

# THE BROXBOURNE SCHOOL COMPLAINTS AND CONCILIATION PROCEDURE

## Introduction

This complaints and conciliation procedure demonstrates that the school recognises its accountability to parents or carers and accepts the need to provide redress in cases where the school has acted inappropriately. It helps the school to tackle the broader issue of standards of service; for by accepting and acting upon a complaint, we can improve our provision. This policy applies to any matter (other than matters relating to admissions and exclusions which have their own processes) which has been raised with the school as a matter of concern but which has not been capable of resolution informally and which the complainant considers should be dealt with on a formal basis. Generally, it is expected that where the matter relates to a student it will have been raised with the student's form tutor and Head of Year before a request is made to deal with it under this policy.

It is a precondition to the operation of this policy that the complainant shall have made reasonable attempts to seek an informal resolution and shall have acted in relation to the matter in a reasonable and measured way. The Chair of the Governing Body shall have a discretion, which will be exercised reasonably, not to allow a complaint to be pursued where this precondition has not been met.

In the event of a complaint of a serious nature such as, for example, financial misconduct or child abuse, the school procedure may be suspended and the agreed DfE or Local Authority procedures followed.

Parents or carers also have statutory rights of complaint. The rights of parents or carers to complain about aspects of the curriculum are set out in DES Circular 1/89: 'Education Reform Act Local Arrangements for the Consideration of Complaints'. These, however, refer only to complaints about the content of the National Curriculum, Religious Education and Collective Worship, approved examination courses, the provision of statutory information, and charging policies. Parents or carers of children with Statements of Special Educational Need also have statutory rights. The Head of Learning Support will advise parents of these rights.

Other than in exceptional circumstances the school will not normally consider complaints made 3 months or more after the events complained about had taken place.

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

The purpose of this complaints procedure 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 the 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 so governors may investigate the circumstances to satisfy themselves that no-one had acted inappropriately and that procedures and policies had been followed correctly. Governors will inform the parents if their complaint had been upheld or otherwise and of any changes to practice and procedures which have been agreed by the governing body.

## HOW TO MAKE A FORMAL COMPLAINT

### The First Stage – a Formal Complaint to the School

If a parent or carer is dissatisfied with an aspect of the work of the school they should contact the school by telephone, in writing or in person by prior appointment.

The Headteacher or another member of staff, will meet with the parent or carer, or telephone them within five working days of receipt and discuss the matter. Every effort will be made to listen to the complaint to clarify what the complainant feels would put things right and to resolve matters.

Any complaint relating to the Headteacher must be raised in the first instance with the Chair of the Governing Body (or Vice-chair in the absence of the Chair) who will meet with the parent or carer, or telephone them within five working days of receipt and discuss the matter. Every effort will be made to listen to the complaint to clarify what the complainant feels would put things right and to resolve matters.

If the complaint is acknowledged to be valid, the school will indicate in writing within five working days what action will be taken and the change of policy it intends to initiate to alleviate similar problems. If the complaint is found to lack substance, the school will notify the parent or carer within five working days that their complaint is unsubstantiated.

The school's response will also state that in the event of a parent or carer being dissatisfied with the school's response there is a right to make a formal complaint to the Governing Body.

### **The Second Stage – A Formal Complaint to The Governing Body**

Parents or carers who are dissatisfied with the school's response may wish to complain formally to the Governing Body within ten school days of the school's response being sent.

The complainant should put their complaint in writing (by using the Annex A form) or by writing a letter setting out briefly the reasons why the complainant is dissatisfied. The member of staff against whom the complaint has been made should be notified that a complaint has been received, provided with a copy of the complaint and be informed that an investigation will be carried out.

When the Chair of the Governing Body receives a complaint, it will be acknowledged in writing within five working days and a commitment made that the complaint will be investigated and the outcome of the investigation notified to the complainant in due course. Where necessary the nature of the complaint may be confirmed through discussion with the parent or carer.

