



## Complaints Policy

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**Lead Person(s):** R. Dyer, Headteacher

**Ratification by:** Full governing body (March 2019)

**Statutory Policy:** Yes

**Policy Author:** R. Dyer & N. Bowles (based on model policies from Department of Education)

### Introduction

In accordance with [Section 29\(1\) of the Education Act 2002](#), all maintained schools and maintained nursery schools must have and publish procedures to deal with all complaints relating to their school and to any community facilities or services that the school provides, for which there are no separate (statutory) procedures.

When dealing with parental complaints, the governing body of Burdett-Coutts & Townshend Foundation CE Primary School adheres to guidance from the Department for Education (DfE) advice, '[Best practice guidance for school complaints procedures 2019](#)', January 2019.

### Our school vision and how this policy fulfils the vision

We encourage our learners to be ambitious for themselves, and for others, by challenging and supporting them in questioning the world and in finding solutions. Our Christian vision is deeply rooted in our theological understanding of St Paul's letter to the Philippians:

*"I can do all things through Him who gives me strength"*

Through our exploration and teaching of the Christian values of friendship, compassion and service, we want our learners to be ready to learn, respectful of each and to feel safe so that they can flourish in today's world, knowing that they are loved and cherished by God. For it is through Him, that they are given the strength to encounter each day and live life in all its fullness.

At Burdett-Coutts, we aim to give children the confidence to believe that through effort and diligence, they can "do all things" and achieve. To enable this, we believe that our school should provide a caring, positive, stimulating and safe environment which promotes the welfare and social, physical and moral development of the individual child. Therefore, we aim to work closely with all parents in a partnership which benefits all children and ensures that their school experience is happy and secure.

In line with our school vision and rules, the purpose of this policy is to help reaffirm this partnership and to ensure that it is easy for parents to inform the staff and/or governors of any concerns they may have and that such complaints will be responded to quickly and positively.



## Complaints Policy

### Who can make a complaint?

This complaints procedure is not limited to parents or carers of children that are registered at the school. Any person, including members of the public, may make a complaint to Burdett-Coutts & Townshend Foundation CE Primary School about any provision of facilities or services that we provide.

Unless complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions), we will use this complaints procedure. Parents may request a copy of this policy from the school office at any time.

### What Is A Complaint?

A 'concern' may be defined as '*an expression of worry or doubt over an issue considered to be important for which reassurances are sought*'. A complaint may be generally defined as '*an expression of dissatisfaction however made, about actions taken or a lack of action*'.

It's in everyone's interest that complaints are resolved at the earliest possible stage and many issues can be resolved informally, without the need to follow formal procedures. We are committed to taking any and all concerns seriously and to make every effort to resolve the matter as quickly as possible.

If you have difficulty discussing a concern with a particular member of staff, we will respect your views. In these cases, the Headteacher will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, the Headteacher will refer you to another staff member. The member of staff may be more senior but does not have to be - the ability to consider the concern objectively and impartially is more important.

We understand however, that there are occasions when people would like to raise their concerns formally. In this case, Burdett-Coutts & Townshend Foundation CE Primary School will attempt to resolve the issue internally, through the stages outlined within this complaints procedure.

### How to raise a concern or make a complaint

A concern or complaint can be made in person, in writing or by telephone. They may also be made by a third party acting on behalf on a complainant, as long as they have appropriate consent to do so.

Concerns should be raised with either the class teacher or Headteacher. If the issue remains unresolved, the next step is to make a formal complaint.



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All complaints are handled in strict confidence and the school's attitude to a pupil would never be affected by a parental complaint. The school will ensure that all staff have opportunities to discuss, respond and understand the school's response to concerns and complaints made by parents.

Any person complained against has equal rights with the person making the complaint and the school would not seek to directly involve pupils in a complaints procedure.

Complainants should not approach individual governors 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 2 of the procedure.

In accordance with equality law, we will consider making reasonable adjustments if required, to enable complainants to access and complete this complaints procedure. For instance, providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations.

### **Anonymous complaints**

We will not normally investigate anonymous complaints. However, the Headteacher or Chair of Governors, if appropriate, will determine whether the complaint warrants an investigation.

### **Time scales**

You must raise the complaint within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. We will consider complaints made outside of this time frame if exceptional circumstances apply.

### **Complaints received outside of term time**

We will consider complaints made outside of term time to have been received on the first school day after the holiday period.

### **Complaints Not In Scope Of The Procedure**

A complaints procedure should cover all complaints about any provision of facilities or services that a school provides with the exceptions listed below, for which there are separate (statutory) procedures.



## Complaints Policy

Exceptions	Who to contact
Admissions to schools	For school admissions, it will depend on who is the admission authority (either the school or the LA). Complaints about admission appeals for maintained schools are dealt with by the Local Government Ombudsman.
Statutory assessments of Special Educational Needs (SEN)	Concerns about statutory assessments of special educational needs should be raised directly with local authorities.
School re-organisation proposals	Contact the local authority or diocese, as appropriate, in the first instance and then escalate to the Department of Education, if dissatisfied.
Matters likely to require a Child Protection Investigation	Complaints about child protection matters should be handled under the school's child protection and safeguarding policy and in accordance with relevant statutory guidance. Please refer to your local authority designated officer (LADO) or the multi-agency safeguarding hub (MASH).
Exclusion of children from school	Further information about raising concerns about exclusion can be found at: <a href="http://www.gov.uk/school-discipline-exclusions/exclusions">www.gov.uk/school-discipline-exclusions/exclusions</a>
Whistleblowing	<p>Our school has an internal whistleblowing procedure for our employees and voluntary staff. The Secretary of State for Education is the prescribed person for matters relating to education for whistleblowers who do not want to raise matters direct with their employer. Concerns can be raised with DfE using their <a href="#">contact form</a>.</p> <p>Volunteers who have concerns about schools should complain through the school's complaints procedure. Depending on the substance of the complaint they may also be able to complain to the local authority or the DfE using their <a href="#">contact form</a>.</p>
Staff grievances and disciplinary procedures	Complaints from staff will be dealt with under the school's internal grievance procedures.
Staff conduct	Complaints about staff will be dealt with under the school's internal disciplinary procedures, if appropriate. Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.
Complaints about services provided by other providers who may use school premises or facilities.	Providers should have their own complaints procedure to deal with complaints about service. They should be contacted direct.
National Curriculum - content	Please contact the Department for Education at: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a>



## Complaints Policy

If other bodies are investigating aspects of the complaint, for example the police, local authority (LA) safeguarding teams or Tribunals, this may impact on our ability to adhere to the timescales within this procedure or result in the procedure being suspended until those public bodies have completed their investigations.

If a complainant commences legal action against Burdett-Coutts & Townshend Foundation CE Primary School in relation to their complaint, we will consider whether to suspend the complaints procedure in relation to their complaint until those legal proceedings have concluded.

### Resolving complaints

At each stage in the procedure, we will endeavour 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 which any changes will be made
- an undertaking to review school policies in light of the complaint
- an apology.

### Withdrawal of a Complaint

If a complainant wants to withdraw their complaint, we will ask them to confirm this in writing.

### Arrangements For Managing Complaints

#### Complaints against school staff

##### Stage 1:

Complaints against school staff (except the Headteacher) should be made in the first instance, to the Headteacher, via the school office. This may be done in person, in writing (please mark them as Private and Confidential), or by telephone.

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 3 (three) school days. Within this response, the Headteacher will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. The Headteacher can consider whether a face to face meeting is the most appropriate way of doing this.



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The Headteacher may delegate the investigation to another member of the school's senior leadership team but not the decision to be taken. During the investigation, the Headteacher (or investigator) will:

- if necessary, interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish
- keep a written record of any meetings/interviews in relation to their investigation.

At the conclusion of their investigation, the Headteacher will provide a formal written response within 5 (five) school days of the date of receipt of the complaint. If the Headteacher is unable to meet this deadline, they will provide the complainant with an update and revised response date.

The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions that will be taken to resolve the complaint.

The Headteacher will advise the complainant may send a written complaint (Stage 2) to the Chair of the governing body, should they remain dissatisfied with the outcome of Stage 1.

### **Stage 2:**

If the complainant is dissatisfied with the outcome at Stage 1 and wishes to take the matter further, they can escalate the complaint to Stage 2 – a meeting with members of the governing body's complaints committee, which will be formed of the first three, impartial, governors available. This is the final stage of the complaints procedure.

