



**Buile****Hill**  
Visual Arts College

## **Complaints Policy**

**September 2017**

Review September 2018

This policy sets how the school will deal with most general complaints which it is likely to receive from parents. It also meets the Circular 6/94 requirements to have a school policy about complaints concerning SEN provision.

It is not intended to cover those aspects of school for which there are specific statutory requirements, in particular, arrangements under 5409 of the Education Act 1996 for complaints about the delivery of the National Curriculum and the provision of Collective Worship and Religious Education.

Parents who are not satisfied with the Local Authorities decision about special needs assessments may appeal to the SEN tribunal. Those with concerns about schools admissions and exclusions also have specific appeal rights.

### **General Principals: The Right Approach**

As part of our general home/school policy, we encourage parents and pupils to express their views on what is going on in school through student voice conferences, parental questionnaires and focus evenings.

#### **1. Publicity.**

Parents should always know how they can raise concerns or lodge a formal complaint. There is a legal requirement for the Complaints Procedure to be publicised and it is up to the governing body to decide how to fulfil this requirement. A copy of this policy will be posted to all parents in the annual mail drop.

- A summary can be found on the school website [www.builehillvisualartscollege.co.uk](http://www.builehillvisualartscollege.co.uk)
- A leaflet is available for parents explaining how problems are dealt with and how the complaints procedure works.

A parent who contacts the Local Authority (LA) with their concerns when the school's internal procedures have not been fully exhausted, should be referred back to the school.

#### **2. Procedures should be as speedy as possible**

Each stage of the procedure should have known time limits. Where it is not possible to meet these, information about progress should be given to the complainant. Care should be taken not to drag things out with unnecessary bureaucracy.

#### **3. Support for complainant.**

As part of the general publicity about complaints procedures, it is important for parents to know where they can go for information, advice and advocacy, if they require it. Ideally, support should be offered from individuals and organisations that are clearly separate from those complained against, such as Parents' Advice Centres, Citizens Advice Bureaux, Community Relations Councils, refugee support organisations and other local advice centres. However, useful help often comes from individual governors or LA officers (e.g. specially designated complaints officer, Education Welfare Officer, Parent Partnership Officer), providing they are able to remain independent from any later stages in the procedure where they might otherwise be called upon to make a judgement on a complainant's disagreement with a school.

Parents raising concerns or complaints should be invited to be accompanied by a friend, a relative or a representative at any stage of the procedure.

#### **4. Support for a person complained against.**

Staff who may be questioned as part of a complaints procedure investigation must feel they are being treated in a fair way and that they too will have an opportunity to put their case. They should

be told about the procedure and be kept informed of progress. There is a crucial balance to be maintained between supporting the individual so that his/her rights and reputation are protected, and investigating a complaint thoroughly and impartially.

The complaints procedure is distinct from formal disciplinary proceedings for staff and this needs to be made clear to all concerned. There may be occasions where a complaint launches a disciplinary procedure, which puts the complaints procedure on hold. If so, the complainant should be informed of this and any non-disciplinary aspects of the complaint should be dealt with by the usual complaints procedures; the complainant should be “up-dated” every three weeks on the likely further delay. It may be clear after the disciplinary procedures have been completed, that particular responses to the complainant are required (e.g. an apology or an explanation of new policies to avoid a similar problem again).

**5. Confidentiality.**

It is very important to treat conversations and correspondence with discretion. It is vitally important that parents feel confident that their complaint will not penalise their child. However, 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 usually proper to disregard anonymous complaints unless somebody is prepared to substantiate them, but the danger in this is that they may relate to something quite serious. It should be at the Headteacher or Governing Body’s discretion to decide whether the gravity of an anonymous complaint warrants an investigation.

**6. Redress.**

If the outcome of the complaint procedure shows the school is at fault, it is often sufficient to provide redress in the form of an acknowledgement that the complaint is valid. Alternatively, it may be appropriate to offer one or more of: an apology, an explanation, a promise that the event complained of will not recur, an undertaking to review school policies or practices in the light of the complaint, or, in appropriate circumstances, financial compensation. Fear of litigation should not prevent a school from admitting to parents when mistakes have been made, but advice should be taken from the LA if litigation could be possible.