A summary of the process undertaken and the outcome of the investigation will be provided in writing to both the complainant and the member of staff against whom the complaint has been made within seven working days. Any recommendations for future action will also be shared with the parties at that time. All documentation relating to the complainant and its investigation and outcome will be stored securely within the school for a period of six years.

### **The Third Stage – A Hearing with a panel set up by the Academy Trust**

If the complainant is not satisfied with the response of the investigator, she/he may request that the complaint be considered by the Complaints Panel of the Governing Body which will comprise at least 3 people and which will include one person who is independent of the management and running of the school. That request must be in writing, addressed to the Clerk to the Governors at the school, within 10 school days of the response being sent to the complainant and must set out briefly the reasons why the complainant is dissatisfied with the response.

The Clerk will invite the school to put in writing its response to the complainant's reasons. The school may do this within 15 school days and at the end of that period (whether or not the school has responded) the Clerk will convene a meeting of the Complaints Panel of the Governing Body. The Chair of the Governing Body may decide to chair the panel, or to designate another governor to do so. The meeting will be held as quickly as practicable given the need to find a date that is reasonably convenient for the complainant, the school and the members of the Panel. Whenever possible, the meeting will be held within 15 school days of the written request to the Clerk. The member or members of staff, subject to the complaint will be advised that they may be accompanied by a 'friend' or 'trade union' representative if they are to be interviewed. Similarly the complainant may be accompanied by a 'friend' if they are interviewed but legal representation will not be allowed.

Where children are potential witnesses, discretion will be exercised over their involvement. Pupils will only be interviewed when the nature of the complaint is sufficiently serious to warrant it and adult witnesses are not available.

The meeting is not a court case and will be as informal as circumstances allow. The complainant will have the opportunity to put her/his reasons for dissatisfaction and to enlarge on them but may not introduce reasons that were not previously put in writing. The school will have the opportunity to put its side of things and each side, as well as the Panel members, will be able to ask questions. The complainant will have the opportunity to make final comments to the Panel. The Headteacher will sum up on behalf of the school.

The Panel may make findings and recommendations and a copy of those findings and recommendations will be:

- sent to the complainant and, where relevant, the person complained about
- available for inspection on the school premises by the Academy Trust and the Headteacher

The Panel will formulate its response as quickly as reasonably possible, aiming to do so within 10 school days, and the Clerk to the Governors will notify all concerned.

If a complainant tries to reopen the same issue, the Chair of the Governing Body may write to the complainant to inform him/her that the procedure has been completed and the matter closed.

A written record will be kept of all complaints, and of whether they are resolved at the preliminary stage or proceed to a panel hearing

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

If the complaint is about the way the school is making provision for a child with an Education Health Care Plan, the complainant will also be advised that the Hertfordshire County Council's Children's Services Complaints Manager may be contacted once the school's Complaints Procedure has been exhausted.

Some useful addresses:

Chair of the Governing Body

c/o The Broxbourne School  
High Road  
Broxbourne  
Herts EN10 7DD

The Secretary of State

Department for Education  
Sanctuary Buildings  
Great Smith Street  
London SW1P 3BT  
[www.education.gov.uk](http://www.education.gov.uk)  
Tel: 0370 000 2288

Procedures may be changed as appropriate by the school.

**Paula Humphreys**

**Reviewed: Autumn 2017 (PC)**

**Ratified: Autumn 2017**

**Next Review: Autumn 2019**

**Annex A – Formal Complaint Form**

**Please complete and return to the Headteacher or Chair of Governing Body who will acknowledge receipt and explain what action will be taken.**

**Your name:**

**Pupil's name:**

**Your relationship to the pupil:**

**Address:**

**Postcode:**

**Day time telephone number:**

**Evening telephone number:**

**Please give details of your complaint.**

**What action, if any, have you already taken to try and resolve your complaint.  
(Who did you speak to and what was the response)?**

**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 who:**

**Complaint referred to:**

**Date:**

## **Annex B - 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 call 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 call 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.
- The chair explains that both parties will hear from the panel within a set time scale.
- Both parties leave together while the panel decides on the issues.