



Concerns and Complaints Policy

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Overview

Governing Bodies (GBs) of all maintained schools and maintained nursery schools in England are required, under Section 29 of the Education Act 2002, to have in place a procedure to deal with complaints relating to the school, community facilities and services that the school provides. The law also requires the procedure to be publicised.

Other complaints will be dealt with under other statutory procedures, including those listed below.

Exceptions to the Concerns and Complaints Policy	Who to contact
• Admissions to schools • Statutory assessments of Special Educational Needs • School re-organisation proposals	Concerns about admissions, statutory assessments of Special Educational Needs, or school re-organisation proposals should be raised with Oldham Education Authority
• Matters likely to require a Child Protection Investigation	Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance. If you have serious concerns, you may wish to contact the local authority designated officer (LADO) who has local responsibility for safeguarding or the Multi-Agency Safeguarding Hub (MASH).
• Exclusion of children from school*	Further information about raising concerns about exclusion can be found at: www.gov.uk/school-discipline-exclusions/exclusions. <i>*Complaints about the application of the behaviour policy can be made through the school's complaints procedure.</i>
• Whistleblowing	We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors. The Secretary of State for Education is the prescribed person for matters relating to education for whistleblowers in education who do not want to raise matters direct with their employer. Referrals can be made at: www.education.gov.uk/contactus. Volunteer staff who have concerns about our school should complain

	through the school's complaints procedure. You may also be able to complain direct to the LA or the Department for Education (see link above), depending on the substance of your complaint.
Staff grievances	Complaints from staff will be dealt with under the school's internal grievance procedures.
Staff conduct	Complaints about staff will be dealt with under the school's internal disciplinary procedures, if appropriate. Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.
Complaints about services provided by other providers who may use school premises or facilities	Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct.
National Curriculum - content	Please contact the Department for Education at: www.education.gov.uk/contactus

If other bodies are investigating aspects of the complaint, for example the police, local authority (LA) safeguarding teams or Tribunals, this may impact on our ability to adhere to the timescales within this procedure or result in the procedure being suspended until those public bodies have completed their investigations.

If a complainant commences legal action against [Burnley Brow](#) in relation to their complaint, we will consider whether to suspend the complaints procedure in relation to their complaint until those legal proceedings have concluded.

Part 1: General Principles of complaints

Dealing with Complaints – Initial concerns

We are clear about the difference between a concern and a complaint. By taking informal concerns seriously at the earliest stage we hope to address the concern without it developing into a formal complaint.

This policy and key messages within it, deal with complaints but the underlying principle is that concerns ought to be handled, if possible, without the need for formal procedures. The requirement to have a complaints procedure need not in any way undermine efforts to resolve the concern informally. In most cases the class teacher or the individual delivering the service in the case of extended school provision, will receive the first approach. **It would be helpful if staff and complainants were able to resolve issues on the spot, including apologising, where necessary and agreeing a way forward.**

Dealing with Complaints – Formal procedures

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

If you have difficulty discussing a concern with a particular member of staff, we will respect your views. In these cases, the Headteacher will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, the Headteacher will refer you to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the concern objectively and impartially is more important.

If you feel your concern/complaint has not been resolved, you may ask to speak to the Headteacher who will investigate your concern/complaint and respond to you either verbally or in writing.

If you are still dissatisfied, you can then move to the formal procedure below:

The Headteacher will attempt to resolve the issue internally, through the stages outlined within this complaints procedure.

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.

Resolving Complaints

At each stage in the procedure, schools will want to 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 considering the complaint.

It would be useful if complainants would 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 negligence.

Time-Limits

Complaints will be considered, and resolved, as quickly and efficiently as possible. The complainant will be informed of timescales for each stage of the complaint. You must raise the complaint within three months of the incident, or where a series of associated incidents have occurred, within three months of the last of

these incidents. We will consider complaints made outside of this time frame if exceptional circumstances apply.

Anonymous complaints

We will not normally investigate anonymous complaints. However, the Headteacher or Chair of Governors, if appropriate, will determine whether the complaint warrants an investigation.

Complaints received outside of term time

We will consider complaints made outside of term time to have been received on the first school day after the holiday period.

Part 2: The Formal Complaints Procedure

The usual stages of the formal complaints procedure

- Stage one: complaint heard by staff member (though not the subject of the complaint).
- Stage two: complaint heard by Headteacher/Senior staff; If verbal, the complainant may be asked to submit the complaint in writing to the Headteacher/Senior staff.
- Stage three: complaint in writing to the Chair/Vice chair of the Governing Body.

An unsatisfied complainant can take a complaint to the next stage. If the complaint is a concern that has escalated, it may well take more stages and proceed from verbal to written.

A complaint taken to Stage Three, which is to a member of the Governing Body (GB) should be made in writing and the date of receipt will be recorded and acknowledged within 5 school days. You will either receive a written reply or be informed of the date of a proposed meeting (depending on the severity of a complaint). If a complainant rejects the offer of three proposed dates without good reason, the clerk to the GB will decide a date for the meeting which will then proceed in the complainant's absence with written submissions from both parties.

If the complaint goes to a panel, this will consist of at least three governors with no prior involvement or knowledge of the complaint. Prior to the meeting, they will decide amongst themselves who will act as the Chair of the Complaints Panel. If there are fewer than three governors from Burnley Brow available, the Clerk will source any additional, independent governors through another local school or through their LA's Governor Services team, in order to make up the panel. Alternatively, an entirely independent panel may be convened to hear the complaint at Stage 2.

The panel will decide whether to deal with the complaint by inviting parties to a meeting or through written representations, but in making their decision they will be sensitive to the complainant's needs. If the complainant is invited to attend the meeting, they may bring someone along to provide support. This can be a relative or friend. Generally, we do not encourage either party to bring legal representatives to the panel meeting. However, there may be occasions when legal representation is appropriate. For instance, if a school employee is called as a witness in a complaint meeting, they may wish to be supported by union and/or legal representation.

Representatives from the media are not permitted to attend.

Note: Complaints about staff conduct will not generally be handled under this complaints procedure. Complainants will be advised that any staff conduct complaints will be considered under staff disciplinary procedures, if appropriate, but outcomes will not be shared with them.

Any written material will be circulated to all parties before the date of the meeting. The panel will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

The panel will also not review any new complaints at this stage or consider evidence unrelated to the initial complaint to be included. New complaints must be dealt with from Stage 1 of the procedure.

The meeting will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own disability or special needs require it. Prior knowledge and consent of all parties attending must be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.

Panel members should be aware that:

- the meeting must be independent and impartial, and should be seen to be so
- no governor may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it.
- the aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant
- we recognise that the complainant might not be satisfied with the outcome if the meeting does not find in their favour. It may only be possible to establish the facts and make recommendations.
- many complainants will feel nervous and inhibited in a formal setting
- parents/carers often feel emotional when discussing an issue that affects their child.
- extra care needs to be taken when the complainant is a child/young person and present during all or part of the meeting
- careful consideration of the atmosphere and proceedings should ensure that the child/young person does not feel intimidated.
- the panel should respect the views of the child/young person and give them equal consideration to those of adults.
- if the child/young person is the complainant, the panel should ask in advance if any support is needed to help them present their complaint. Where the child/young person's parent is the complainant, the panel should give the parent the opportunity to say which parts of the meeting, if any, the child/young person needs to attend.
- the parent should be advised that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting that the panel considers is not in the child/young person's best interests.
- the welfare of the child/young person is paramount.

The panel will consider the complaint, and all the evidence presented. The panel can:

- uphold the complaint in whole or in part
- dismiss the complaint in whole or in part.

If the complaint is upheld in whole or in part, the panel will:

- decide on the appropriate action to be taken to resolve the complaint
- where appropriate, recommend changes to the school's systems or procedures to prevent similar issues in the future.

The Chair of the Panel will provide the complainant and [Burnley Brow](#) with a full explanation of their decision and the reason(s) for it, in writing, within **10** school days.

The letter to the complainant will include details of how to contact the Department for Education if they are dissatisfied with the way their complaint has been handled by Burnley Brow.

If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire governing body or
- the majority of the governing body

Stage 3 will be heard by a panel of independent governors.

The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions [Burnley Brow](#) will take to resolve the complaint.

A form for a written complaint is appended to this policy.

Part 3 – Managing and Recording Complaints

Recording Complaints

A complaint may be made in person, by telephone, or in writing. An example of a complaint form can be found in Annex D. At the end of a meeting or telephone call, it would be helpful if the member of staff ensured that the complainant and the school have the same understanding of what was discussed and agreed. A brief note of meetings and telephone calls can be kept and a copy of any written response added to the record.

The Headteacher is responsible for any records of complaints and holds them confidentially.

Governing Body Review

The GB 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. Complaints information shared with the whole GB will not name individuals.

Part 4:

Vexatious or habitual Complaints

This section of the policy should only be invoked following careful consideration of all the issues by the Headteacher and the Chair of Governors after an attempt has been made to reason with the complainant and it has been explained to them that they will be managed under this section of the Complaints Policy.

This section of the policy applies to situations where a complainant, either individually or as part of a group, or a group of complainants, might be considered to be “habitual or vexatious”. In this policy the term habitual means; ‘done constantly or as a habit’. The term vexatious is recognised in law and means ‘denoting an action or the bringer of an action that is brought without sufficient grounds for winning, purely to cause annoyance to the defendant’. These terms are used in this policy to clarify that we are attempting to deal with persons who seek to be disruptive or whose requests impose a disproportionate and repeated burden on the school staff and governors by pursuing an unreasonable course of conduct.

The term complainant in this policy includes requests made under the Freedom of Information Act 2000, the Data Protection Act 1998 and the Environmental Information Regulations 2004 and reference to the complaints procedure is, where relevant, to be interpreted as meaning requests under those Acts.

Habitual and/or vexatious complainants can be a problem for school staff and Governors. The difficulty in handling such complaints can place a strain on time and resources. Whilst the school endeavours to respond with patience and sympathy to the needs of all complainants there are times when there is nothing further which can reasonably be done to assist or to rectify a real or perceived problem. Scope of this section of the policy should only be used in exceptional circumstances after all reasonable measures have been taken to try to resolve complaints under the school’s complaints procedures.

The decision to invoke the policy must be reported to the full Governing Body. A complainant (and/or anyone acting on their behalf) may be deemed to be habitual or vexatious if previous or current contact with them shows that they may meet any or all of the following criteria, dependent upon degree.

Where complainants:

- (a) persist in pursuing a complaint where the school’s complaints procedure has been fully and properly implemented and exhausted (e.g. where several responses have been provided);
- (b) change the substance of a complaint or continually raise new issues or seek to prolong contact by continually raising further concerns or questions upon receipt of a response. Care must be taken not to discard new issues which are significantly different from the original complaints. These might need to be addressed as separate complaints;
- (c) are unwilling to accept documented evidence of action;
- (d) are unwilling to accept that the Governing Body has reached a final decision on a chosen course of action;
- (e) deny receiving an adequate response in spite of correspondence specifically answering their questions;
- (f) persist in pursuing a matter when they have already exhausted other statutory routes;
- (g) do not clearly identify the precise issues which they wish to be investigated, despite reasonable efforts to help them specify their concerns;

- (h) continue to seek to pursue a complaint where the concerns identified are not within the remit of the Governing Body to investigate;
- (i) focus on a trivial matter to an extent which is out of proportion to its significance and continue to focus on this point. It is recognised that determining what is a “trivial” matter can be subjective and careful judgements must be used in applying these criteria.
- (j) have, in the course of addressing a complaint, had an excessive number of contacts with the school placing unreasonable demands on staff time. Contact may be in person or by telephone, letter, or e-mail. Discretion must be used in determining the precise number of “excessive contacts” applicable under this section, using judgement based on the specific circumstances of each individual case.
- (k) have threatened or used physical violence towards staff at any time. This will cause personal contact with the complainant and/or their representatives to be discontinued and the complainant will, thereafter, only be contacted through written communication. The school reserves the right to refer to the police if threatening behaviour/physical assault has taken place.
- (l) have harassed or been personally abusive or verbally aggressive on more than one occasion towards staff dealing with the complaint. Staff recognise, however, that complainants may sometimes act out of character in times of stress, anxiety or distress and will make reasonable allowances for this. They will document all instances of harassment, abusive or verbally aggressive behaviour.
- (m) are known to have recorded meetings or telephone conversations or circulated such recordings to third parties without the prior knowledge and consent of other parties involved.
- (n) make unreasonable demands and fail to accept that these may be unreasonable, for example, insist on responses to complaints or enquiries being provided more urgently than is reasonable or within the complaints procedure or normal recognised practice.

Strategy for Dealing with Habitual or Vexatious Complainants Where complainants have been identified as habitual or vexatious under the scope of this policy, taking account of the above criteria, the Authorising Officers (Headteacher and Chair of Governors or if unavailable the Vice Chair of Governors) will determine what action to take. The school will implement such action and will notify complainants, in writing, of the reasons why they have been classified as habitual or vexatious and what action will be taken. They will also be notified of the review procedure.

This notification may be copied for the information of others already involved in the complaint or matters closely related to it, eg staff or Members of Parliament. A record must be kept, for future reference, of the reasons why a complainant has been classified as habitual or vexatious. It may be decided to deal with complainants in one or more of the following ways:

- Withdraw contact with the complainant either in person, by telephone, by e-mail, by letter or any combination of these, provided that at least one form of contact is maintained. If staff are to withdraw from a telephone conversation with a complainant there will be an agreed statement available for them to use at such times;
- (b) To restrict contact to liaison through a designated member of staff;
- (c) Notify the complainant in writing that the Governing Body has responded fully to the points raised and has tried to resolve the complaint but there is nothing more to add and continuing contact on the matter will serve no useful purpose. The complainant should be notified that any form of contact, either orally or in writing, in relation to their complaint, or any further complaints relative to the same period of time, or the same or similar issues as an earlier complaint, is at an end and that further contact received will be acknowledged but not answered;

- (d) Temporarily suspend, for a period to be specified to the complainant, all contact with the complainant, provided that the Governing Body shall not withdraw or not provide any services to which the complainant or his/her family are entitled;
- (e) Ban the complainant from attending the school without prior written consent.

