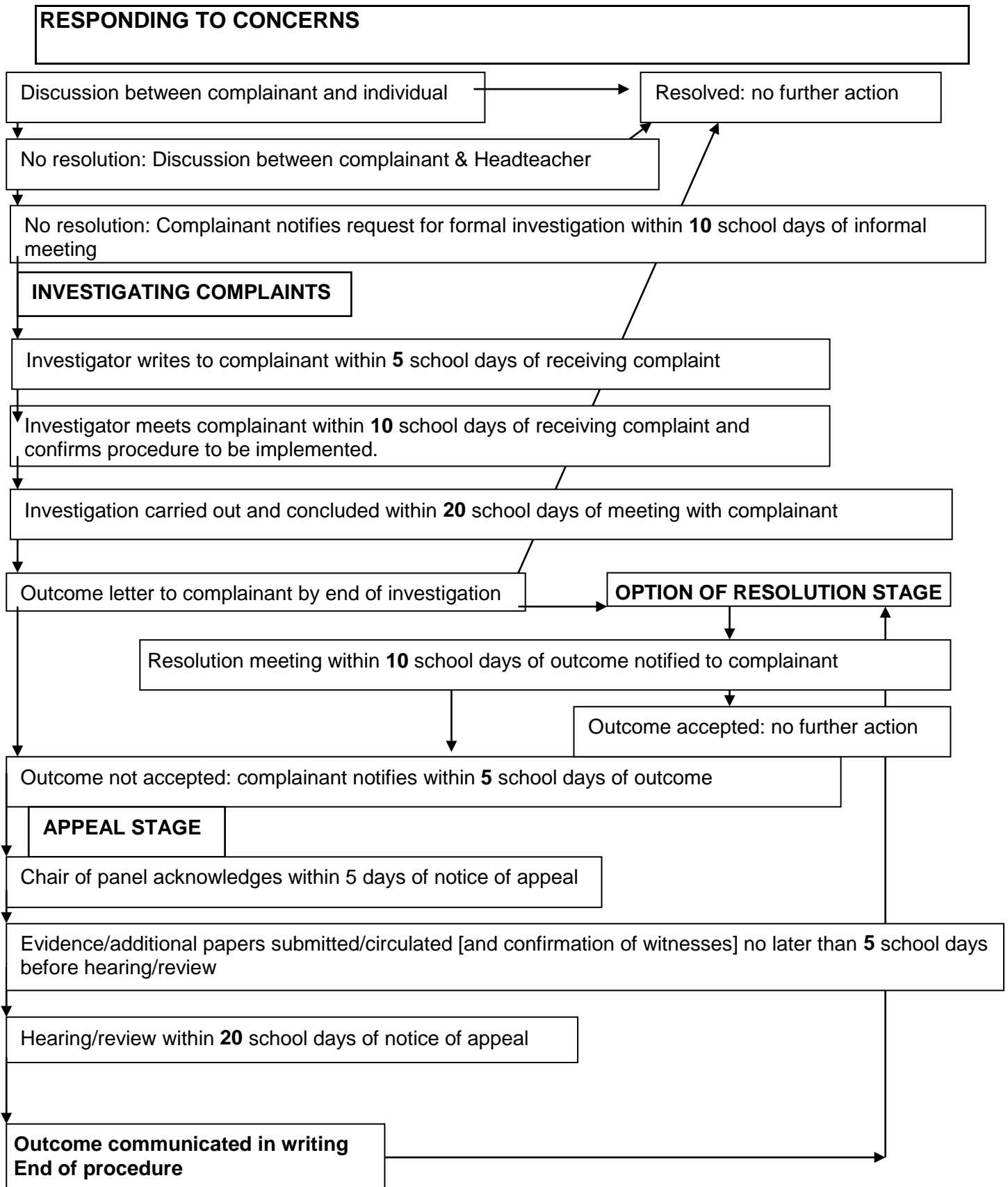
CONFIDENTIALITY / RECORDS / COMMUNICATION

- 16) A complaint received by any member of the governing body will not be referred to other members of the governing body (except the chair) nor taken to a governing body meeting.
- 17) Governors approached personally by a complainant will advise them of the school's procedure and refer them either to the Headteacher, or to the chair of governors, or to put their complaint in writing to the clerk to the governors, whichever is appropriate.
- 18) Complainants will be advised that they may harm the fair hearing of their complaint if they write to all members of the governing body.
- 19) All correspondence will use the school address. All letters from the governing body will be signed from and by the clerk to the governors, even where it is the chair of governors or other member of the governing body that is the investigator, or the chair of an appeal panel.

20) The school will retain records of complaints for at least one year. As part of its process of self evaluation, the governing body will monitor records to review the effectiveness of the procedure and how the process of resolving concerns can contribute to school improvement.

Annex 2

TIMESCALES FOR COMPLAINTS PROCEDURES



ANNEX 3

POLICY FOR HANDLING UNREASONABLY PERSISTENT, HARASSING OR ABUSIVE COMPLAINANTS

The Headteacher and governing body are 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. There is a procedure for parents to use if they wish to make a formal complaint. Sometimes, however, parents or carers pursuing complaints or other issues 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. The aim of this leaflet is to provide information about our school policy on unreasonably persistent complainants or harassment of staff.

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 parents and carers 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 and/or
- an insistence on
 - pursuing unjustified complaints and/or
 - unrealistic outcomes to justified complaints and/or
- an insistence on
 - pursuing justifiable complaints in an unreasonable manner (eg using abusive or threatening language; or
 - making complaints in public; 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 seek a resolution. Behaviour will fall within the scope of this policy if:

- it appears to be deliberately targeted over a significant period of time 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 ongoing distress to school staff or others;
- it has a significant and disproportionate adverse effect on the school community, interfering with the daily business of the education of pupils.

What can you expect from the school?

Anyone who raises informal or formal concerns and complaints with the school can expect us to:

- keep in touch regularly in writing over:
 - how and when problems can be raised with the school

- details of the school's complaints procedure
- details of the school's Unreasonably Persistent Complaints/Harassment Policy
- respond within a reasonable time
- be available for consultation within a reasonable time limit, bearing in mind the needs of pupils
- respond with courtesy and respect
- attempt to resolve problems using reasonable means in line with the school's complaints procedure and advice from Cumbria County Council or diocesan authority
- keep those involved informed of progress

What the school expects of you

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

- treat all staff with courtesy and respect
- respect the needs of pupils and staff within the school
- avoid the use of violence (including 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
- recognise that some problems may not be resolved in a short time
- follow the school's complaints procedure

Schools' responses to unreasonably persistent complaints or harassment

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. However, in cases of unreasonably persistent complaints or harassment, the school may take the following steps, as appropriate:

- 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

The school has a duty of care to staff and pupils and will take emergency measures should these become necessary in extreme cases.

Physical or verbal aggression

The school will not tolerate **any** form of physical or verbal aggression against school staff. If staff are subject to this type of 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

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.

ANNEX 4

HANDLING COMPLAINTS: CONDUCT OF APPEAL HEARING (WHERE THE SCHOOL HAS NOT CHOSEN AN APPEAL REVIEW)

General principles

- 1) The aim of the hearing is to resolve the complaint and achieve reconciliation between the school and the complainant.
- 2) It is the responsibility of the chair of the panel to ensure that arrangements are made for the hearing to be properly minuted by a clerk.
- 3) The complainants may be unused to dealing with groups of people in formal situations. It is recommended that the chair ensures that the procedures are as informal as possible. Complainants will have been informed of their right to be accompanied.
- 4) The panel, the complainant, the investigator and any individual who is the subject of the complaint, will all have access to the same information at least 5 school days before the hearing. The introduction of previously undisclosed evidence or witnesses would be reason to adjourn the meeting so that the other side has time to consider and respond to the new evidence.
- 5) Witnesses may be called to the appeal by either party subject to the approval of the chair of the panel, which must be sought at least ten days before the hearing.
- 6) The chair of the panel, **at least 5 school days** before the hearing, will let all parties know of the witnesses who are eligible to be called. It will be for the chair to decide whether a child may be present at any part of the meeting.
- 7) Only the complainant and his/her representative, the person about whom the complaint is made, the panel, and the investigator and his/her representative will be present throughout the hearing. Any other witnesses who appear at the hearing will be called into the meeting to give evidence, at the appropriate time.
- 8) Prior to the beginning of the hearing, the panel will convene to confirm the procedure to be followed, and consider any requests for variations to procedure.

Order of hearing

- 1) Welcome and introduction by chair of the panel.
- 2) Confirmation of the procedure to be followed.
- 3) Complainant, or their accompanying person, presents the appeal.
- 4) Questions to complainant may be asked by the panel and the investigator.

- 5) Any witnesses for the complainant are then called to give their evidence. Questions may be asked of any witnesses, as they appear, by the panel and the investigator.
- 6) The investigator responds to the complaint.
- 7) Questions to the investigator may be asked by the complainant and the panel.
- 8) Witnesses may be called by the investigator to give their evidence. Questions may be asked of any witnesses, as they appear, by the panel and the complainant.
- 9) At the end of these stages, no further evidence can be offered.
- 10) Summing up by the investigator of the evidence presented.
- 11) Summing up by the complainant of the evidence presented.
- 12) Concluding remarks by the chair of the appeal panel. Explanation of what happens next by the chair of the panel.
- 13) The complainant and the investigator and any companions are asked to leave, and the panel deliberates. Only the outcome and reasons to be given in the letter to the complainant are recorded by the clerk, and not the deliberations prior to reaching a decision.
- 14) At any point in the proceedings, the chair may agree to an adjournment, subject to the proviso that it does not cause an unreasonable delay.

The decision

15) The panel will either:

- uphold the complaint in full and inform the complainant of the grounds for its decision and if appropriate recommend a remedy, or
- uphold it in part and give reasons why, or
- dismiss it and inform of the reasons why it did not uphold the complaint

Whatever the decision, the panel may also invite all parties to a resolution meeting.

- 16) The panel will provide a decision orally where a decision can be reached within an hour of the end of the meeting and the complainant is able to remain to hear it.
- 17) The outcome of the appeal hearing will be confirmed in writing within 5 days of the hearing. The investigator will receive a copy of the letter, as will any individual named as part of the complaint.
- 18) The chair of the appeal panel will inform the governing body of any general outcomes or recommendations, provided that details of the complaint are not disclosed and employee confidentiality is not compromised.