Complaints Procedure

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Brent River College Complaints Procedure

1. INTRODUCTION

1.1. The school is dedicated to providing the best possible education and support for all its pupils. This means having a clear, fair, and efficient procedure for dealing with any complaints to or against the school, so that any issues that arise can be dealt with as swiftly and effectively as possible.

1.2. The school welcomes feedback on the services it provides. Should anyone be unhappy with any aspect of the school, it is important that the school learns about this. The school recognises there is a difference between a concern and a complaint. Taking informal concerns seriously at the earliest stage reduces the numbers that develop into formal complaints. The school aims to ensure that concerns are handled, if at all possible, without the need for formal procedures. The school's formal complaints procedure is only necessary if efforts to resolve the concern informally are unsuccessful. Where an individual may feel that an issue has not been dealt with appropriately it is important, for all involved, that there is a clear and transparent process for a complaint to be looked into and followed up.

1.3. This policy outlines how complaints will be dealt with by the school in accordance with the requirements of The Education (Independent School Standards) (England) Regulations 2014, as amended.

1.4. This policy will be followed in respect of all complaints by parents/carers against the school except in the following areas (where separate policies exist):

(a) child protection allegations;
(b) exclusions;
(c) admissions;
(d) appeals relating to internal assessment decisions for external qualifications;
(e) complaints about statements of SEN/ EHC Plans;
(f) disciplinary issues relating to members of staff; and
(g) allegations of abuse.

1.5. Should a complaint, informal or formal, reveal an issue for which other procedures exist (for example, child protection) then it will be dealt with under those procedures rather than as a complaint.

1.6. Please note that anonymous complaints will not be examined under this or any other complaints procedure and all complaints should be brought within 3 months of the date of the incident to which the complaint relates.

1.7. All school staff will be made aware of the school's complaints procedures and expected to review this policy regularly in order that they are familiar with our process of dealing with complaints and can be of the most assistance when an issue is brought to their attention.

2. PRINCIPLES

The procedure for handling complaints is intended to:-

- be easily accessible and well publicised
- be simple to understand and use
- encourage resolution of problems by informal means, wherever possible
- be impartial and non-adversarial
- allow swift handling with established time-limits for action and keeping people informed of the progress
- ensure a full and fair investigation
- respect individuals' desire for confidentiality
- address the key issues raised, provide an effective response and appropriate action
- be used by staff and governors consistently, appropriately and confidently.
- require written records of all meetings that take place in relation to both concerns and complaints
- provide information to the school's senior management team so that services can be improved

3. THE PROCEDURE

The Complaints Procedure has four defined stages, with the fourth stage taking the complaint further to the DfE. These are outlined in **APPENDIX A.**

4. RECORD OF COMPLAINTS

4.1 A written record of all complaints and documentation relating to the handling of the complaint will be kept confidentially by the school but may be inspected where appropriate by the Secretary of State or any inspection body.

5. VEXATIOUS AND PERSISTENT COMPLAINTS AND HARRASSMENT

5.1. Whilst it is hoped that this policy will reduce any dissatisfaction with the school, it is acknowledged that there may be rare occasions where a complainant continues to be dissatisfied with the school and the outcomes achieved under the complaints policy. The procedure to follow under these circumstances is in **APPENDIX C**

6. EQUALITY IMPACT STATEMENT

We do all we can to ensure that this policy does not discriminate directly or indirectly. We shall do this through regular monitoring and evaluation. On review we shall assess and consult relevant stakeholders on the likely impact of our policy on the promotion of race equality, equality for disabled persons, gender equality and community cohesion using an appropriate Equality Impact Assessment. The policy may be amended as a result of this assessment.

APPENDIX A PROCEDURE - The school procedure has four defined stages.

1. **Stage 1 - Informal Resolution**

1.1. Many enquiries and concerns can be dealt with satisfactorily by a members of staff without the need to resort to a formal procedure. The school values informal meetings and discussions and encourages parents/carers to approach staff with any concerns they may have, and aim to resolve all issues with open dialogue and mutual understanding. If an individual has a concern that they would like to take up with the school they should initially inform a member of staff either in person, over the telephone or in writing. The individual will then be invited to an informal meeting with the member of staff most appropriate for dealing with that concern.

1.2. There is no suggested time-scale for resolution at this stage given the importance of dialogue through informal discussion although it would be expected that most issues would be resolved within 10 school days.

1.3. Should face to face discussions appear unlikely to resolve matters, either party may initiate a move to the formal procedure at stage 2 onwards.

2. **Stage 2 - Formal Written Complaints**

2.1. If a complainant does not feel that their concern has been dealt with as they would like, are unhappy with the outcome of the informal meeting or feel that the issue is serious enough that it warrants it, the complainant should set out the precise nature of the complaint on the **Complaints Form (APPENDIX B)** at the end of this policy and return this to the Head teacher (or the Chair of the Management Committee if the complaint is about the Head teacher). The complainant should keep a copy of this form and all other relevant correspondence.

2.2. The Head teacher (or the Chair of the Management Committee if the complaint is about the Head teacher) will acknowledge the complaint in writing within 5 school days of receipt of the form. The Head teacher or the Chair of the Management Committee (as applicable) will investigate the concerns and outline their decision if there is one to be made, and any action to be taken as a result of the complaint.

2.3. The Head teacher or the Chair of the Management Committee (as applicable) may call the complainant in for a meeting to discuss the issue outcome, possible solutions, or to explain what has or will happen as a result of the complaint.

2.4. The Head teacher or the Chair of the Management Committee (as applicable) will keep a record of all interactions with the complainant and other staff, meetings and decisions made in reference to the complaint.

2.5. If the complaint is an allegation of abuse, a formal investigation may be instigated by the school or external child welfare authorities to whom the school reports. Please refer to the school's allegations of abuse against staff policy for an outline of this procedure.

2.6. The Head teacher or the Chair of the Management Committee (as applicable) will aim to respond to the complainant in writing within 15 school days from acknowledgement of the complaint, outlining their response to the complaint, and any action that has or will be taken. If this timescale is not possible, e.g. where further investigations are necessary, the school will keep the complainant informed of progress, details of new deadlines and an explanation for the delay.

2.7. If the Head teacher or the Chair of the Management Committee (as applicable) has decided not to take any further action on the issue, they will explain what they have decided, how they have reached this decision, and will outline the complainant's right to take the matter further and the steps to be taken.

2.8. If in the early stages of the investigation, the Head teacher considers that the complaint is best dealt with at Stage 3, it will be passed to the Chair of the Management Committee (or to the clerk to governors for the chair's attention) and the complainant will be informed of this action without delay.

2.9. The complainant has 15 school days to consider the outcome of their complaint at stage 2 and instigate stage 3. If no request for a complaints panel hearing is received within 15 school days it will be deemed that the decision is accepted and the complaint will be closed.

At this stage, members of the Management Committee should not be approached in case they are needed at a later stage of the procedure.

3. **Stage 3 - Complaints Panel**

3.1. If the complainant is dissatisfied with the outcome of their complaint at stage 2, they may lodge their complaint with the Chair of the Management Committee (or to the clerk to the Management Committee) in writing, explaining their concern and the steps that have lead up to them taking this course of action.

3.2. If the Chair of the Management Committee is the subject of a complaint, or has reviewed the complaint under stage 2, the complainant should send the form directly to the vice-Chair of the Management Committee (or to the clerk to the Management Committee for the vice-chair's attention) c/o the school marking the envelope 'private and confidential'.

3.3. The Chair of the Management Committee will convene a panel of at least three people who were not directly involved in the matters detailed in the complaint. This will comprise of at least one person independent of the management and running of the school. The panel will hear the complaint within 15 school days of the request for a panel hearing.

3.4. The school shall take reasonable steps to convene a panel hearing at a time and date mutually convenient to all parties.

3.5. Any supporting documentation relevant to the complaint must be submitted to the panel by both parties at least 5 days before the panel hearing.

3.6. The complainant is entitled to attend the panel hearing, and be accompanied. The complainant should notify the clerk to the Management Committee in advance if they intend to bring anyone to the hearing.

3.7. The procedure for an appeal is usually as follows:

(a) The complainant and Head teacher will enter the hearing together.
(b) The chair will introduce the panel members and outline the process.
(c) The complainant will explain the complaint.
(d) The Head teacher and panel will question the complainant.
(e) The Head teacher will explain the school's actions.
(f) The complainant and panel will question the Head teacher.
(g) The complainant will sum up their complaint.
(h) The Head teacher will sum up the school's actions.
(i) The chair will explain that both parties will hear from the panel within 5 school days.
(j) Both parties will leave together while the panel decides.
(k) The clerk will stay to assist the panel with its decision making.

3.8. The chair of the panel/clerk to the Management Committee will notify the complainant of the panel's decision in writing within 10 school days of the panel hearing. The letter will set out the decision of the panel together with the reasons underpinning that decision. The letter may set out recommendations which will be made to the Management Committee and will set out any further rights of appeal
The matter will then be closed as far as the school is concerned. The complainant should also be made aware that there is **NO right of appeal to the Local Education Authority.**
The decision of the Complaints Panel is final. They will report their findings to the Management Committee ensuring that any issues coming out of the investigation are put into action.
Once a Complaints Panel has heard a complaint and it is clear that correct procedures have been followed, that specific complaint cannot be reopened or re-heard.

4. **Stage 4 - Complaint to Secretary of State**

4.1. I if the complainant is still dissatisfied. If a request is received in this respect, the complainant should be advised that they should write to:

The School Complaints Unit (SCU) Sanctuary Buildings
Department for Education
2nd Floor, Piccadilly Gate
Manchester

What will the Department for Education do?
If a complaint has exhausted the local procedures, The School Complaints Unit will examine if the complaints policy and any other relevant policies were followed; they will also determine whether the policies adhere to education legislation. The Schools Complaints Unit will not re-investigate the substance of the complaint. This remains the responsibility of schools.
If legislative or policy breaches are found, the Schools Complaints Unit will report them to the school and the complainant and, where necessary, require remedial action to be taken. Failure to carry out remedial actions could ultimately result in a formal Direction being issued by the Secretary of State.