Once a complainant has been determined as habitual or vexatious, such status needs to be regularly reviewed and, where appropriate, withdrawn later. Such action may be appropriate where a complainant subsequently demonstrates a more reasonable approach or submits a further complaint for which the normal complaints procedures would appear appropriate. A panel of three governors should review their decisions to categorise a complainant as habitual or vexatious every six months. The panel on any review may either withdraw the categorisation of a person as habitual or vexatious or amend the strategy being applied to that person. If the panel considers it appropriate to withdraw the status of habitual or vexatious complainant, normal contact with the complainant and application of the school's complaints procedure will be resumed. The complainant will be given notice of this decision.

Next Steps

If the complainant believes the school/Governing Body did not handle their complaint in accordance with the published complaints procedure or they acted unlawfully or unreasonably in the exercise of their duties under education law, they can contact the Department for Education after they have completed Stage 3. The Department for Education will not normally reinvestigate the substance of complaints or overturn any decisions made by Burnley Brow. They will consider whether Burnley Brow has adhered to education legislation and any statutory policies connected with the complaint.

The complainant can refer their complaint to the Department for Education online at: www.education.gov.uk/contactus, by telephone on: 0370 000 2288 or by writing to:

Department for Education
Piccadilly Gate
Store Street
Manchester
M1 2WD.

Publicising the Procedure

It is a legal requirement for the Complaints Procedures to be publicised. This Policy and Procedure will be included in the policy section on our website BurnleyBrow.com

Details of the stages of the Complaints Procedure

Stage One: Complaint Heard by Staff Member

It is in everyone's interest that complaints are resolved at the earliest possible stage. The experience of the first contact between the complainant and the school can be crucial in determining whether the complaint will escalate. To that end, if staff are made aware of the procedures, they know what to do when they receive a complaint.

It would assist the procedure if the school respected the views of a complainant who indicates that he/she would have difficulty discussing a complaint with a particular member of staff. In these cases, the complaints co-ordinator can refer the complainant to another staff member. Where the complaint concerns the Headteacher, the complainant can be referred to another senior staff member or to the chair of governors.

Similarly, if the member of staff directly involved feels too compromised to deal with a complaint, the complaints co-ordinator may consider referring the complainant to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the complaint objectively and impartially is crucial.

Where the first approach is made to a governor, the next step would be for the governor to refer the complainant to the appropriate person and advise them about the procedure. It would be useful if governors did not act unilaterally on an individual complaint outside the formal procedure or be involved at the early stages in case they are needed to sit on a panel at a later stage of the procedure.

Stage Two: Complaint Heard by Headteacher/Senior Staff

The Headteacher's influence will already have shaped the way complaints are handled in the school. At this point, the complainant may be dissatisfied with the way the complaint was handled at stage one as well as pursuing their initial complaint. The head may delegate the task of collating the information to another staff member but not the decision on the action to be taken.

The complainant if still dissatisfied will be asked to submit their complaint in writing to the Headteacher/Deputy Headteacher.

Stage Three: Complaint Heard by the Chair of Governors or the Governing Bodies Complaints Panel

The complainant needs to write to the Chair of Governors giving details of the complaint. The Chair, or a nominated governor, will respond to the complaint or convene a GB complaints panel.

The governors' hearing is the last school-based stage of the complaints process, and is not convened to merely rubber-stamp previous decisions.

Individual complaints would not be heard by the whole GB at any stage, as this could compromise the impartiality of any panel set up for a disciplinary hearing against a member of staff following a serious complaint.

Checklist for a Panel Hearing

The panel needs to take the following points into account:

- ☐ The hearing is as informal as possible.
- ☐ Witnesses are only required to attend for the part of the hearing in which they give their evidence.
- ☐ After introductions, the complainant is invited to explain their complaint and be followed by their witnesses.
- ☐ The Headteacher may question both the complainant and the witnesses after each has spoken.
- ☐ The Headteacher is then invited to explain the school's actions and be followed by the school's witnesses.
- ☐ The complainant may question both the Headteacher and the witnesses after each has spoken.
- ☐ The panel may ask questions at any point.
- ☐ The complainant is then invited to sum up their complaint.
- ☐ The Headteacher is then invited to sum up the school's actions and response to the complaint.
- ☐ Both parties leave the meeting while the panel decides on the issues.
- ☐ The chair explains that both parties will hear from the panel within a set time scale.

Complaint Form

Please complete and return to Mrs Atkinson-Smith who will acknowledge receipt and explain what action will be taken.

Your name:
Pupil's name (if relevant):
Your relationship to the pupil (if relevant):
Address:
Postcode:
Day time telephone number:
Evening telephone number:
Please give details of your complaint, including whether you have spoken to anybody at the school about it.

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: