



COMPLAINTS POLICY

Approved	February 18		
Review Date	January 2020		
Signed (Headteacher)		Name	
Signed (Chair of Local Governing Body)		Name	
Governing Committee Ratifying	Business and Finance		

This policy should be used in conjunction with the DfE Guidance (School Complaints Procedure – 2011) and alongside Burnley High School’s Home/School Agreement and alongside Chapel Street Community School Trust’s Grievance Policy.

Links to other policies:

- BHS whistle blowing policy

Introduction

It is in everyone’s interest that complaints are resolved at the earliest possible stage. The experience of the first contact between the complainant and the School can be crucial in determining whether the complaint will escalate. To that end, if staff are made aware of the procedure, they know what to do when they receive a complaint.

The majority of issues raised by parents, or pupils, are concerns rather than complaints. Burnley High School is committed to taking concerns seriously, at the earliest stage, in the hope of keeping the number of formal complaints to a minimum and without recourse to formal procedures. However, in those instances where a parent does not feel a concern has been addressed, or it is of sufficient gravity, then the School's formal complaints procedure should be used. The prime aim of the School's policy is to resolve the complaint as fairly and speedily as possible. Formal complaints will be dealt with in a sensitive, impartial and confidential manner.

This policy and procedure has been developed with due regard to the 2002 Education Act and to guidance published by the DfE in 2011.

"Schools might wish to nominate a member of staff to have responsibility for the operation and management of the school complaints procedure. They could be termed the School's Complaints Coordinator. In smaller schools this may often be the Headteacher or Principal." *DfES Guidance*

The School respects the views of a complainant who indicates that he/she would have difficulty discussing a complaint with a particular member of staff. In these cases, the Complaints Co-ordinator can refer the complainant to another staff member. Where the complaint concerns the Headteacher, the Complaints Co-ordinator can refer the complainant to the Chair of Governors.

Similarly, if the member of staff directly involved feels too compromised to deal with a complaint, the Complaints Co-ordinator 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.

Note Regarding Complaints Against the Headteacher

In cases where the matter concerns the conduct of the Headteacher, the Local Governing Body, the Board of Chapel Street Community School's Trust and the Headteacher will be informed of the complaint and the Governors will arrange for the matter to be investigated. The School will normally give a response within five working days but in any case within no more than ten working days.

The School's Policy has four main stages

The following details outline the stages that can be used to resolve parental complaints:

Stage 1 – A concern is raised informally with an appropriate member of staff. Most concerns will be resolved at this stage. If not then stage 2 begins

Stage 2 – The school receives a formal written complaint. The matter will be investigated and resolved. If not then stage 3 begins

Stage 3 – The Headteacher hears the details of the complaint and investigations that have already occurred and arranges a further investigation to resolve the matter. If the matter cannot be resolved, then the complaint goes to stage 4

Stage 4 -The Local Governing Body's Complaints' Panel for a formal hearing of the complaint. Their decision is final

Stage 1 – Raising a concern

Concerns can be raised with the School at any time and will often generate an immediate response, which will resolve the concern. Apart from the School's normal parental consultation evenings, or other arranged meetings with specific staff, the School requests that parents/carers make their first contact with their child's Form Tutor or coach.

On some occasions, the concern raised may require investigation, or discussion with others, in which case there will be an informal but informed response within a day or two, which will be recorded on the student's pastoral log. It is anticipated that the vast majority of concerns will be satisfactorily dealt with in this way.

Stage 2 – Making a complaint

Formal complaints should be in writing and sent to the School, addressed to the Headteacher. The complaint will be logged, including the date it was received. The School will normally acknowledge receipt of the complaint within two working days of receiving it and report on the action the School will take to resolve the issue. Someone other than the Headteacher will at this stage lead any investigation. The outcome of the investigation will be communicated in writing within 10 working days. Where this is not possible, the School will communicate in writing within 10 working days to explain when it can be resolved. All details will be recorded on a school complaint log sheet (Appendix A)

Stage 3 – Further Investigation

If the matter cannot be resolved at Stage 2, the Headteacher will review the information and may undertake a further investigation. Following the investigation, the School will give a written response within 10 working days. Where this is not possible the School will communicate in writing within 10 working days to explain when it can be resolved. Any further information gathered or action taken will be added to the relevant school complaint log sheet (Appendix A)

At each stage of the process the complainant will be asked to confirm whether or not the matter has been resolved.

Stage 4 – Complaints' Panel

If the matter has still not been resolved at Stage 3, then the School will advise the complainant of the right to refer to the Local Governing Body who will establish a panel of at least 3 people who have not been directly involved in the matters detailed in the complaint. Complainants should send their written complaint to the Chair of Governors asking for the matter to be considered by the Governors' Complaints' Panel with delegated powers to hear complaints. The hearing will normally take place within ten working days of the receipt of the written request for Stage 4 investigation. The panel will consist of at least two governors and one person who is independent of the management and running of the School. Parents will be informed of the date of the hearing at least five working days before it takes place. They are allowed to attend the panel hearing and may be accompanied if they so wish.

The aim of the panel hearing is to impartially resolve the complaint and to achieve reconciliation between the School and the complainant. All parties will be notified of the Panel's decision in writing within five working days after the date of the hearing. The decision of the panel is final.

The panel will make findings and recommendations and these will be sent to the complainant. They will also be available for the Headteacher, the Chair of the Local Governing Body and the Board of Chapel Street Community Schools Trust to inspect.

NB: Written records will be kept of all complaints, and of whether they are resolved at the preliminary stage or proceed to a panel hearing.

All correspondence, statements and records of complaints are confidential (except where the Secretary of State or a body conducting an inspection under section 162 of the 2002 Act requests access to them).

Monitoring, Evaluation and Review

The Local Governing Body monitors the complaints procedure, in order to ensure that all complaints are handled properly. The Headteacher logs all formal complaints received by the School and records how they were resolved.

Governors examine this log on an annual basis and consider the need for any changes to the procedure. The policy will be promoted and implemented throughout the School.

The Board of Chapel Street Community Schools Trust will also examine the log on an annual basis to ensure that the correct procedures are being adhered to.

The policy will be available via the website and provided, on request, in hard copy to parents of pupils at the school and to parents of prospective pupils. Written records of all complaints indicating whether they were resolved at the preliminary stage or whether they proceeded to a panel hearing will be kept.

APPENDIX A
Complaint Log Sheet

Complainant's name:	Date received:
Is the complainant a parent? If so, student's name:	
Address:	
Telephone number:	
Email address:	
Details of complaint:	
What action, if any, has been already taken to try and resolve this complaint:	
Who did they speak to and what was the response?	
What actions do they feel might resolve the problem at this stage?	
Are you attaching any paperwork? YES/NO If so, please give details:	
Name of person completing form:	
Signature:	
Date:	
Official use	
Stage 2 - Date acknowledgement sent: (within two working days of receipt of complaint)	
Matter resolved? YES/NO (delete as appropriate) If no, proceed to Stage 3	
Stage 3 – Date complaint referred to Headteacher:	
Additional information gathered/action taken at Stage 3:	
Matter resolved? YES/NO (delete as appropriate)	
If NO, date complainant advised to proceed to Stage 4:	

APPENDIX B

NOTES FOR GOVERNORS

Further Details of Formal Complaints Procedure

Where the first approach is made to a governor, the next step is to refer the complainant to the appropriate person at the school. In normal circumstances governors will not be involved at the early stages in case they are needed to sit on a panel at a later stage of the procedure.

The following Guidance from the DfE should be referred to by all those involved in any complaints procedure.

Stage 1 is the informal raising of a concern with a member of staff which is hopefully resolved in a day or two

Stage 2: Formal written complaint received

If the matter remains unresolved, the school may receive a formal written complaint. The complaint will be investigated. Someone other than the Headteacher will lead any investigation at this stage and the outcome communicated to the complainant in writing within 10 working days. All details will be recorded on a school complaints log sheet (Appendix A)

Stage 3: Complaint Heard by Headteacher

At this point, the complainant may be dissatisfied with the way the complaint was handled at stages one and two. The Headteacher will review the information and may undertake further investigation. The Headteacher may delegate the task of collating the information to another staff member but not the decision on the action to be taken. Following such investigation, the school will give a written response within 10 working days and any further information gathered or action taken will be added to the relevant school complaint log sheet (Appendix A)

Stage 4: Complaint Heard by Local Governing Body Complaints' Panel

If still dissatisfied the complainant may write to the Chair of Governors giving details of the complaint. The Chair, or a Nominated Governor, in liaison with the Clerk, will convene a Local Governing Body complaints panel consisting of at least three people none of whose members will have been directly involved in the matters detailed in the complaint. One of the members of the panel must be independent of the management, governing body and running of the school. The complainant must be informed of the date of the hearing at least five working days before it takes place. They are allowed to attend and to be accompanied if they wish to be.

The governors' panel hearing is the last school-based stage of the complaints process, and is not convened to merely rubber-stamp previous decisions. The decision of the panel is final and all parties including the complainant, the Principal, the Chair of the Local Governing Body and the Board of Chapel Street Community Schools Trust, will be notified of its recommendations and findings within five working days after the date of the hearing.

Individual complaints would not be heard by the whole Local Governing Body at any stage, as this could compromise the impartiality of any panel set up for a disciplinary hearing against a member of staff following a serious complaint

The Remit of the Complaints' Panel

The panel can:

- dismiss the complaint in whole or in part;
- uphold the complaint in whole or in part;
- decide on the appropriate action to be taken to resolve the complaint;
- recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not recur.

There are several points which any individual sitting on a complaints panel needs to remember:

a. It is important that the appeal hearing is independent and impartial and that it is seen to be so. No governor or individual may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it. In deciding the make-up of the panel, governors need to try and ensure that its members are sensitive to the issues of race, gender, gender orientation and religious affiliation.

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

c. Extra care needs to be taken when the complainant is a child. Careful consideration of the atmosphere and proceedings will ensure that the child does not feel intimidated. The panel needs to be aware of the views of the child and give them equal consideration to those of adults. Where the child's parent is the complainant, it would be helpful to give the parent the opportunity to say which parts of the hearing, if any, the child needs to attend.

d. Where the complainant is a parent they should be allowed to attend the panel hearing, and, if they wish, to be accompanied.

e. The governors sitting on the panel need to be aware of the complaints procedure.

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

The Chair of the Local Governing Body or Nominated Governor should:

- check that the correct procedure has been followed;
- decide if a hearing is appropriate and if so, notify the Clerk to arrange the panel.

The Role of the Chair of the Panel

The Chair of the Panel has a key role, ensuring that:

- the remit of the panel is explained to the parties present at the hearing and each party has the opportunity of putting their case without undue interruption;
- the issues are addressed;
- key findings of fact are made;
- parents and others who may not be used to speaking at such a hearing are put at ease;

- the hearing is conducted in an informal manner with each party treating the other with respect and courtesy;
- the panel is open minded and acting independently;
- no member of the panel has a vested interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure;
- each side is given the opportunity to state their case and ask questions;
- written material is seen by all parties. If a new issue arises it would be useful to give all parties the opportunity to consider and comment on it. All relevant documentation is kept confidential;
- recommendations and findings should be recorded and distributed as appropriate.

Roles and Responsibilities

The Role of the Clerk

The Clerk is the contact point for the complainant and required to:

- (after having received notification from the Chair of the Local Governing Body or Nominated Governor) set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible;
- collate any written material and send it to the parties in advance of the hearing;
- meet and welcome the parties as they arrive at the hearing;
- record the proceedings;
- notify all parties of the panel's decision.

Checklist for a Panel Hearing

The panel will take the following points into account:

- The hearing is as informal as possible
- Witnesses are only required to attend for the part of the hearing in which they give their evidence
- After introductions, the complainant is invited to explain their complaint, and be followed by their witnesses
- The Headteacher may question both the complainant and the witnesses after each has spoken
- The Headteacher is then invited to explain the school's actions and be followed by the school's witnesses
- The complainant may question both the Headteacher and the witnesses after each has spoken
- The panel may ask questions at any point
- The complainant is then invited to sum up their complaint
- The Headteacher is then invited to sum up the school's actions and response to the complaint

- The Chair explains that both parties will hear from the panel within a set time scale
- Both parties leave together while the panel decides on the issues

Notification of the Panel's Decision

The Chair of the Panel needs to ensure that the complainant, the Headteacher, Chair of Governors, and where relevant, the person complained about is notified of the panel's decision, findings and recommendations, by electronic mail or otherwise, within five working days after the date of the hearing. A copy of the findings and recommendations should be available for inspection on the school premises by the Chair of Governors and Headteacher. The letter needs to explain if there are any further rights of appeal and, if so, to whom they need to be addressed.

APPENDIX C

Model Letters (Stage 4)

C1: Letter of acknowledgement to Complainant regarding establishment of Governing Body Complaints Panel

Dear

Re: Parental Complaint from Mr/Mrs/Ms/Miss

I am writing with regard to your complaint, which has been passed to me by the Chair of Governors and will now be considered by a panel of governors under the School's complaints procedure. The panel must consider your complaint within 10 working days of receiving it, and give you at least five days' notice of the date of the meeting. The panel have therefore asked me to invite you to attend a meeting at (time) on (date) at the School, (or other venue as appropriate) in order to try and resolve the matter. You are entitled to have a friend or a representative attend this meeting with you.

I have enclosed copies of the relevant correspondence, reports and documentation about the complaint with this letter.

Please let me know if:

- there is any other documentation you wish the panel to consider
- there are any witnesses you want to bring to the meeting
- you want to have a friend or representative with you
- you are unable to attend on this date

You can contact me by writing to....., or by telephoning me on (number), or by email at

I enclose a copy of the 'Procedure for a Governing Body Complaints Panel Hearing' for your information.

Yours sincerely

Clerk of the Governing Body
Complaints Panel

C2: Letter from Chair of Governing Body Complaints Panel to Complainant following Hearing

Dear

Parental Complainant from Mr/Mrs/Ms/Miss

Thank you for attending the hearing of the Governing Body Complaints Panel on I am writing on behalf of the Panel to let you know its conclusions.

The Panel has given careful consideration to your complaint about, which raises the following issues:

- 1.
- 2. etc.

The Panel’s conclusions are as follows:

Issue 1

As regards your complaint that, the Panel considered the following factors:

.....
.....
.....

In the light of these considerations, the Panel does/does not uphold this aspect of your complaint.

Issue 2

As regards your complaint that, the Panel considered the following factors:

.....
.....
.....

In the light of these considerations, the Panel does/does not uphold this aspect of your complaint.

In addition to its conclusions on your complaint, the Committee will also be making the following recommendations to the full Governing Body:

(NB There is no obligation to make recommendations)

.....
.....

This completes the Panel’s conclusions.

Finally, please note that the hearing of the Governing Body Complaints Panel and the appointed documentation must be treated as confidential by all parties, including yourself.

If you are unhappy with the findings of the panel you may appeal to The Secretary of State, Department for Education, Sanctuary Buildings, Great Smith Street, London, SW1 3BT, on the grounds that the Governing Body has failed to discharge a statutory duty or that the Governing Body had acted, or was proposing to act, unreasonably.

Yours sincerely

Chair of Governing Body
Complaints Panel