



# **Complaints Policy and Procedure**

**November 2018 – November 2019**

**Reviewed by: Resources Committee**

**Coordinator: Anna Lippa**

**Date: November 2018**

**Review Date: November 2019**

## Why does the school need a complaints procedure?

Section 29 of the Education Act 2002 requires all maintained School Governing Bodies to adopt and publicise a complaints procedure for parents. This includes complaints about any community facilities or services that the school provides.

Previous legislation still applies. In particular, the 1991 SEN Information Regulations require Governing bodies of schools to publicise their complaint procedures in relation to SEN and the 1996 Education Act requires the LA to establish procedures for disputes between schools and Parents about SEN provision.

The DFE guidance has published a School Complaints Procedure Toolkit. To obtain a copy of the guidance, download it from [www.governor.net.co.uk](http://www.governor.net.co.uk) (go to Publications and search for School Complaints Procedure Toolkit) or telephone 0800 072 2181.

## How to comment or complain

At Bowmansgreen, we make many decisions every day and try hard to do the best for all of our pupils. Your comments and feedback - either positive or negative - are helpful for future planning. You may want to talk to us about a particular aspect of this school, though not actually make a complaint - you just want to get something 'off your chest'.

If you are dissatisfied about the way your child is being treated, or any actions or lack of action by us, please feel free to contact us using the details listed below.

## Our aims

- Your complaint will be dealt with honestly, politely and in confidence.
- Your complaint will be looked into thoroughly and fairly.
- If your complaint is urgent, we will deal with it more quickly.
- We will keep you up to date with progress at each stage.
- You will get an apology if we have made a mistake.
- You will be told what we are going to do to put things right.
- You will get a written reply to formal complaints within **28 school days (5½ weeks)**.

Bowmansgreen Primary School  
Telford Road,  
London Colney  
Herts.  
AL2 1PH

<https://bowmansgreen.herts.sch.uk/>

Tel: 01727767772

## How to make a complaint

### Informal stage

If you have a concern about anything that we do, or if you wish to make a complaint, you can do this by telephone, in person or in writing (by letter or email). We hope that most complaints can be settled quickly and informally, either by putting matters right or by giving you an explanation. If there is something you are not happy about, or you do not understand why we are doing something in a particular way, please come in and discuss it with the class teacher or another appropriate member of staff, such as the Special Educational Needs Co-ordinator (SENCo) if it is about an aspect of our SEND support or provision.

We know that it can sometimes feel uncomfortable to question or challenge something, but if you don't tell us what is worrying you, then we cannot explain what we are doing or try to put it right. At Bowmansgreen, we welcome and encourage comments and feedback from the school community – staff will always try and resolve matters there and then, where possible. If the member of staff you speak to in the first instance is unable to resolve the matter, you should make an appointment for another meeting or with another member of staff, the Deputy Head or Headteacher.

We should be able to sort out most of your concerns through this process but sometimes this is not possible. In this case, there is a next step.

### First - formal stage

**Request a meeting with the Headteacher** who will investigate your complaint and aim to inform you of the outcome **within 10 school days (2 weeks)**.

If your first contact is with individual Governors, they will advise you to take up your concerns with the appropriate member of staff or the Headteacher. A Governor should not be made aware of a potential complaint as they may be required to sit on a Panel in the event of a formal hearing (Stage Two) and should be impartial.

If your complaint is about the Headteacher, you should **write to the Chair of Governors**. If your child has an Education, Health and Care Plan (EHCP) you might find it helpful to talk to our SENCO or Inclusion Manager or your child's named Special Needs Officer at the Local Authority. The SEND Information Advice and Support Service (SENDIASS – formerly Parent Partnership) may also be able to help you.

### Second - formal stage

If you remain dissatisfied following Stage 1 and wish to take your complaint further, you will be asked to complete a form or write a letter addressed to the Chair of Governors. In the letter you should:

- Make it clear why you are complaining.
- Say who you have spoken to already.
- Explain what you want to happen as a result of your complaint.