4.4. Further information and advice can be found on the Department For Education's School Complaints Toolkit 2014 (August 2014) which can be found on the following link:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/346867/School_Complaints_Toolkit_2014.pdf

Further details can be found at: https://www.gov.uk/complain-about-school

6. Record of complaints

6.1. A written record of all complaints and documentation relating to the handling of the complaint will be kept confidentially by the school but may be inspected where appropriate by the Secretary of State or any inspection body.

APPENDIX B Complaints Form			
Student's name:		**Date of Birth:**	
Your name:		**Relationship to the Student:**	
Your address and postcode:			
Your daytime telephone number:			
Your evening telephone number:			
Your email address:			
Your complaint is…			
What action have you already taken to try and resolve your complaint? (Who did you speak to and when and what was the response?)			
Action already taken by the school to resolve your complaint:			
What would you like as an outcome from your complaint?			
Are you attaching any paperwork? If so, give details here:			
Your signature…… Date ……			

All functions of the complaints procedure must adhere to the requirements of the Data Protection Act 1998 and the Freedom of Information Act 2000. **Please complete and return to the school office in a sealed envelope addressed to the Head teacher, Chair of Governors or Clerk to Governors (as appropriate).**
Office use **Date received .....** **Date acknowledgement sent .....** **Responsible member of staff .....**

APPENDIX C Vexatious and persistent complaints and harassment

1. Whilst it is hoped that this policy will reduce any dissatisfaction with the school, it is acknowledged that there may be rare occasions where a complainant continues to be dissatisfied with the school and the outcomes achieved under the complaints policy.

2. Where a complainant attempts to re-open an issue which has already been dealt with under the complaints policy, the Chair of the Management Committee will contact them to inform them that the matter has already been dealt with and that either that stage of the policy has been exhausted or that the complaints policy has been exhausted and the matter is considered closed. Where further correspondence is received on the same matter, this may be considered vexatious and the school will be under no obligation to respond to that correspondence.

3. A persistent complainant is a parent/carer or member of the public who complains about issues, either formally or informally, or frequently raises issues that the complainant considers to be within the remit of the school, and whose behaviour is unreasonable. Such behaviour may be characterised by:

(a) actions which are obsessive, persistent, harassing, prolific, repetitious;
(b) prolific correspondence or excessive e-mail or telephone contact about a concern or complaint;
(c) uses Freedom of Information requests excessively and unreasonably
(d) an insistence upon pursuing unsubstantial complaints and/or unrealistic or unreasonable outcomes;
(e) an insistence upon pursuing complaints in an unreasonable manner;
(f) an insistence on only dealing with the Head teacher on all occasions irrespective of the issue and the level of delegation in the school to deal with such matters;
(g) an insistence upon repeatedly pursuing a complaint when the outcome is not satisfactory to the complainant but cannot be changed, for example, if the desired outcome is beyond the remit of the school because it is unlawful.

4. For the purpose of this policy, harassment is the unreasonable pursuit of such actions as in 7.3 (a) to (g) above in such a way that they:

(a) appear to be targeted over a significant period of time on one or more members of school staff and/or
(b) cause ongoing distress to individual member(s) of school staff and/or
(c) have a significant adverse effect on the whole/parts of the school community and/or
(d) are pursued in a manner which can be perceived as intimidating and oppressive by the recipient. This could include situations where persistent demands and criticisms, whilst not particularly taxing or serious when viewed in isolation, have a cumulative effect over time of undermining confidence, well-being and health.

5. In the case or persistent or vexatious complaints and/or harassment, the school will verbally inform the complainant that his/her behaviour is considered to be becoming unreasonable/unacceptable and, if it is not modified, action may be taken in accordance with this policy. This will be confirmed in writing.

6. If the complainant's behaviour is not modified the school will take some or all of the following actions as necessary, having regard to the nature of the complainant's behaviour and the effect of this on the school community:

(a) inform the complainant in writing that his/her behaviour is now considered by the school to be unreasonable/unacceptable and, therefore, to fall under the terms of this;
(b) inform the complainant that all meetings with a member of staff will be conducted with a second person present and that notes of meetings may be taken in the interests of all parties;
(c) inform the complainant that, except in emergencies, all routine communication with the complainant to the school should be by letter only;

(d) in the case of physical, or verbal aggression warn the complainant about being banned from the school site; or proceed straight to a ban;

(e) consider informing the police who may seek to take further action under anti-harassment / malicious communication legislation;

(f) consider putting in place a specific procedure for dealing with complaints from the complainant, i.e. the complainant will not be able to deal directly with the Head teacher but only with a third person to be identified by the governing body of the school, who will investigate, determine whether or not the concern / complaint is reasonable or vexatious and then advise the Head teacher accordingly.