

Staff responsible	Andy Taylor
Date of policy/last review	03/04/2019
Governing body ratified	31/03/2015
Chair of Governors	<i>Liz Bailey</i>
Review cycle	1 year
Next review	03/04/2020

## 1. Introduction

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- 1.1 Brent Knoll is committed to ensuring that the relationship between school and parents is based on mutual trust and respect. It is regrettable that sometimes situations will arise when parents and carers wish to express their concern about something they believe to have happened or about an omission on the part of the school. In these circumstances they are advised to contact the headteacher or in his absence a senior member of staff available, so that these concerns can be addressed as quickly as possible.
- 1.2 In those situations where a concern is too serious to be handled in this way or a person does not feel it has been dealt with adequately the concern becomes a complaint, defined as "a clear written or oral expression of dissatisfaction with the service that a school provides" This document outlines the formal procedure to followed in such cases.

## 2. Statutory requirements

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- 2.1 Since September 2003 all maintained schools have been required under Section 29 of the Education Act 2002, to have a published procedure to deal with all complaints relating to their school and to any community facilities or services the school provides. This procedure is not limited to parents and carers of pupils at the school but can also include members of the wider community or representatives of an ex pupil.

## 3. Principles

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- 3.1 Brent Knoll's complaints policy has been developed in accordance with the latest guidance issued by the Department of Education in 2016 and is based on the following principles:
- to encourage the resolution of problems by informal means wherever possible
  - to give complainants the opportunity to complete the complaints procedure in full
  - allow complaints to use methods of contact other than writing
  - to ensure that procedure is easily accessible and publicised

- be simple to understand and use
- be impartial
- be non-adversarial
- to ensure complaints are dealt with swiftly with clear time limits for action and ensure that people are kept informed of progress
- ensure a full and fair investigation by an independent person where necessary
- respect confidentiality
- address all the points at issue and provide an effective response and appropriate redress where necessary
- provide information to the school leadership team so that services can be improved

3.2 Brent Knoll has a four stage complaint procedure, an informal stage and three formal stages. When a complaint is received whoever investigates the person dealing with the complaint will:

- 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 with the questioning
- keep notes of the interview or arrange for an independent note taker to record minutes of the meeting

#### 4. Procedure

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Where a complainant indicates that they wish to make a formal complaint, this may be done in writing, in person, or on the telephone. There is no period after which a complaint will not be considered by the school although within three months of an issue arising is considered to be reasonable. Details of the complaint should be recorded on a complaints sheet

##### **4.1 Stage 1 (informal): complaint heard by staff member**

At the first stage, an attempt should be made to resolve the complaint informally within 5 days of receiving the complaint. 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. The school should ensure staff are made aware of the procedures so that they will know what to do when they receive a complaint.

The school should 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 Headteacher can refer the complainant to another staff member. Where the complaint concerns the Headteacher, the complainant should be referred to the Chair of Governors.( see Stage 3)

Similarly, if the member of staff directly involved feels too compromised to deal with a complaint, the Headteacher 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 should be to refer the complainant to the appropriate person and advise them about the procedure. Governors should not act unilaterally on an individual complaint outside the formal procedure or be involved at the early stages in case they are needed to sit on a panel at a later stage of the procedure.

#### **4.2 Stage 2 (formal): complaint heard by Headteacher**

At this point, the complainant may be dissatisfied with the way the complaint was handled at Stage, as well as pursuing their initial complaint. The head may delegate the task of collating the information to another staff member but not the decision on the action to be taken.

The timescale for investigating the complaint should be within should be within 10 working days. If more time is needed the complainant should be informed within 10 working day time limit and should be told the reasons why and the approximate number of days required.

The Headteacher should convene meeting within 3 working days of completing the investigation and every effort to be made to resolve complaint at this meeting. If the complaint cannot be resolved the complainant may refer it to Stage 3.

#### **4.3 Stage 3 (formal): complaint heard by Chair of Governors**

If the complainant is not satisfied with the response of the Headteacher or the complaint is about the Headteacher, the complainant should write to the Chair of Governors to request that their complaint is considered further.

There may be circumstances where the progress of a complaint through the complaints procedure may have to be suspended pending a disciplinary enquiry against a member of staff. In such cases complainants must be informed in writing for the reason for the delay and whether formal action has been taken.

Chair of governors to acknowledge receipt of complaint within 3 working days Chair of governors to review the complaint

Arrange meeting with the complainant within 10 school days with notes of meeting to be taken (by Clerk if complainant agrees)

#### **4.4 Stage 4 (formal) Complaint heard by the Brent Knoll Governing Body complaints panel**

If the complaint is not resolved at Stage 3 the complainant may request that the complaint is heard by the governing body complaints panel

The complainant should be advised to write to the Clerk of the Governing Body giving details of the complaint and also give reasons why they have been dissatisfied with the outcomes of the first 3 stages The Chair (or if the chair has been involved at any previous stage in the process, a nominated governor) will convene a governing body complaints panel. The chair or nominated governor will ensure that that the correct procedures have been followed and notify the clerk to arrange the panel. The complaints panel will comprise 3 members of the governing body including the chair.

## **5. Role of the Clerk**

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5.1 The complaints panel should be clerked, usually by the clerk to the governing body or another clerk if not available. The clerk will:

- organise the date time and venue of the hearing ensuring that dates and times are convenient to all parties and that venue and procedures are accessible
- collate any written material to all parties in advance of the hearing
- record the proceedings
- notify all parties of the Panel's decision

5.2 Procedure for convening the governors complaints panel

1. The date and time of the meeting should be agreed between all parties within 5 days of receipt of the written referral.
2. The meeting of the complaints panel should take place within 15 SCHOOL DAYS of receipt of the written complaint
3. The complainant should be told that they can bring a representative or friend, who may act as interpreter in certain circumstances
4. Complainants wishing to provide papers in addition to their original complaint should send them to the school. All relevant papers will be circulated to the complainant and the governors serving on the panel no less than 5 SCHOOL DAYS before the meeting. Information about the way the meeting will be conducted will also be included.

5. Following the meeting the governors' decision, the reasons for it and details of any steps intended to resolve the complaint will be sent to the complainant and the Headteacher in writing within 5 SCHOOL DAYS from the date of the meeting.

## 6. Role of the Clerk

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6.1

Day 1	Chair of Governors receives complaint
Day 5	Notification of date and time of governors meeting (if necessary)
Day 10	All relevant papers (if any) are sent out
Day 15	Meeting must be held on this day
Day 20	The complainant is notified of the result.

## 7. Conduct of the Meeting

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7.1 The Chair of the panel should ensure:

- the remit of the panel is explained and understood and each party has the opportunity to put their case without undue interruption
- the key issues are addressed
- key findings of fact are made
- ensure that 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 treats the other with respect and courtesy
- the panel is open minded and acts independently
- no panel member has a vested interest in the outcome of the proceeding or any involvement in an earlier stage
- each side is given the opportunity to state their case and ask questions
- written material is seen by all parties

7.2 The aim of the meeting (**which needs to be held in private**) is to resolve the complaint and to achieve a reconciliation between the school and the complainant.

7.3 The clerk to the panel, not necessarily the clerk to the governors, will take minutes of the meeting, which will be available to all parties.

7.4 The complainant/or representative will be invited to present her/his case and to explain why they are dissatisfied with the outcome of the Headteacher's **or Chair's** explanation/finding at the earlier stages of the procedure.

7.5 Where the complainant is a child, careful consideration should be given to ensuring that the child does not feel intimidated. The Panel needs to be made aware of the views of the child and given them equal consideration as to those of adults

7.6 Where the child's parent is a complainant, parents should be asked which parts of the hearing if any the child needs to attend.

7.7 The Headteacher and/or representative will be given an opportunity to ask questions of the complainant.

7.8 The Headteacher/or representative will be invited to present her/his case, explaining the action taken so far and the reasons for the outcome.

7.9 The complainant or representative and members of the panel will then be given an opportunity to ask questions of the Headteacher.

## 8. Summing Up Stage

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- 8.1 The Headteacher or her/his representative will have the opportunity to sum up their case. The summing up may take into account statements made during the proceedings but may not introduce new evidence.
- 8.2 The complainant or representative will have the opportunity to sum up their case. This summing up may take into account statements made during the proceedings but may not introduce new evidence.
- 8.3 When the governors are satisfied that the complaint, and where possible, any solutions have been discussed fully, they should ask all parties (except the clerk) to withdraw so that they may consider their decision.
- 8.4 The governors may ask the complainant and the Headteacher to wait while they consider their decision so that, if necessary, they may call them back to seek further clarification on a particular point. If further questioning does take place, all parties should be present so that no one person is excluded from any part of the discussion.

## 9. After The Meeting

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- 9.1 The governors' decision, the reasons for it and details of any steps intended to resolve the complaint will be communicate to the complainant and the Headteacher in writing, normally within 5 school days from the date of the meeting.
- 9.2 The governors may:
  - dismiss the complaint in whole or in part
  - uphold the complaint in whole or in part
  - decide on the appropriate action to take in order to resolve the complaint
  - recommend changes to the school's systems and procedures
- 9.3 The letter sent by the clerk informing the complainant of the outcome of the decision reached by the panel should also state that this was the final stage of the complaints procedure and that there is no further appeal
- 9.4 There is no further right of appeal, although parents might wish to take the complaint to the Secretary of State under Sections 68 and 99 of the Education Act 1944. Section 68 gives parents and others the right to complain to the Secretary of State if they believe the governing body or the LA has, or are about to act "unreasonably" in the course of its duties. Section 99 gives a complainant a right to complain to the Secretary of State when it is felt that either the LA or governors of any county or voluntary school have failed to discharge a duty imposed on them by the Education Act 1944  
Complainants can write to:

**The School Complaints Unit (SCU)**  
**Department for Education**  
**2nd Floor, Piccadilly Gate**  
**Manchester**  
**M1 2WD**

## 10. Reporting the Outcome

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- 10.1 The outcome of the meeting should be formally reported to the next full meeting of the governing body under the confidential section of the agenda.

## 11. Reporting the Outcome

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- 11.1 Details of complaints should be recorded on appropriate sheet.

## Brent Knoll School Complaints Form

Please complete and return to **Gemma Brownhill** who will acknowledge receipt and explain what action will be taken.

Your name:
Pupils name (if relevant):
Your relationship to the pupil (if relevant):
Address:  Postcode: Daytime number: Mobile: Email:
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 paper work? If so please give details:

Signature

Date

Official use

Date acknowledgement sent:

By who:

Complaint referred to:

Date: