

Bannerman Road Community Academy and Children's Centre

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<b>Name of Policy</b>	<b>Complaints procedures</b>	
<b>Date written</b>	<b>Reviewed July 2015</b>	
<b>Written and monitored by</b>	<i>HR/ HT/ CC manager</i>	
<b>Amendments made</b>	<i>July 2015</i>	
<b>Date approved</b>		
<b>Next Review Date</b>	July 2015	

## Clarity, Focus, Urgency

### Bannerman Road Community Academy and Children's Centre

## Complaints Procedure

In order to investigate your complaint as fully as possible the governing body of Bannerman Road Community Academy and Children's Centre has implemented a staged approach. We are fully committed to dealing with all complaints fairly and impartially, in a friendly, respectful and professional way as it is in everyone's best interest to help ensure the matter can be resolved as quickly and informally as possible. We anticipate that almost all complaints that arise will be resolved at Stage 1 or Stage 2 below, and that Stage 3 and 4 and Part 2 will only need to be followed on very rare occasions.

### **PART 1: Complaints Procedure**

#### **Stage 1: The first contact**

- 1.1. Parents are always welcome to discuss any concerns with the appropriate member of staff, who will clarify with the parent the nature of the concern and reassure them that the school wants to hear about it. The member of staff may explain to the parent how the situation happened. It can be helpful at this point to identify what sort of outcome the parent is looking for.
- 1.2. If the member of staff first contacted cannot immediately deal with the matter, s/he will make a clear note of the date, name and contact address or phone number.
- 1.3. All members of staff will know how to refer, if necessary, to the person with responsibility for the particular issue raised by the parent. S/he will check later

to make sure the referral has been dealt with.

- 1.4. If the matter is brought to the attention of the Headteacher or Children Centre Managers/he may decide to deal with concerns directly at this stage (*applicable in smaller schools or with more serious complaints*); if the complaint is against the Headteacher or Children Centre Manager the parent will be advised to contact the chair of the governing body or Ofsted if the complaint relates to early years provision
- 1.5. The member of staff dealing with the concern will make sure the parent is clear what action (if any) or monitoring of the situation has been agreed, putting it in writing if appropriate.
- 1.6. Where no satisfactory solution has been found within ten days, parents will be advised that if they wish their concern to be considered further they should write to the Headteacher or Children Centre Manager

### **Stage 2: Referral to the Headteacher for investigation**

- 2.1 The Headteacher (or designated person) will acknowledge the complaint in writing within three school days of receiving the written complaint. The acknowledgement will give a brief explanation of the school's complaints procedure and a target date for providing a response to the complaint. This should normally be within fifteen school days (i.e. excluding weekends and school holidays) . If this proves impossible, a letter will be sent explaining the reason for the delay and giving a revised target date.
- 2.2 The Headteacher and/or Children Centre Manager will provide an opportunity for the complainant to meet them to supplement any information provided previously. It will be made clear to the complainant that if s/he wishes s/he might be accompanied to any meeting by a friend, relative, representative or advocate who can speak on his/her behalf.
- 2.3 If necessary the Headteacher and/or Children Centre Manager will interview witnesses and take statements from those involved. If the complaint centres on a pupil, the pupil should also be interviewed if appropriate depending upon the age and stage of the child. Pupils should normally be interviewed with parents/guardians present, but if this would seriously delay the investigation of a serious/urgent complaint or if the pupil has specifically said that s/he would prefer that parents/guardians were not involved, another member of staff with whom the pupil feels comfortable should be present. If a member of staff is complained against, they must have the opportunity to present their case (see General Principles).

- 2.4 The Headteacher and/or Children Centre Manager will keep written records of meetings, telephone conversations and other documentation.
- 2.5 Once all the relevant facts have been established as far as possible, the Headteacher and/or Children Centre Manager will then produce a written response to the complainant, including a full explanation of the decision and the reasons for it. Where appropriate, this will include what action the school will take to resolve the complaint. The complainant will be advised that should s/he wish to take the complaint further s/he should notify the chair of governors within four weeks of the date of the letter. Where a complaint relates to the Early Years provision the outcome of a written complaint will be fed back to the complainant within 28 days.
- 2.6 If, in the course of an investigation, a fault is identified, the headteacher and/or Children Centre Manager should take immediate action to put matters right so that any potential injustice does not continue or risk happening to somebody else.