The Chair of Governors will arrange for your complaint to be considered and investigated under the arrangements approved by the Governing Body. This should involve a Panel of Governors at a hearing where the complainant and the respondent are invited to attend. If the Chair of Governors or another Governor has been involved in discussions to help settle the matter at Stage 1, they should arrange for another Governor to take charge of the situation.

Neither the Chair of Governors nor the Governor in charge should sit on the Panel themselves and they should instead ensure that a Panel is convened in line with the timeframes and guidance set out in the school's complaints procedure. The Governor in charge of investigating the complaint may ask to meet you to discuss your concerns. It is not advisable for a Panel to investigate and conclude matters without giving the Complainant and Respondent the opportunity to respond. Therefore, a formal hearing with all in attendance is most preferable.

You should make sure that the Governors' Complaint Panel is provided with any written information or evidence you intend to use in a formal hearing. You may bring a friend, representative or interpreter to any meeting if you wish. The Chair of the Panel may invite any person who may help establish the facts of the complaint. The Chair should tell you who this person is before the meeting. If any member of staff is required by the Governing Body to attend a meeting, they will have the opportunity to be accompanied or represented as they wish. A member of staff named in a complaint may also choose to attend a meeting, even if not required to do so by the Governors. They may be represented. If this happens, we will inform you in advance.

When the Panel has fully investigated your complaint, the Chair of the Panel or the Governor in charge of the investigation will write to you to tell you the findings. These findings will be reported to the Governing Body. The Chair of Governors will then write to you confirming the outcome of your complaint and any agreed actions to be taken. Our Governing Body will aim to deal with your complaint **within 28 school days (5½ weeks)**.

### **Further recourse**

Most complaints are resolved by this process. Should your complaint not be resolved, your further options are as follows:

The Secretary of State  
Department for Education  
Sanctuary Buildings  
Great Smith Street  
London  
SW1P 3BT

Website: [www.education.gov.uk](http://www.education.gov.uk)

Telephone: 0370 000 2288

In the case of complaints about Special Educational Needs provision, you may complain further to the Local Authority. This should be done in writing to the Children's Services Complaints Manager.

It should be noted however that if you wish to pursue this route, you must do so within **20 working days (4 weeks)** of receiving the written outcome of the hearing into your complaint. After 20 working days (4 weeks), neither the school nor the Local Authority is under any obligation to investigate or progress your complaint any further.

## Useful contacts

### **Advisory Centre for Education**

Education Advice & Training  
72 Durnsford Road  
London  
N11 2EJ  
Web: [www.ace-ed.org.uk](http://www.ace-ed.org.uk)  
Phone: **0300 0115 142**

### **POhWER**

Hertlands House  
Primett Road  
Stevenage  
SG1 3EE  
Web: [www.pohwer.net](http://www.pohwer.net)  
Phone: **0300 456 2370**

### **Children's Legal Centre**

Riverside Office Centre  
Century House North  
North Station Road  
Colchester  
Essex  
CO1 1RE  
Web: [www.childrenslegalcentre.com](http://www.childrenslegalcentre.com)  
Phone: **0345 345 4345**

### **National Youth Advocacy Service (NYAS)**

Egerton House  
Tower Road  
Birkenhead  
Wirral  
CH41 1FN  
Web: [www.nyas.net](http://www.nyas.net)  
Phone: **0345 345 4345**

### **Special Educational Needs & Disability Information Advice Support Service (SENDIASS)**

Web: [www.hertfordshire.gov.uk/sendias](http://www.hertfordshire.gov.uk/sendias)  
Email: [SENDIASS@hertfordshire.gov.uk](mailto:SENDIASS@hertfordshire.gov.uk)  
Phone: **01992 555847**

## **General Principles of complaints**

*(Some text extracted from 'School Complaints Procedure' document, DCSF – now DFE)*

### **Dealing with Complaints**

Schools and parents need to be clear about the difference between a concern and a complaint.

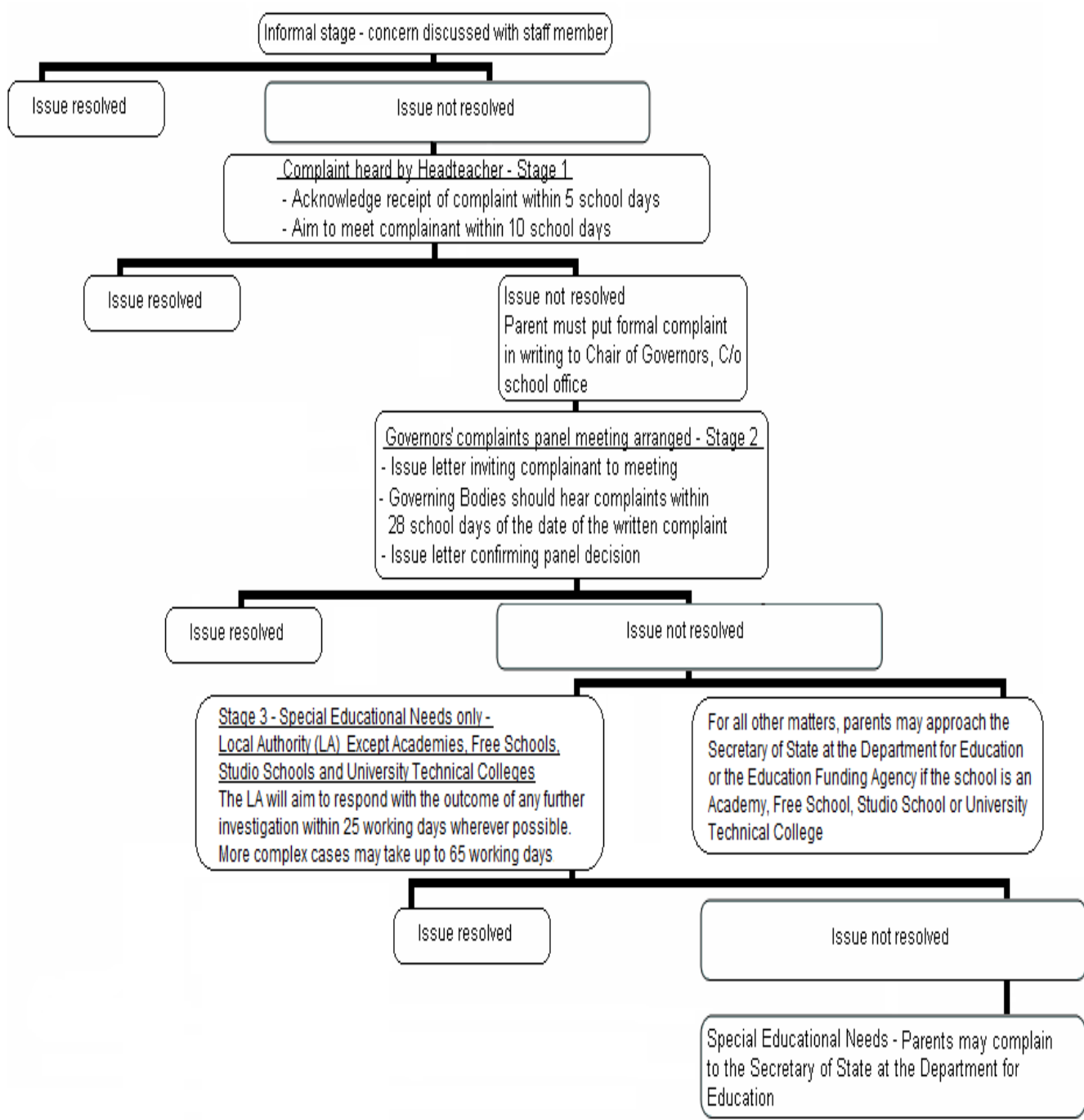
- A concern can be defined as a cause of worry
- A complaint can be defined as an expression of dissatisfaction.

At Bowmansgreen, we aim to take seriously and address concerns at the earliest stage possible, without the need for formal procedures. The requirement to have a complaints procedure does not undermine efforts to resolve the concern informally. In most cases the class teacher, or member of staff receiving the first approach, should be able to resolve issues on the spot, including apologising where necessary.

Formal procedures are necessary when initial attempts to resolve the issue are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further

The Education Act 2002 requires all schools to have a complaints procedure that has been approved by the Governing Body and publicised to parents.

