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Endeavour Forever

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C. Approval

This document is a controlled document authorized for release once all signatures have been obtained or has been approved for release at either a Full Governing Board meeting or relevant sub-committee meeting. Approval of this document constitutes approval of the content as described herein.

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1 OVERVIEW

1.1 Purpose

Refer to Section 3 Policies and Procedures

1.2 Scope

Refer to Section 3 Policies and Procedures

1.3 Related documents

Refer to Section 3 Policies and Procedures

1.4 Reviews

Refer to Section 3 Policies and Procedures

1.5 Equality Impact Assessment

Under the Equality Act 2010 the College is obliged not to discriminate against people on the basis of age, disability, gender, gender identity, pregnancy or maternity, race, religion or belief and sexual orientation.

This policy has been equality impact assessed and the Governing Board believes that it is in line with the Equality Act 2010 as it is fair, it does not prioritise or disadvantage any student or any other connected party and it helps to promote equality at the College.

2 RESPONSIBILITY FOR THE POLICY AND PROCEDURE

2.1 Role of the Governing Board

The Governing Board has:

- delegated powers and responsibilities to the Head teacher to ensure all college personnel and visitors to the college are aware of this policy;
- responsibility for ensuring this policy and all policies are maintained and updated regularly;
- responsibility for ensuring all policies are made available to parents;
- nominated a link governor to visit the college regularly, to liaise with the Head teacher and the coordinator and to report back to the Governing Board;
- responsibility for the effective implementation, monitoring and evaluation of this policy

2.2 Role of the head teacher

The Head teacher will:

- ensure all College personnel, students and parents are aware of this policy;
- work closely with the link governor and coordinator;
- provide guidance, support and training to all staff;
- monitor the effectiveness of this policy;

3 POLICY AND PROCEDURES

3.1 The Statutory Background

Pursuant to The Education (Independent Schools Standards) Regulations 2010 academy schools in England are required to have in place a procedure to deal with complaints relating to their school and to any community facilities or services that the school provides. The law also requires the complaints procedure to be publicised.

3.2 Rationale

3.2.1 This document sets out the College's policy and procedures relating to complaints of a general nature, namely:

- A. to resolve any issues which arise; and
- B. to provide parents/carers with a means of raising issues of concern and to have them addressed.

This document does not replace the College's arrangements for dealing with certain types of complaint which do not fall within the remit of the Governing Body's complaints procedures, including:

- Admissions Procedures;
- Collective Worship;
- Curriculum Complaints Procedures;
- Exclusions Procedures;
- Procedures for querying public examination results;
- Religious Education;
- Safeguarding Procedures;
- Special Educational Needs Procedures;
- Staff Grievance, Discipline and Conduct Procedures; and
- Anonymous Complaints.

This policy is designed to establish a complaints procedure that is consistent and fair to all complainants.

Confidentiality should be respected at all times, although it may be necessary to share information to enable a thorough investigation to be undertaken. However all documentation will be treated as confidential.

3.3 General Principles of Complaints

3.1 The flowchart in Appendix A outlines the College's procedure for dealing with complaints. Every attempt will be made to adhere to the time limits specified in the flowchart and detailed procedures which follow, but these may in exceptional circumstances be exceeded. Please refer to Section 7 below.

3.2 Anonymous complaints will not be investigated, except in exceptional circumstances – such as child protection issues.

3.3.1 Dealing with Complaints – Initial Concerns

3.3 Taking informal concerns seriously at the earliest stage will reduce the numbers that develop into formal complaints.

3.4 The underlying principle is that concerns ought to be handled, if at all possible, without the need for formal procedures.

3.5 In the majority of cases the class teacher or the individual delivering the service in the case of extended school provision, will receive the first approach, and the issue can be resolved by them.

3.6 At every stage notes of meetings and telephone calls should be made and copies kept centrally, together with copies of any correspondence.

3.3.2 Dealing with Complaints – Formal Concerns

3.7 The formal procedures will need to be invoked when initial attempts to resolve issues are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further.

3.8 The Headteacher shall have responsibility for the operation and management of the College's complaints procedures until Stage 3 of the procedure is implemented. However, where the complaint concerns the Headteacher, the complaint should be referred to the Chair of Governors. The Chair (or their nominee) will then conduct Stage 2.

3.9 It is not appropriate for a first approach to be made to a Governor. Any Governor receiving a complaint will advise the complainant that the College has an established procedure and refer the complainant to the appropriate person at the College to approach for further information. Governors must not act unilaterally on an individual complaint outside of the formal procedures or be involved at the early stages in case they are needed to sit on a panel at a later stage of the procedure.