### **What if the complaint is about the headteacher?**

If the complaint is against the Headteacher and/or Children Centre Manager, or if the Headteacher has been closely involved at Stage 1, the chair of the governing body will carry out all the Stage 2 procedures.

### **What if the complaint is about a governor?**

The complainant should still contact the chair of governors who will investigate the concerns. If the complaint is about the chair of governors the complainant should be referred to the vice chair. If the complaint is about the governing body as a whole, the complainant should be referred to the Strategic Director, Children, Young People and Skills, Bristol City Council.

### **Stage 3: Review by the Governing Body**

- 3.1 The chair of the governing body will write to the complainant to acknowledge receipt of the written request for the governing body to review the complaint. The acknowledgement will inform the complainant that three members of the school's governing body will hear the complaint within twenty school days (i.e. excluding weekends and school holidays) of receiving the complaint. The letter will also explain that the complainant has the right to submit any further documents relevant to the complaint. These must be received in time for the documents to be sent to the three members.
- 3.2 A meeting of the Governors' Complaints Panel will be convened by the chair of governors and a clerk to the panel will be appointed. .

The Complaints Panel can be drawn from the whole governing body. Governors with prior involvement must not be included on the panel. If s/he has not previously been involved the chair of governors can chair the panel. However this does not need to be the case. It is up to the Complaints Panel to decide who should be its chair. When deciding on the makeup of the panel, bear in mind the advantages of including a parent governor and if possible having a balance of race and gender. It is not appropriate for the Headteacher to sit on the panel. Careful consideration will need to be given whether it is appropriate for staff governors to be appointed as panel members; in many instances this may lead to a conflict of interest.

- 3.3 The Chair of the Complaints Panel will ensure the panel hears the complaint within twenty school days (i.e. excluding weekends and school holidays) of receiving the letter. All relevant correspondence relating to the complaint will be given to each panel member as soon as the composition of the panel is confirmed. If the correspondence is extensive, the Chair may prepare a thorough summary for sending to panel members.
- 3.4 The Clerk will write and inform the complainant, Headteacher, any relevant witnesses and members of the Panel at least five working days in advance of the date, time and place of the meeting. The notification will also inform the complainant of his/her right to be accompanied to the meeting by a friend/advocate/interpreter and explain how the meeting will be conducted.
- 3.5 The Headteacher will be invited to attend the panel meeting and will be asked to prepare a written report for the panel in response to the complaint. All concerned, including the complainant, should receive any relevant documents including the Headteacher's report, at least five school days prior to the meeting. The Headteacher may also invite members of staff directly involved in matters raised by the complainant to respond in writing or person.
- 3.6 The meeting should allow for:
- The complainant to explain their complaint and the Headteacher to explain the school's response
  - The opportunity for both parties to ask questions of each other about the complaint.
  - Panel members to have an opportunity to question both the complainant and the Headteacher
  - Any party to have the right to call witnesses (subject to approval of the Chair) and all parties having the right to question all the witnesses
  - Final statements by both the complainant and the Headteacher.

It is the responsibility of the Clerk of the panel to ensure that sufficient notes are taken to record an accurate reflection of the points considered and any decisions taken or actions agreed. The notes do not need to be verbatim but should be sufficient to remind the panel of the evidence that has been

presented and the reason for the decision.

- 3.7 The Chair of the Panel will explain to the complainant and Headteacher that the panel will consider its decision and that a written decision will be sent to both parties within five school days. The complainant, Headteacher, other members of staff and witnesses will then leave.
- 3.8 The panel will then consider the complaint and all the evidence presented and
- Reach a majority decision on the complaint;
  - Decide upon the appropriate action to be taken to resolve the complaint; and, where appropriate, suggest recommended changes to the school's systems or procedures to ensure that problems of a similar nature do not happen again.
- 3.9 A written statement outlining the decision of the panel must be sent to the complainant and Headteacher. The letter to the complainant should also explain how a further appeal can be made (See **Stage 4**).
- 3.10 The school should ensure that a copy of all correspondence and notes are kept on file in the school's records. These records should be kept separately from the pupil's personal records.

### **Stage 4 Review of the Governing Body Complaints Panel Decision**

- 4.1 If a parent or pupil is making the complaint, and they wish to go beyond the governors' complaints panel, they should be advised to write to the Local Government Ombudsman (LGO). The LGO's contact details should be included in the letter from the governor's complaints panel. The LGO will then investigate and review as appropriate.

Someone with a complaint can contact the LGO Advice Team on **0300 061 0614**, email [advice@lgo.org.uk](mailto:advice@lgo.org.uk), address PO Box 4771, Coventry, CV4 0EH. If the complaint relates to children in the Early Years provision then the complainant will be given details of how to contact Ofsted if they should wish to. Details can also be found displayed in the centre.

***At the time of writing, the role of the Local Government Ombudsman in hearing complaints about schools is under review by the government. Schools will be notified of any changes to the existing arrangements when details become available.***

## **Part 2; Unreasonably persistent complainants and unreasonable complainant behaviour**

We are fully committed to dealing with all complaints fairly and impartially, in a friendly, respectful and professional way. We are sure that you will understand the need to behave in a similar way as it is in everyone's best interest to help ensure the matter can be resolved as quickly and informally as possible. However the school does not expect its staff or governors to tolerate behaviour by complainants which is unacceptable, for example, which is abusive, offensive or threatening, and they will take action to protect staff and governors from any such behaviour if it occurs. Also, there may be complainants who, because of the frequency of their contact with the school, hinder our consideration of their, or other people's, complaints and potentially the running of the school.

We anticipate that such behaviour will be a very rare occurrence, but if we consider a complainant's behaviour is unacceptable or unreasonably persistent, we will tell them why and ask them to change it. If the behaviour continues, we may take action to restrict the complainant's contact with the school.

The decision to restrict access to the school will be taken by the headteacher and chair of governors. Any restrictions imposed will be appropriate and proportionate. They may include:

- requesting contact in a particular form (for example, letters only);
- requiring contact to take place with a named member of staff or governor;
- restricting telephone calls to specified days and times; and/or
- asking the complainant to enter into an agreement about their conduct.

In all cases we will write to tell the complainant why we believe his or her behaviour is unacceptable or unreasonably persistent, what action we are taking and the duration of that action. We will also tell them how they can challenge the decision if they disagree with it.

Where a complainant continues to behave in a way which is unacceptable or unreasonably persistent, we may decide to terminate contact with that complainant and discontinue any investigation into their complaint. If we decide to carry on treating someone as an unreasonably persistent complainant and we are still investigating their complaint six months later, we will carry out a review and decide if restrictions will continue.

Where the behaviour is so extreme that it threatens the immediate safety and welfare of the school's staff or governors, we will consider other options, for example reporting the matter to the Local authority, the police or taking legal action. In such cases, we may not give the complainant prior warning of that action.

Where a complainant whose case is closed persists in communicating with us about it, we may decide to terminate contact with that complainant. In such cases, we will

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read all correspondence from that complainant, but unless there is fresh evidence which affects our decision on the complaint we will simply acknowledge it or place it on the file with no acknowledgement.

New complaints from people who have come under the unreasonably persistent complainants policy will be treated on their merits.

**The Governing Body will monitor the implementation of this procedure through:**

**Headteacher reporting the number and general nature of any complaints, stages and outcomes to the FSP via the 3x a year. Details not to be included because of danger of compromising governor involvement in any appeals process**

**The outcome of any complaints against the headteacher will be reported by the Chair of Governors of/when any arise. Details not to be included because of danger of compromising governor involvement in any appeals process**

**Records of complaints will be kept and made available to Ofsted in the case of Early Years provision.**