A request to escalate to Stage 3 must be made to the Clerk to Governors, via the school office, within five (5) school days of receipt of the Stage 2 response. Requests received outside of this time frame will only be considered if exceptional circumstances apply.

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

The Clerk will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within twenty (20) school days of receipt of the Stage 3 request. If this is not possible, the Clerk will provide an anticipated date and keep the complainant informed.

If the complainant rejects the offer of three proposed dates, without good reason, the Clerk will decide when to hold the meeting. It will then proceed in the complainant's absence on the basis of written submissions from both parties.

The complaints committee will consist of at least three governors with no prior involvement or knowledge of the complaint. Prior to the meeting, they will decide amongst themselves who will act as the Chair of the Complaints Committee.



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If there are fewer than three governors from Burdett-Coutts & Townshend Foundation CE Primary School available, the Clerk will source any additional, independent governors through another local school or through their LA's Governor Services team, in order to make up the committee.

Alternatively, an entirely independent committee may be convened to hear the Stage 2 complaint. The committee will decide whether to deal with the complaint by inviting parties to a meeting or through written representations, but in making their decision they will be sensitive to the complainant's needs.

If the complainant is invited to attend the meeting, they may bring someone along to provide support. This can be a relative or friend.

Generally, we do not encourage either party to bring legal representatives to the committee meeting. However, there may be occasions when legal representation is appropriate. For instance, if a school employee is called as a witness in a complaint meeting, they may wish to be supported by union and/or legal representation.

*Note: Complaints about staff conduct will not generally be handled under this complaints procedure. Complainants will be advised that any staff conduct complaints will be considered under staff disciplinary procedures, if appropriate, but outcomes will not be shared with them.*

Representatives from the media are not permitted to attend.

At least seven (7) school days before the meeting, the Clerk will:

- confirm and notify the complainant of the date, time and venue of the meeting, ensuring that, if the complainant is invited, the dates are convenient to all parties and that the venue and proceedings are accessible
- request copies of any further written material to be submitted to the committee at least five (5) school days before the meeting.

Any written material will be circulated to all parties at least five (5) school days before the date of the meeting. The committee will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

The committee will also not review any new complaints at this stage or consider evidence unrelated to the initial complaint to be included. New complaints must be dealt with from Stage 1 of the procedure.

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 must be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.

The committee will consider the complaint and all the evidence presented. The committee can:



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- uphold the complaint in whole or in part
- dismiss the complaint in whole or in part.

If the complaint is upheld in whole or in part, the committee will:

decide on the appropriate action to be taken to resolve the complaint where appropriate, recommend changes to the school's systems or procedures to prevent similar issues in the future.

The Chair of the Committee will provide the complainant and Burdett-Coutts & Townshend Foundation CE Primary School with a full explanation of their decision and the reason(s) for it, in writing, within two (2) school days.

The letter to the complainant will include details of how to contact the Department for Education if they are dissatisfied with the way their complaint has been handled.

**Please see Appendix A regarding Stages 1 and 2 of the internal complaints process**

### Complaints against the Headteacher

Complaints against the Headteacher should be made in the first instance, to the Chair of Governors, via the school office. This may be done in person, in writing (please mark them as Private and Confidential), or by telephone. The complaint will be considered by the Chair of Governors or a suitably skilled governor to complete all the actions at Stage 1.

If the complainant is dissatisfied with the outcome at Stage 1 and wishes to take the matter further, they can escalate the complaint to Stage 2 – a meeting with members of the governing body's complaints committee, which will be formed of the first three, impartial, governors available who will complete all the actions at Stage 2.

### Complaints against governors

Complaints about the Chair of Governors, any individual governor or the whole governing body should be addressed, in writing, to the Clerk to the governing body via the school office. Please mark them as Private and Confidential.

If the complaint is about a single governor (including the Chair of Governors or the Vice-Chair), then a suitably skilled governor will be appointed to complete all the actions at Stage 1.

If the complainant is dissatisfied with the outcome at Stage 1 and wishes to take the matter further, they can escalate the complaint to Stage 2 – a meeting with members of the governing body's complaints committee, which will be formed of the first three, impartial, governors available.



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If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire governing body or
- the majority of the governing body;

Stage 1 will be considered by an independent investigator appointed by the governing body or London Diocesan Board of Schools. At the conclusion of their investigation, the independent investigator will provide a formal written response.

Stage 2 will be heard by a committee of independent, co-opted governors.

The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions Burdett-Coutts & Townshend Foundation CE Primary School will take to resolve the complaint.

The response will also advise the complainant of how to escalate their complaint should they remain dissatisfied.

### Next Steps

If the complainant believes the school did not handle their complaint in accordance with the published complaints procedure or they acted unlawfully or unreasonably in the exercise of their duties under education law, they can contact the Department for Education after they have completed Stage 2.

The Department for Education will not normally reinvestigate the substance of complaints or overturn any decisions made by Burdett-Coutts & Townshend Foundation CE Primary School. They will consider whether Burdett-Coutts & Townshend Foundation CE Primary School has adhered to education legislation and any statutory policies connected with the complaint.

The complainant can refer their complaint to the Department for Education online at: [www.education.gov.uk/contactus](http://www.education.gov.uk/contactus), by telephone on: 0370 000 2288 or by writing to:

Department for Education  
Piccadilly Gate  
Store Street  
Manchester  
M1 2WD.



## Complaints Policy

### The Role Of The Headteacher

The Headteacher is responsible for the internal organisation and management of the school. They therefore have overall responsibility for considering complaints in the first instance or arranging, if appropriate, for a designated member of staff to deal with them.

However the Headteacher must be kept fully informed of the complaint and the way in which it is being addressed.

When deciding which course of action to take over a response to a complaint, the Headteacher may wish to consult with the Chair of Governors, the Complaints Officer at the Local Authority (LA) or the LDBS or seek advice from the National Association of Head Teachers (NAHT).

The Headteacher will keep a record of complaints received and outcomes.

### The Role Of The governing body

The governing body is responsible for the overall conduct of the school and must ensure that a complaints procedure is in place and reviewed regularly. The Headteacher will normally inform the Chair of the governing body of complaints received unless she/he is going to form part of any committee to hear disciplinary or capability procedures; in which case she/he must remain untainted.

If a governor receives a complaint from a parent, it will be referred to the Headteacher to investigate. If the Headteacher is the subject of the complaint, then the Chair of the governing body will undertake the investigation.

The governing body should appoint a Complaints Committee of three governors to consider any formal written complaints should it reach Stage 2. A pool of governors from which this committee can be formed will be agreed at the beginning of each school year. Regard must be given to confidentiality throughout the process to ensure that governors do not become tainted and are therefore not able to serve on such a committee.

After a complaint has been dealt with, it may be appropriate for the Headteacher or Chair of the governing body to make a brief report to the governing body without mentioning names and protecting confidentiality.

### The Role Of The Local Authority

The Local Authority will:

- Provide guidance and advice to schools on good practice



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- Provide procedures for schools for parental complaints against the curriculum and matters relating to it
- Provide advice to complainants on how to complain.

### **The Role Of The London Diocesan Board of Schools**

The LDBS acts in an advisory capacity to Headteachers and governing bodies but does not have the power to investigate complaints.

**Please see Appendix B for further information on roles**

### **Monitoring arrangements**

The Headteacher and Chair of Governors is responsible for monitoring and reviewing this policy. This policy will be reviewed annually or as the appropriate legislation requires it.

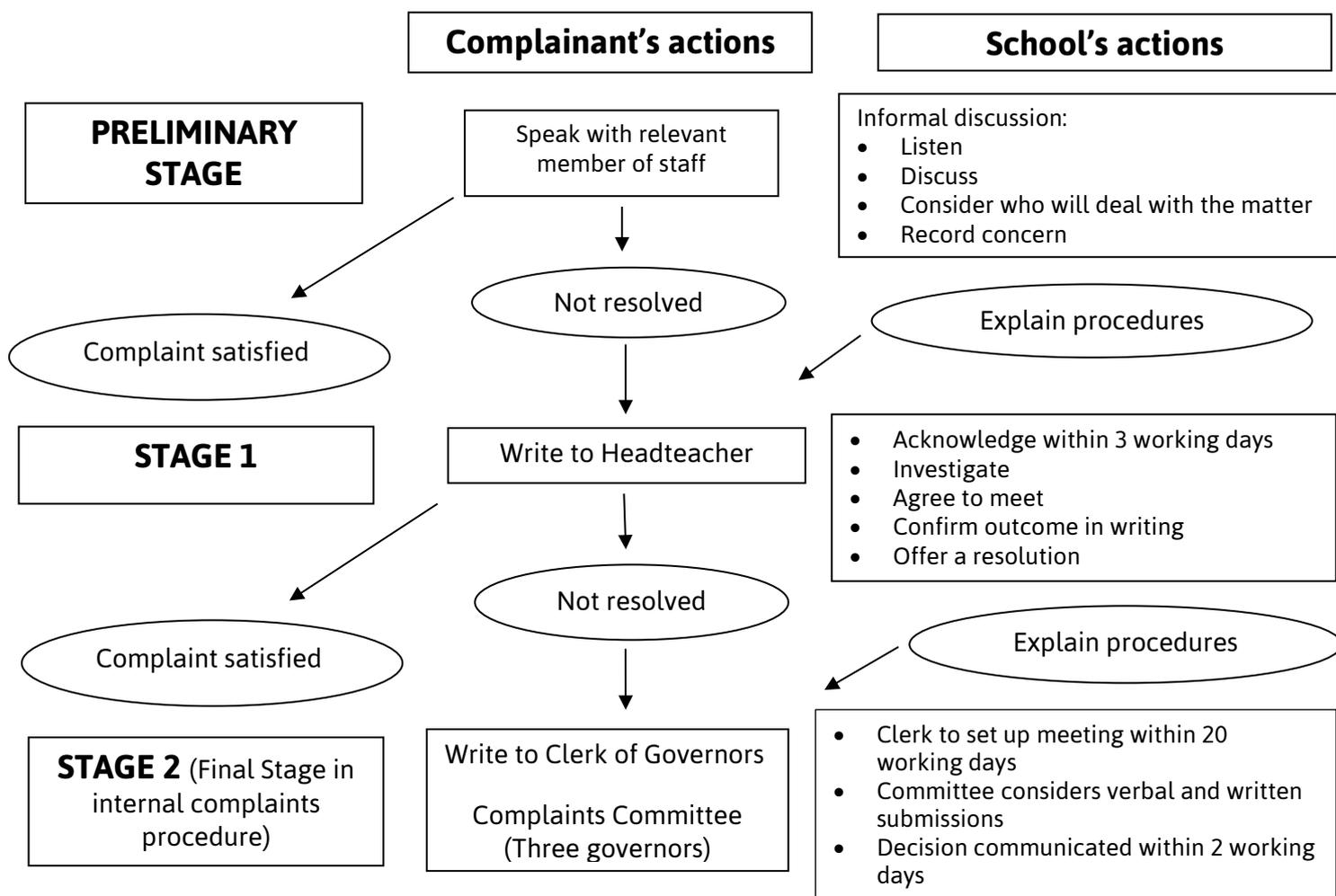
### **Links with other policies**

This Complaints Policy is linked to our Serial & Unreasonable Complaints Policy



## Complaints Policy

### Appendix A: Internal Complaints Procedure



STAGE	DESCRIPTION	RESPONSE
<b>Preliminary</b>	Discussions with relevant member of staff and/or Headteacher.	As soon as possible but no later than 7 working days.
<b>Stage 1</b>	Written complaint to Headteacher.	Acknowledge within 3 working days. Response normally within 5 working days.
<b>Stage 2</b>	Complaints' Committee Hearing	Hearing set up within 20 working days. Agenda and papers sent out 7 working days in advance. Decision letter within 2 working days.



## Complaints Policy

### Appendix B: Roles and Responsibilities

#### Complainant

The complainant will receive a more effective response to the complaint if they:

- explain the complaint in full as early as possible
- co-operate with the school in seeking a solution to the complaint
- respond promptly to requests for information or meetings or in agreeing the details of the complaint
- ask for assistance as needed
- treat all those involved in the complaint with respect
- refrain from publicising the details of their complaint on social media and respect confidentiality.

#### Investigator

The investigator's role is to establish the facts relevant to the complaint by:

- providing a comprehensive, open, transparent and fair consideration of the complaint through:
- sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved
- interviewing staff and children/young people and other people relevant to the complaint
- consideration of records and other relevant information
- analysing information
- liaising with the complainant and the complaints co-ordinator as appropriate to clarify what the complainant feels would put things right.

The investigator should:

- conduct interviews with an open mind and be prepared to persist in the questioning
- keep notes of interviews or arrange for an independent note taker to record minutes of the meeting
- ensure that any papers produced during the investigation are kept securely pending any appeal
- be mindful of the timescales to respond
- prepare a comprehensive report for the Headteacher or complaints committee that sets out the facts, identifies solutions and recommends courses of action to resolve problems.

The Headteacher or complaints committee will then determine whether to uphold or dismiss the complaint and communicate that decision to the complainant, providing the appropriate escalation details.



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### **Complaints Co-ordinator (this could be the Headteacher / designated complaints governor or other staff member providing administrative support)**

The complaints co-ordinator should:

- ensure that the complainant is fully updated at each stage of the procedure
- liaise with staff members, Headteacher, Chair of Governors, Clerk and LAs (if appropriate) to ensure the smooth running of the complaints procedure
- be aware of issues regarding:
  - sharing third party information
  - additional support. This may be needed by complainants when making a complaint including interpretation support or where the complainant is a child or young person
- keep records.

### **Clerk to the governing body**

The Clerk is the contact point for the complainant and the committee and should:

- ensure that all people involved in the complaint procedure are aware of their legal rights and duties, including any under legislation relating to school complaints, education law, the Equality Act 2010, the Freedom of Information Act 2000, the Data Protection Act (DPA) 2018 and the General Data Protection Regulations (GDPR)
- set the date, time and venue of the meeting, ensuring that the dates are convenient to all parties (if they are invited to attend) and that the venue and proceedings are accessible
- collate any written material relevant to the complaint (for example; stage 1 paperwork, school and complainant submissions) and send it to the parties in advance of the meeting within an agreed timescale
- record the proceedings
- circulate the minutes of the meeting
- notify all parties of the committee's decision.

### **Committee Chair**

The committee's chair, who is nominated in advance of the complaint meeting, should ensure that:

- both parties are asked (via the Clerk) to provide any additional information relating to the complaint by a specified date in advance of the meeting
- the meeting is conducted in an informal manner, is not adversarial, and that, if all parties are invited to attend, everyone is treated with respect and courtesy
- complainants who may not be used to speaking at such a meeting are put at ease. This is particularly important if the complainant is a child/young person
- the remit of the committee is explained to the complainant



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- written material is seen by everyone in attendance, provided it does not breach confidentiality or any individual's rights to privacy under the DPA 2018 or GDPR.
- If a new issue arises it would be useful to give everyone the opportunity to consider and comment upon it; this may require a short adjournment of the meeting
- both the complainant and the school are given the opportunity to make their case and seek clarity, either through written submissions ahead of the meeting or verbally in the meeting itself
- the issues are addressed
- key findings of fact are made
- the committee is open-minded and acts independently
- no member of the committee has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure
- the meeting is minuted
- they liaise with the Clerk (and complaints co-ordinator, if the school has one).

### Committee Member

Committee members should be aware that:

- the meeting must be independent and impartial, and should be seen to be so. No governor may sit on the committee if they have had a prior involvement in the complaint or in the circumstances surrounding it.
- the aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant. We recognise that the complainant might not be satisfied with the outcome if the meeting does not find in their favour. It may only be possible to establish the facts and make recommendations.
- many complainants will feel nervous and inhibited in a formal setting. Parents/carers often feel emotional when discussing an issue that affects their child.
- extra care needs to be taken when the complainant is a child/young person and present during all or part of the meeting. Careful consideration of the atmosphere and proceedings should ensure that the child/young person does not feel intimidated.
- The committee should respect the views of the child/young person and give them equal consideration to those of adults.
- If the child/young person is the complainant, the committee should ask in advance if any support is needed to help them present their complaint. Where the child/young person's parent is the complainant, the committee should give the parent the opportunity to say which parts of the meeting, if any, the child/young person needs to attend.
- However, the parent should be advised that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting that the committee considers is not in the child/young person's best interests.
- the welfare of the child/young person is paramount.