### Flowchart - Summary of Dealing with Complaints



Please note that school days are term time only, whilst working days are weekdays throughout the year.

## **Complaints Procedure**

At Bowmansgreen, we aim to ensure that our complaints procedure will:

- encourage resolution of problems by informal means wherever possible;
- be easily accessible and publicised
- be simple to understand and use;
- be impartial;
- be non-adversarial;
- allow swift handling with established time-limits for action and keep people informed of the progress;
- ensure a full and fair investigation by an independent person where necessary;
- respect people's desire for confidentiality;
- address all the points at issue and provide an effective response and appropriate redress, where necessary;
- provide information to the school's Senior Management Team so that services can be improved.

## **Investigating Complaints**

At each stage of the process, 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/investigation.

## **Resolving Complaints**

Prior to a complaint being escalated to involve a formal hearing, we will continue to consider ways in which a complaint can be resolved. It might be sufficient and appropriate to acknowledge that the complaint is valid in whole or in part. In addition, and 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.

When appropriate, we encourage complainants to state what actions they feel might resolve the problem at any stage. An admission that the school could have handled the situation better is not the same as an admission of liability.

We will endeavour to identify areas of agreement between the parties as well as clarify any misunderstandings that might have occurred as this can create a positive atmosphere in which to discuss any outstanding issues.

## **Time-Limits**

Complaints need to be considered and resolved, as quickly and efficiently as possible. We have set out realistic time limits for each action within each stage. However, where further investigations are necessary, new time limits can be set and the complainant sent details of the new deadline and an explanation for the delay.

## **Stages of the complaints process**

Informal – Local resolution of the concern with staff member

Stage 1 – complaint heard by Headteacher

Stage 2 – Governors' Complaint Panel

Further recourse – Possibly to Department for Education, Local Authority or Diocese)

## **Recording Complaints**

We will always record the progress of the complaint and the final outcome. A complaint may be made in person, by telephone or in writing. At the end of a meeting or telephone call, we aim to ensure that the complainant and the school have the same understanding of what was discussed and agreed.

## **Governing Body (GB) Review**

The Governing Body can monitor the level and nature of complaints and review the outcomes on a regular basis to ensure the effectiveness of the procedure and make changes where necessary. Except in exceptional circumstances, complaints information shared with the whole Governing Body will not name individuals.

As well as addressing an individual's complaints, the process of listening to and resolving complaints will contribute to school improvement. When individual complaints are heard, school may identify underlying issues that need to be addressed. The monitoring and review of complaints by the school and the Governing Body can be a useful tool in evaluating a school's performance.



## **Publicising the Procedure**

There is a legal requirement for the Complaints Procedure to be publicised. We publish this procedure in the following ways:

- on the school website;
- a hard-copy is available from the school office.

## **How does Bowmansgreen handle complaints made about or by:**

- A member of staff about another member of staff or the Headteacher?
- A member of the Governing Body about a member of staff?
- A Governor about another member of the Governing Body?
- A member of staff about a member of the Governing Body?
- A member of staff about the action/decision of the Governing Body?
- Members of the public (not parents)?
- A Parent whose child no longer attends the school?
- Data Protection and Freedom of Information related matters?

## **Complaint made by one member of Staff against another (including the Headteacher)**

Complaints from members of staff are not covered by this procedure. They should be dealt with by the Headteacher (where appropriate) or the Chair of Governors informally in the first instance. If this approach fails to resolve the issue, the next step would be for the Staff Grievance Procedure to be invoked by the person bringing the grievance (See the school's Grievance Procedure for further information).

The Schools HR Advisory Team can be contacted for advice on (01438) 844875.

## **Complaint made by a Governor about a member of staff**

This is dealt with through the complaints process outlined in this document. The Governor concerned would have to withdraw from any meeting at which the complaint or its outcome was being discussed. If the complaint is related to the *conduct* of a member of staff, it would be more appropriate to invoke the School's Disciplinary Procedures.

## **Complaint by a Governor about another Governor (including the Chair of Governors)**

Complaints by a Governor about another Governor should be dealt with informally in the first instance to try and resolve the matter as swiftly as possible. In most cases, this should be handled by the Chair of Governors. If however, the complaint is about the Chair of Governors, the Vice Chair of Governors should handle the matter. Should it remain

unresolved, a Panel of Governors should be convened as per the guidance on process set out in this document to hear the complaint.

Should the Governor handling the matter consider that it is not possible to convene a Panel of impartial Governors, then it may be possible to convene a Panel comprised of Governors from other schools. Should this situation ever arise, the Governor handling the matter should contact School Governance on 01438 843082 for advice.

Governors should be mindful of their behaviour and attitude throughout their tenure in the role. Useful guidance from the Committee on Standards in Public Life regarding the 7 principles of public life can be found at the following link:

<https://www.gov.uk/government/publications/the-7-principles-of-public-life/the-7-principles-of-public-life--2>

### **Complaint by a member of Staff against an individual Governor acting in a personal capacity**

The Chair of the Governing Body (or the Vice-Chair if the complaint is against the Chair) should attempt to resolve the matter informally. If such a resolution is not possible, and with the agreement of the Governor concerned, a Panel of Governors could be set up to consider the matter as per the complaints process outlined in this document.

### **Complaint by a member of staff against the action/decision of the Governing Body**

If the decision was taken at a meeting of the Full Governing Body, the matter would have to be put on the agenda for review at another meeting and if the decision was then confirmed, that would be the end of the matter. (For this reason, it is important that matters that could potentially lead to a complaint or appeal are routinely dealt with by a committee with delegated authority, in order to allow for an appeal or a rehearing by an unprejudiced second group of Governors). If a committee or individual with delegated authority took the original decision, then a Panel of Governors who were not involved in the decision should review the matter, ensuring that the member of staff concerned was given an opportunity to state his/her case to the Panel. Any decision by the Panel would be final.

### **Complaint by a member of the public (not a parent)**

Complaints from members of the public are most likely to be dealt with by the Headteacher and beyond that, the Chair of Governors.

### **Complaint by a parent whose child no longer attends the school**

The purpose of this complaints process is to ensure that if an error has been made, or an injustice done, some action can be taken to remedy matters for the injured party. Where parents have removed their child from the roll of a school, it is clearly impossible for the Governing Body to put things right for that child. However, the Governing Body has a duty of care to the pupils who remain on roll and it would be advisable for Governors to review

the circumstances to satisfy themselves that no-one had acted inappropriately and that procedures and policies had been followed correctly. Whilst it is not necessary to convene a Governor's Complaint Panel, it is likely that the Headteacher or Governors would inform parents whether the complaint had been upheld or otherwise and of any changes to practice and procedures which have been agreed by the Governing Body. If a child is removed from roll after a complaint has been made, it is at the discretion of the Chair of Governors as to whether to proceed with a full Governors Complaint Panel or a Governor Review. Hertfordshire County Council will not investigate any complaints further where the child no longer attends the school in question as there is no tangible benefit in doing so beyond the school's complaints procedure.

### **Complaints regarding compliance with Data Protection and Freedom of Information legislation**

Bowmansgreen is responsible for its own compliance with GDPR, the Data Protection Act 2018 and the Freedom of Information Act 2000 – not Hertfordshire County Council. Complaints concerning Data Protection or Freedom of Information compliance, should be investigated following the process outlined in this document. Advice and guidance about DP and FOI can be found at [www.ico.org.uk](http://www.ico.org.uk)

### **Complaint/appeal procedures that are NOT covered by this document**

This document does not cover:

- Child Protection Procedures – see [www.hertfordshire.gov.uk/childprotection](http://www.hertfordshire.gov.uk/childprotection)
- Appeals about admissions – see [www.hertfordshire.gov.uk/schoolappeals](http://www.hertfordshire.gov.uk/schoolappeals)
- Complaints about fixed term or permanent exclusions from school – see [www.hertfordshire.gov.uk/schoolappeals](http://www.hertfordshire.gov.uk/schoolappeals)
- Staff disciplinary procedures – see school Disciplinary Policy and Procedure
- Whistleblowing – see school Whistleblowing Policy