3.4 The Complaints Procedure – Stages

The College shall monitor and record all complaints received. At each stage in the procedures the College shall keep in mind ways in which a complaint can be resolved. It might be sufficient to acknowledge that the complaint is valid in whole or in part. In addition, it may be appropriate to offer one or more of the following:

- An apology;
- An explanation;
- An admission that the situation could have been handled differently or better;
- An assurance that the event complained of will not recur;
- An explanation of the steps that have been taken to ensure that it will not happen again;
- An undertaking to review school policies in light of the complaint.

Complainants should be encouraged to state what actions they feel might resolve the problem at any stage.

3.4.1 Stage 1 (Informal): Complaint heard by staff member

4.1 Where any member of staff becomes aware of a voiced concern, they should deal with it themselves if it is appropriate, and they feel comfortable in doing so. Many concerns can be resolved by simple clarification or the provision of information. It is anticipated that most concerns can be readily resolved at this informal stage. Where the member of staff approached feels too compromised to deal with the matter directly, they should involve, for example, their line manager.

4.2 In the case of serious concerns (or where the College deems it more appropriate to do so) it may be necessary to refer these matters directly to the Headteacher.

4.3 Where the complaint is specifically about the Headteacher, similarly the complainant should discuss this with him/her at this stage first.

4.4 The concern will be noted (including the outcome) and copied to the Headteacher. Where the subject of the complaint is the Headteacher, he/she will copy the record to the Chair of Governors.

4.5 Where informal attempts by the College have failed to bring about a satisfactory resolution for the complainant, the complainant is entitled to request that the complaint be treated more formally. Unless the complaint directly concerns the Headteacher, it will be him/her who deals with this next stage (Stage 2).

3.4.2 Stage 2 (Formal) Dealt with by Headteacher (or the Chair of Governors should the complaint concern the Headteacher)

4.6 This stage can be initiated if/ when dissatisfaction with the outcome of Stage 1 is received by the College. At this point, a copy of this document will be sent to the complainant within 3 school days, together with the formal complaint form (Appendix F).

4.7 The form is structured so that each party has a common understanding about the complaint. As the main purpose of the process is to achieve reconciliation, complainants are also asked what actions might resolve the problem.

4.8 After the formal complaint form is returned, it will be acknowledged within 3 school days and the investigation will commence.

4.9 This is the first stage of the formal complaints process and as a result, all communications between parties will be recorded.

4.10 Before proceeding with a formal investigation, the Headteacher may wish to meet with the individual and discuss their concerns and wishes. It may be appropriate and satisfactory to reach an informal resolution at this point. If not, the Headteacher will decide whether the individual's complaint will be dealt

with by this policy or another statutory procedure. In the latter case, the Headteacher will advise the complainant on what will need to be done.

4.11 The Headteacher may delegate the task of collating the information to another staff member, but not the decision on the action to be taken. The investigation should involve the review of any relevant documentation and information. If necessary, witnesses will need to be interviewed and statements taken from those involved. If the complaint centres around a student, the student will also usually be interviewed.

4.12 The outcome of the investigation should be communicated to the complainant, either at a meeting (followed up in writing) or as a written response. This response should explain the outcome and should be supported by reasons for reaching this decision and what action, if any, will be taken. (If management action is subsequently required against an employee of the College, the complainant will not have access to this information). **This response should be provided within 10 school days of acknowledging the complaint.**

4.13 If the complaint concerns the Headteacher, the Chair of Governors should follow sections 4.6 to 4.12.

4.14 If the complainant is still dissatisfied with the response they have been given and would like to take the complaint further, they will be informed that they should make this clear in writing to the Headteacher. On receipt, s/he will send on the complaint form and all associated information to the Chair of Governors.

3.4.3 Stage 3 (Formal) Dealt with by Governors' Panel

4.15 On receipt of the completed complaint form from the Headteacher, the Chair of Governors will verify that the complainant has properly exhausted all Stage 2 procedures. If not satisfied, the Chair will refer the matter back to the Headteacher. When satisfied, the Chair will contact the Clerk and liaise with them to make preparatory arrangements for the Governors' Complaints Panel Meeting (the "Panel").

4.16 The Clerk may be the Clerk to the Governing Body, or, in exceptional circumstances, another Governor acting as Clerk (over and above those selected for the Panel).

4.17 The Chair of Governors will identify two governors chosen from an agreed pool of governors to form the Panel together with a third panel member who must be independent of the management and running of the College (this person must not be a governor at the College). The Panel will appoint its own chair. It is important that any hearing is independent and impartial. Those individuals on the Panel should have no prior knowledge of the complaint.

4.18 The Chair of Governors or Clerk to the Panel will acknowledge (to the complainant) receipt of the completed formal complaint form from the Headteacher within 5 school days.

4.19 The Clerk will inform the complainant that the complaint will be heard by the Panel within 15 school days.

4.20 Before the hearing, the Chair of Governors' may suggest meeting the complainant informally to discuss the complaint. It may be appropriate and satisfactory to reach a resolution at this point. If not, the hearing will proceed. If this meeting involved the Chair of Governors' he shall be excluded from the hearing.

4.21 The Clerk will convene a meeting of the Panel, confirm membership of the Panel, ensure a Chair is appointed from amongst the Panel members and arrange a time and date for the meeting. All relevant documentation from the Headteacher and the complainant will be distributed to all parties, (including the Panel members) in advance of the meeting.

4.22 Appendix C sets out roles and responsibilities of those involved in the process.

4.23 Appendix D sets out a model procedure for the conduct of a Governors' Complaints Panel hearing.

4.24 Appendix E sets out the remit of the Governors' Complaints Panel.

4.25 It is not the College's policy to allow complainants to be accompanied by a legal representative.

4.26 The Chair of the Panel needs to ensure that the complainant is notified of the Panel's decision in writing within 5 school days of the meeting. The response will include reasons for the decision, action (if any) that needs to be taken and where appropriate, suggest changes to, or review of, the College's systems or procedures to ensure that similar problems do not happen again. The response shall explain if there are any further rights of appeal.

3.5 Appeal to the Secretary of State for Education

If a complainant remains dissatisfied following Stage 3 they are entitled to appeal directly to the Secretary of State for Education. The complainant should write to The School Complaints Unit (SCU) at:

Department for Education
2nd Floor, Piccadilly Gate'
Manchester, M1 2WD.

3.6 Vexatious Complaints

If the procedures in this policy are followed correctly then the number of complaints that become protracted should be limited. However, there may be occasions when the complainant remains dissatisfied. If the complainant attempts to reopen the same issue, the Chair of the Governing Body is able to inform them in writing that the procedure has been exhausted and that the matter is now closed. If the complainant writes again on the same issue, then the correspondence may be recognised as vexatious and there will be no obligation on the part of the College to respond.

3.7 Time Limits

7.1 Complaints need to be considered and resolved as quickly and efficiently as possible. The time limits set out in this policy reflect this requirement. However, in exceptional circumstances time limits may need to be altered, for example where further investigations are necessary. In such situations new time limits can be set and the complainant should be sent details of the new deadline with an explanation for the delay.

7.2 A complaint will usually be considered as 'out-of-time' if it is raised more than 3 months after the matter in question is known to the complainant.

3.1 Racist Complaint

8. Procedure and guidance for dealing with a complaint where the complainant perceives the behaviour they are complaining of to be racist

8.1 The College is committed to combating racism and acts of racial harassment and encourages a positive ethos that promotes racial justice and harmony.

8.2 The general principles described in the main procedure for dealing with complaints apply when handling complaints alleging racist behaviour.

8.3 The Headteacher may also consult the Worcestershire Race Equality Council ("WREC") for advice.

8.4 If at Stage 1 (Informal) of the complaint procedure the staff member believes that a complaint has a racist element, then they must alert the Headteacher immediately. If the complaint has been dealt with successfully, it must still be appropriately recorded with the knowledge of the Headteacher.

8.5 If the complaint moves to Stage 2 (Formal) the Headteacher will inform the Chair of Governors'.

8.6 Appendix B sets out the procedure.

4 DISSEMINATION

4.1 Promoting Awareness

We will raise awareness of this policy via:

- The College website www.bishopperowne.co.uk
- Meetings with College personnel and volunteers
- Reports such as the annual report to parents and Head teacher reports to the Governing Board

4.2 Training

All school personnel:

- Receive training on induction which specifically covers:
 - All aspects of this policy
- Receive periodic training so that they are kept up to date with new information;
- Receive equal opportunities training on induction in order to improve their understanding of the Equality Act 2010 and its implications.

4.3 Monitoring the Effectiveness of the Policy

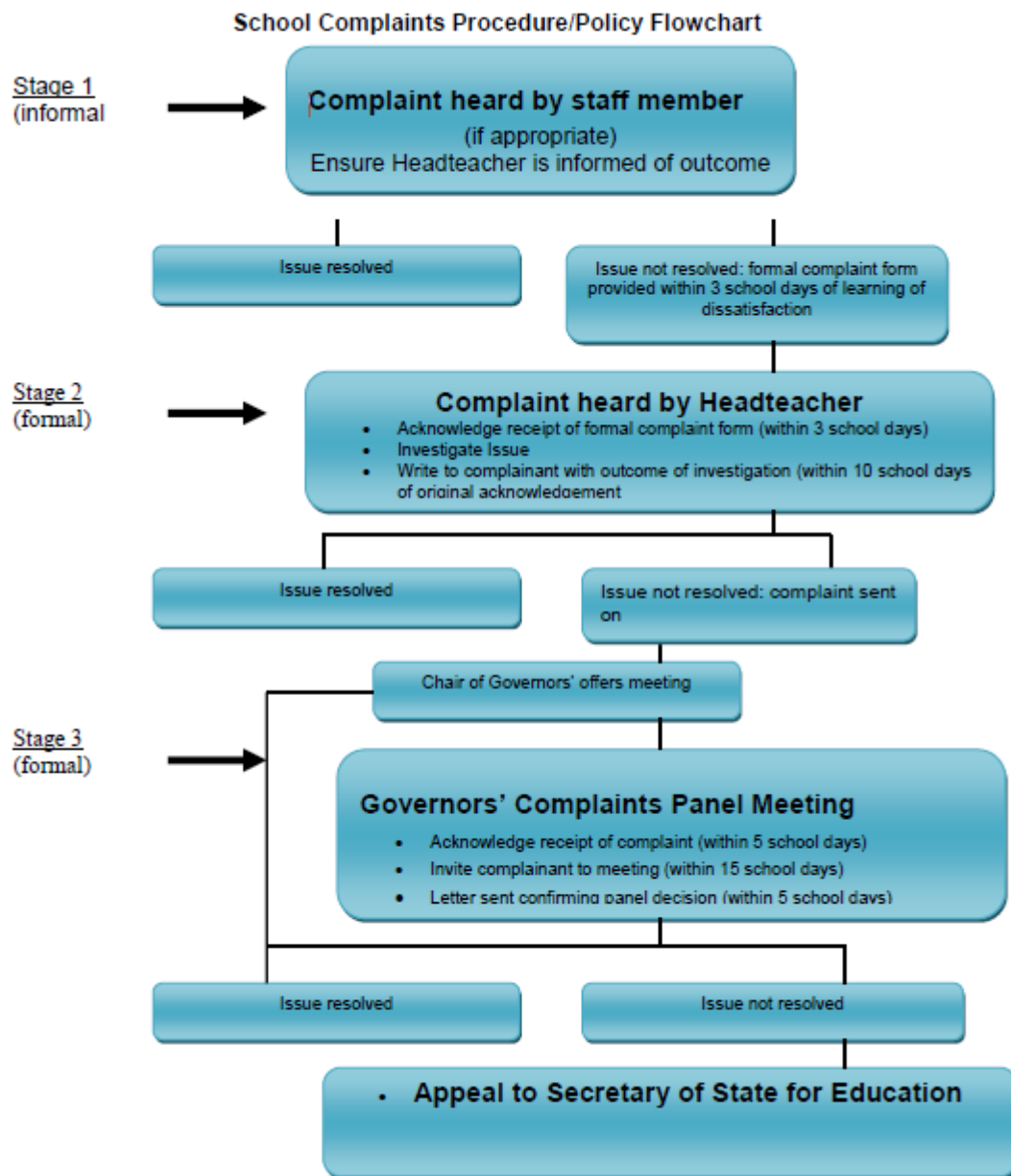
This policy will be reviewed annually or when the need arises.

5 GLOSSARY

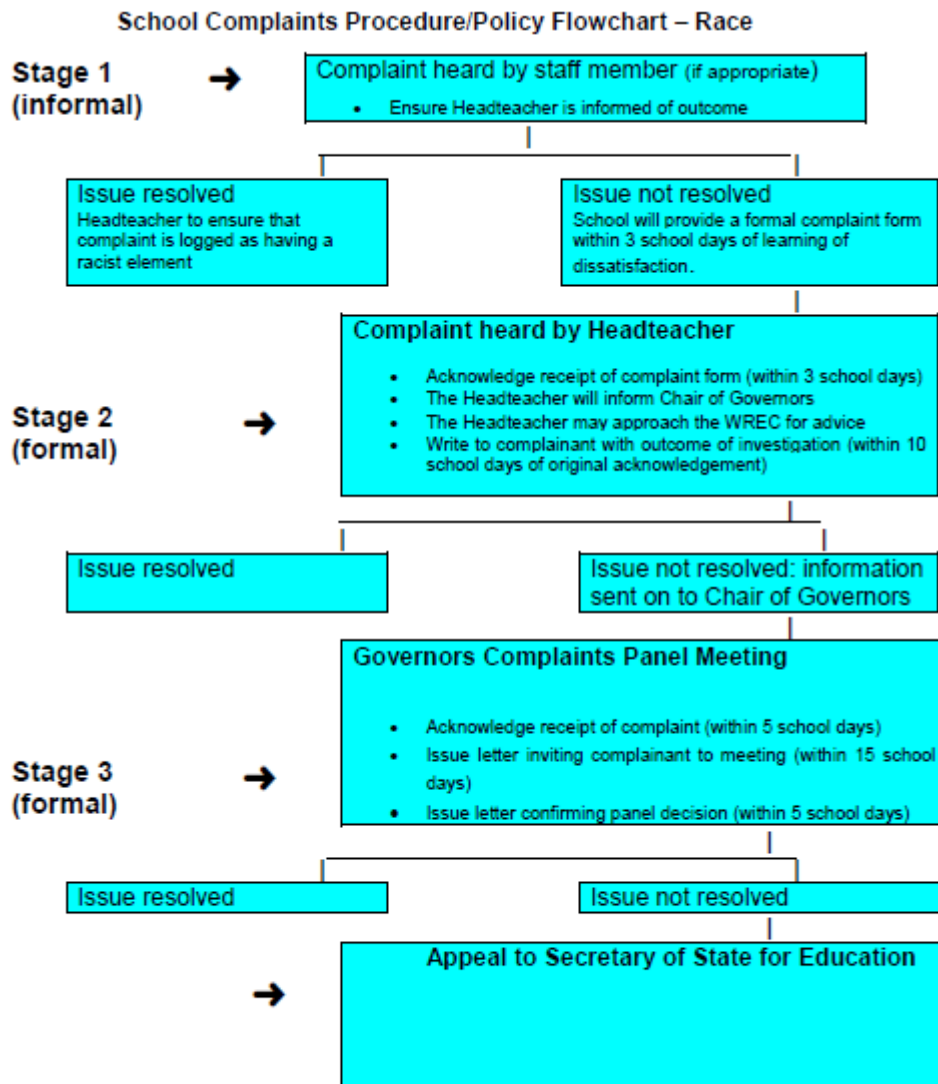
Glossary of terms used within this policy and procedure document. For the full Glossary of terms used at Bishop Perowne CE College, please refer to the document “REF-02 Glossary of Terms”.

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Appendix A: School Complaints Procedure/Policy Flowchart



Appendix B: School Complaints Procedure/Policy Flowchart – Race



Appendix C: Roles and Responsibilities

C.1 The Headteacher

- To report to the Governing Body twice a term regarding the number of complaints received by the College.

C.2 The Governing Body

- To adopt a complaints policy for the College and to monitor and review the effectiveness of the policy at least annually;
- To nominate a minimum of five governors from which a Complaints Panel of three governors can be constituted.

C.3 The Chair of Governors

- To receive formal complaints forms from complainants for consideration by the Governors' Complaints Panel;
- To notify the Clerk to make arrangements for the hearing of the Governors' Complaints Panel;
- To follow Stage 2 procedures (sections 4.6 to 4.12) where the complaint received concerns the Headteacher;
- To check that the correct procedure has been followed.
- The Governors' Complaints Panel
- The Chair of the Panel has a key role, ensuring that:
- The remit of the panel is explained to the parties and each party has the opportunity of putting their case without due interruption;
- The issues set out in the complaint form are addressed;
- Key findings of fact are made;
- Parents and others who may not be used to speaking at such hearings 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 all parties should be given the opportunity to consider and comment on it.

C.4 The Role of the Clerk:

Hearings of the Governors' Complaints Panel must be clerked. The clerk is the contact point for the complainant and is required to:

- Put together a panel of three governors;
- Make sure all parties to the proceedings have a copy of this policy;

- Organise a date, time and venue for the hearing, ensuring that the date is convenient for all the 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.

