

# Bosvigo School



## Complaints Policy and Procedure

September 2021

## **Complaints Policy and Procedure**

### **Introduction**

Bosvigo School is required to have a Complaints Policy and Procedure meeting requirements by the Department for Education (DfE) published non-statutory guidance in January 2016 and the Education (Independent School Standards) (England) Regulations 2014, and to make the procedure available to parents and carers of pupils and prospective pupils.

Bosvigo is dedicated to providing the best possible education and support for all its pupils. However, we appreciate that there may be times when the school has not met expectations. The complaint procedure is designed to ensure that concerns and complaints are properly investigated and are given careful and fair consideration.

Our school is committed to developing a strong sense of partnership with all members of the school community. The school places great value on the role that parents and carers can play in supporting children's learning. Staff and governors actively encourage a positive relationship between the school and the families of children who attend the school. This provides a good basis for understanding and resolution when things appear to go wrong.

The policy and procedures are in place to ensure that parents and carers and others are able to express their concerns in an open and honest way in accordance with a published procedure.

Our complaints policy and procedure is designed to:

- provide a fair complaints procedure which is clear and easy to use for anyone wishing to make a complaint;
- encourage resolution of problems by informal means wherever possible;
- publicise the existence of our complaints procedure so that people know how to contact us to make a complaint;
- be impartial and non-adversarial
- make sure everyone at the school knows what to do if a complaint is received;
- allow swift handling, with established time limits for action, and keep people informed of progress
- make sure all complaints are investigated in a full, fair and timely way by an independent person where necessary;
- address all the points at issue, and provide an effective response and appropriate redress, where necessary
- respect people's desire for confidentiality
- make sure that complaints are, wherever possible, resolved and that relationships are repaired;
- gather information that helps us to improve what we do.

### **Investigating Complaints**

Where any concerns are raised, we aim to resolve these as quickly and as efficiently as possible. Usually concerns that are raised can be resolved very quickly through the school's day to day communication between parents and staff. However, for those situations where this is not the case, we have a more formal process to investigate and deal with complaints. Our complaints procedure is detailed on the following pages.

We will try to resolve every concern, difficulty or complaint in a positive way with the aim of putting right a matter which may have gone wrong and, where necessary, reviewing the School's systems and procedures in the light of the matters raised.

This procedure will apply to most general complaints received by the school. It is not intended to cover those matters for which there is a specific statutory process to object, complain or appeal.

### **Who can raise a complaint?**

Complaints may come from any person or organisation that has an interest in the school. This policy does not cover complaints from staff, who should follow the relevant internal policy.

### **Timescales for submitting a complaint**

To enable a proper investigation, concerns or complaints should be raised within three months of the incident or event to which the complaint relates. This time limit does not apply if it can be shown that there were good reasons for not making the complaint earlier and it is still possible to investigate the complaint properly. The School reserves the right to refuse to investigate a concern or complaint outside of this timescale if it appears reasonable and fair to do so, having regard to the circumstances surrounding the complaint.

### **Confidentiality**

All conversations and correspondence will be treated with discretion. Where the complaint is raised by a parent, they need to feel confident that their complaint will not penalise their child. From the outset, all parties to a complaint will need to be aware that some information may have to be shared with others involved in the operation of the complaints procedure. It is at the discretion of the Headteacher as to whether anonymous complaints warrant an investigation. It is usual to disregard anonymous complaints unless somebody is prepared and able to substantiate them.

All correspondence, statements and records relating to individual complaints are to be kept confidential except where the Secretary of State or a body conducting an inspection under section 162A of the Education Act 2002, request access to them.

### **Record keeping**

Complaints will be recorded in writing and monitored termly by members of the Senior Leadership Team. Recording will begin at the point when a broad concern has become a specific issue that cannot be resolved instantly, but needs investigation. Recording at the earliest stages need only be a basic record with the date, name and nature of the complaint. The record will detail whether the complaints were resolved at the preliminary stage or whether they had to proceed to the formal stages of the procedure.

### **Response Standards**

We believe that most complaints can be resolved satisfactorily by informal discussion either over the telephone or through a meeting involving the key people involved.

We will acknowledge complaints within 5 school working days and give a full response to complainants within 10 school working days. If the complaint is judged to involve complex issues, complainants will be informed within 10 school working days when they can expect a full response. Complainants will be kept informed of progress if a lengthy investigation is involved. The main aim throughout the process is to resolve the matter as quickly and effectively as possible, to everybody's satisfaction.

The school has four stages to its complaints procedure. The aim is to resolve the complaint, to the satisfaction of the complainant, at the earliest possible stage.

At each stage, the person investigating the complaint will make sure that they:

- establish what has happened so far, and who has been involved
- clarify the nature of the complaint and what remains unresolved
- meet with the complainant or contact them (if unsure or further information is necessary)
- clarify what the complainant feels would put things right
- interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish
- conduct the interview with an open mind and be prepared to persist in the questioning
- keep notes of the interview

Where the following procedure refers to the Headteacher, they may delegate any of these functions to a member of the senior leadership team, if appropriate. In exceptional circumstances, the Headteacher may commission an independent investigator to undertake an investigation on behalf of the school.

### **The complaints procedure follows a number of stages**

#### **Stage 1: Informal concern**

It is helpful to identify at this point what outcome the complainant is looking for in order for us to address the concern quickly and effectively. It is anticipated that most complaints will be resolved at this informal stage.

An initial concern should be raised with the class teacher or the member of staff concerned. This can be done in writing, by telephone or in person by appointment. Many concerns can be dealt with and resolved by simple clarification or the provision of information.

If the first member of staff to be contacted regarding a concern is unable to deal with it, they should make a note of the date, the name, contact number and address of the concerned person and refer them on to the appropriate person. They should check later to make sure that the matter has been pursued.

If the complainant considers that he/she would have difficulty discussing the complaint with the appropriate member of staff, the complainant should refer to the Headteacher. Where the complaint or concern relates to the Headteacher, the complainant should direct their complaint to the Chair of Governors.

If the member of staff directly involved feels too compromised to deal with a complaint, the Headteacher may consider referring the complainant to another staff member. The staff member dealing with the concern will make sure that the individual knows what action (if any), or monitoring of the situation, has been undertaken.

Should the complainant feel there could be resolution through discussing the complaint with the Headteacher and a Governor, this can be an option providing all parties are in agreement. The Governor involved at this informal stage would not be able to sit on a panel at a later stage of the procedure.

If the complainant is not a parent/carer of a child at our school, please start at Stage 2 and make contact with the Headteacher to discuss your concerns.

Where the first approach is made to a governor, the governor should refer the complainant to the appropriate person and advise the complainant about the procedure.

Complaints relating to Child Protection/Safeguarding matters will be recorded on a separate log. Such matters will be passed to the designated Safeguarding Lead and handled through the Safeguarding policy and procedures.

## **Stage 2: Formal complaint to the Headteacher**

At this stage, it has become clear that the concern is a definite complaint and has not been resolved at the informal stage. One of the reasons for having graduated stages in the procedure is to reassure complainants that their grievance is being taken to the appropriate level of management.

If the complaint in writing has been made without Stage 1 having been fully considered, then there is an option, with the agreement of all parties, to open informal negotiations.

If the concern has not been resolved at the informal stage the complainant should make a formal complaint to the Headteacher, within 10 school days of Stage 1 being concluded. The complaint should be made in writing indicating the desired outcome from the complaint (a form is enclosed for this purpose).

The person submitting the complaint will receive an acknowledgment within five school days and will include an indicative date for a written response. The Headteacher will be responsible for ensuring that the complaint is investigated appropriately. They may meet with the complainant to clarify details of the complaint and the resolution that is being sought. The Headteacher will investigate the complaint further and make every effort to resolve the issue.

All complaints will be logged. The Headteacher will interview any witnesses or others who can provide relevant information and take statements from those involved. If the complaint centres on a pupil, the pupil may also be interviewed. If a member of staff is complained against, the need to support that person should be borne in mind.

The Headteacher will keep written records of meetings, telephone conversations and other documentation.

Dependent upon the nature of the issues raised, the matter will either continue to be dealt with through the school complaints procedure, or through other procedures such as staffing policies e.g. the disciplinary policy or safeguarding procedures. If this is the case, the complainant will be informed that the complaint will be pursued through disciplinary action. Under the school's disciplinary procedures, the outcome of these procedures is confidential.

On conclusion of the investigation the Headteacher will write to the complainant with all appropriate information in relation to the complaint and information on any outcome(s).

If the complaint is about the Headteacher, the formal written complaint should be sent to the Chair of Governors to be dealt with under Stage 3 of this procedure.

If the complainant is not satisfied with the manner in which the process has been followed, you may request that the governing body reviews the process followed by the school in handling the complaint. Any such request must be made in writing to the Clerk to the Governing Body, within ten school days of receiving the outcome letter, and include a statement specifying any perceived failures to follow the procedure.

### **Stage 3: Review Process – by the Governors**

Complaints should, normally, only rarely reach this formal level, where the complainant is not satisfied by the Headteacher's response. It may be appropriate that the Governing Body considers this now to be a complaint against the school, rather than against the member of staff/pupil whose alleged actions led to the original complaint.

Any such request must be made in writing to the Chair of the Governing Body, within ten school days of receiving the outcome letter, and include a statement specifying any perceived failures to follow the procedure.

Please provide a copy of the written complaint, a copy of the Headteacher's letter concluding Stage 2.

Any review of the process followed by the school will be conducted by a panel of three members of the governing body. This will usually take place within fifteen school days of receipt of the complainants request and will not include any Governor involved at an earlier stage of the process.

The review will normally be conducted through a consideration of written submissions, but reasonable requests to make oral representations will be considered sympathetically.

### **Stage 4 - Referral to the Department of Education Further rights of appeal**

Ultimately, and very rarely, complaints can be taken to the Secretary of State on the grounds that a Trust is acting or proposing to act unreasonably or on the grounds that either has failed to discharge its duties under the Education Acts.

The Education Funding Agency (EFA) is not required to intervene in every case that is brought to their attention but must always consider whether, in light of the information provided they should exercise his powers.

If a complaint is forwarded to the EFA they will check whether the complaint has been dealt with properly by the school. They will consider complaints about schools that fall into any of the following three areas:

- where there is undue delay or the school did not comply with its own complaints procedure when considering a complaint
- where the school is in breach of its funding agreement with the Secretary of State
- where the school has failed to comply with any other legal obligation.

The EFA will not overturn a school's decision about a complaint. However, if they find the school did not deal with a complaint properly they will request that the complaint is looked at again and further procedures taken to meet the requirements set out in the Regulation.

If the school's complaints procedure does not meet the Regulations, the EFA will ask the school to put this right. We may seek to enforce the decision under the terms of the funding agreement on behalf of the Secretary of State, if appropriate.

**Complaints against an individual governor**

If your complaint concerns the Chair of Governors or an individual governor you should write to the Clerk to Governors. The clerk will acknowledge receipt of your complaint within five school days. The letter will explain the process that will be followed and the expected timescale for response.

The Chair of Governors will consider complaints about an individual governor and the Vice Chair will consider complaints against the Chair. If for any reason this is not appropriate, then another governor will be nominated.

On conclusion of the investigation you will receive a written response detailing all appropriate information in relation to the complaint and information on any outcome(s). There will be no further right of appeal for complaints against an individual governor.

**Persistent of Vexatious Complaints**

There will be some occasions when complainants are reluctant to accept the outcome of the process. Should the complainant continue to make contact on the same issue, the Board of Governors has the power to inform them that the process is complete and the matter is therefore closed.

## Bosvigo School Complaints Procedure – Complaints Form

Please complete and return to the Headteacher or the Chair of Governors (please refer to the Complaints procedure guidelines) who will acknowledge receipt and explain what action will be taken.

Your name :	
Pupil's name:	
Your relationship to the pupil:	
Address :	
Mobile telephone number:	
Email:	
What action, if any, have you already taken to try and resolve your complaint (Who have you spoke with, or written to, and what was the outcome/response?) What actions do you feel might resolve the problem at this stage?	
Are you attaching any paperwork? If so, please give details	



For School Use:

Name in Block letters:	
Date Form Received:	
Received by:	
Date acknowledgement sent:	
Acknowledgement sent by:	
Complaint referred to:	
Date:	