C.5 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 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 acts 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 to ask questions;
- Written material is seen by all parties. Should new issues arise all parties should be given the opportunity to consider the same and comment.

Appendix D: Model Procedure for the conduct of a Governors' Panel Hearing to Consider a Complaint

It is important that the members of the Panel are impartial and independent, and seen to be so. The Panel members should have no prior involvement with the case, and be sensitive to the constitution of the Panel with regard to issues of equality.

It may be the case that complainants feel anxious that they will not be provided with opportunities for them to be heard or that the procedure is not seen to be fair (i.e. parents may perceive the Governors' view to be weighted in the College's favour). Panel members need to be aware these perceptions may exist and endeavour to demonstrate openness and objectivity in their actions.

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.

The Panel members need to be aware of the complaints procedure.

D.1 The Hearing

The hearing shall be as informal as possible and the complainant should be informed as to who will be in attendance at the hearing.

Reports and statements submitted to the Panel should be made available to all parties in advance of the hearing.

The Clerk to the Panel should invite the complainant (who may be accompanied to the hearing), Headteacher (plus accompanying staff) into the room at the notified times and to make introductions.

The Clerk to the Panel is required to keep an accurate record of discussions at the hearing. The Panel may need to refer to this to assist them in their consideration of the case. It may be helpful to the complainant for them to be informed if these notes will be made available to them. If, as a result of the complaint being upheld there is any disciplinary action towards a member of staff, the complainant is not permitted any knowledge of this. Therefore, if any notes are made available to complainants, any such references should be removed before being sent.

The Chair shall explain that the purpose of the hearing, which will be held in private, is to review the complaint and to try to resolve the issues to enable reconciliation between the complainant and the College. However it is recognised that the complainant might not be satisfied with the outcome and it may only be possible to establish the facts and make recommendations regarding future actions.

The Chair should reassure all parties that they will have every opportunity to state their case. The Chair should explain the procedure of the hearing – a model agenda is set out below which can be made available to all parties.

D.2 Model Agenda

- 1) Introductions
- 2) Reminder of confidential nature of these proceedings
- 3) Complainant explains reasons for making the complaint, and calls witnesses if desired.
- 4) Headteacher and Panel members may ask questions and seek clarification
- 5) Headteacher invited to explain the College's actions and call witnesses if desired
- 6) Complainant and Panel members may ask questions and seek clarification
- 7) Complainant is invited to sum up the complaint
- 8) Headteacher is invited to sum up the College's actions and response to the complaint
- 9) The Chair of the Panel should explain that the decision of the Panel will be communicated to the Complainant and the Headteacher in writing within 5 school days.
- 10) The Headteacher and complainant withdraw from the hearing to allow the Panel to consider its decision.

Appendix E: The Remit of the Governors' Complaints Panel

The Panel should consider: -

- The evidence (written and oral) from the College and the complainant.
- The relevant College policies and procedures (e.g. anti-bullying, equality, dress code, and discipline).
- The extent to which the College's action is consistent with the appropriate College policy (i.e. has the College managed the issue in the manner defined in their documentation?).
- The response of the Panel to the complaint, having considered the information made available to them, providing reasons for their decision.
- Areas of agreement identified between the parties.
- Misunderstandings identified, which can be remedied.
- Any recommendations to review/revise College policies and procedures as necessary. This should identify a reasonable timescale and a nominated person who will be responsible for this to be achieved, and progress should be monitored by the Governing Body.
- The appropriate action to be taken by the College, if necessary.
- Recommendations on changes to College policies and procedures in the light of this experience, if necessary.

The Panel's decision, with reasons, should be confirmed in writing to the complainant, Headteacher and Chair of Governors within 5 school days.

Appendix F: Complaint Form

Complaint Form to be supplied with a copy of the adopted procedure.

Please complete and return to the Headteacher who will acknowledge receipt.

The Procedure, at Stage 2, explains what action will be taken after receipt.

Your name:	
Student's name:	
Your relationship to the pupil:	
Address:	
Postcode:	
Day time telephone number:	
Evening telephone number:	
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, when, and what was the response)?	
The form continues overleaf.....	

What actions do you feel might resolve the problem at this stage?	
Are you attaching any paperwork? If so, please give details.	
Signature:	
Date:	
Official use	
Date acknowledgement sent:	
By whom:	
Complaint referred to:	
Date:	

Any enquiries regarding this publication should be sent to us at

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This document is also available from
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