**7. Staff awareness and training.**

School staff, including non-teaching staff, should be familiar with the procedures so that they can advise parents about their operation. Potentially a great many staff are involved in handling complaints, especially at the informal level. Their confidence in doing so depends on their having clear information about the procedures, reassurances that senior staff are committed to the procedures and some basic training in the practical interpersonal skills needed in dealing with people who are upset or angry. (See Annex B). All school staff should have clear information about which staff have which responsibilities at school so that parents do not get continually passed from one to another.

**8. Record keeping.**

Recording should begin at the point when a concern or initial complaint has become the kind of complaint that cannot be resolved on the spot but needs investigation and/or consultation with others in the school and will require a later report back (either orally or in writing) to the parent. Some Headteachers may go further than this and want all complaints notified to themselves.

Recording at the earliest stages need only be a very basic record of complaint, giving the date, name of parent and general nature of the complaint. A pro forma or comments and complaints book could be used.

## **Stage 1: The First Contact: Guidelines for Dealing with Concerns and Complaints Informally**

- 1.1 The vast majority of concerns and complaints can be resolved informally. There are many occasions where concerns are resolved straight away through the class teacher or school secretary or Headteacher, depending on whom the parent first approached.
- 1.2 Parents must feel able to raise concerns with members of staff without any formality, either in person, by telephone or in writing. On occasion it may be appropriate for someone to act on behalf of a parent.
- 1.3 At first it may be unclear whether a parent is asking a question or expressing an opinion rather than making a complaint. A parent may want a preliminary discussion about an issue to help decide whether he or she wishes to take it further.

### **Procedure to use at Stage 1**

- 1.4 Parents have an opportunity for discussion of their concern with the appropriate member of staff who clarifies with the parent the nature of the concern, and reassures 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 to identify at this point what sort of outcome the parent is looking for.
- 1.5 If the member of staff first contacted cannot immediately deal with the matter, s/he makes a clear note of the date, name, and contact address or phone number.
- 1.6 Any member 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 successful.
- 1.7 If the concern relates to the Headteacher, the parent is advised to contact the Chair of the Governing Body.
- 1.8 The staff member dealing with the concern makes sure that the parent is clear what action (if any) or monitoring of the situation has been agreed, putting this in writing only if this seems the best way of making things clear.
- 1.9 Where no satisfactory solution has been found within **10 school days**, parents are asked if they wish their concern to be considered further. If so they are given clear information, both orally and in writing, about how to proceed and about any independent advice available to them. (See Annex A).

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

- 2.1 At this stage it has become clear that the concern is a definite complaint. In some cases the Headteacher has already been involved in looking at the matter, in others it is his/her first involvement. In either case, it is helpful for the Headteacher (or the person delegated to investigate) to use guidelines to ensure consistency among cases, and to make sure that nothing happens at this stage, which could make it difficult for later stages to proceed smoothly.
- 2.2 As Headteacher's have responsibility for the day-to-day running of their schools, they have responsibility for the implementation of a complaints system, including the decisions about their own involvement at various stages. One of the reasons for having various "stages" in a complaints procedures is to reassure complainants that more than one person is hearing their grievance. Headteachers should make arrangements to ensure that their involvement will not predominate at every stage of a particular complaint. For example arrangements may be made for other staff to deal with parents' concerns at Stage 1, while the Headteacher deals with contacts with parents at Stage 2. Even at that stage the Headteacher may designate another member of staff to collect some of the

information from the various parties involved. In some cases, Headteachers may be so involved at Stage 1 that Stage 2 has to be carried out by the Chair of the Governing body.

## Procedure for school at Stage 2

- 2.3 The Headteacher (or designate) acknowledges the complaint orally or in writing within **3 working days of receiving the written complaint**. The acknowledgement gives a brief explanation of the school's complaint procedure and a target date for providing a response to the complaint. This should normally be within 10 school days; if this proves impossible, a letter is sent explaining the reason for the delay and giving a revised target date.
- 2.4 The Headteacher (or designate) provides an opportunity for the complainant to meet him/her to supplement any information provided previously. It is made clear to the complainant that if s/he wishes. S/he may be accompanied to any meeting by a friend, relative, representative, or advocate who can speak on his or her behalf; and that interpreting facilities are available if needed.
- 2.5 If necessary, the Headteacher (or designate) should interview witnesses and take statements from those involved. If the complaint centres around a pupil, the pupil should also be interviewed. If possible parents should be present at pupil interviews. Circumstances may prevent this e.g. where this would seriously delay the investigation of a serious/urgent complaint or where particular circumstances mean that a pupil has specifically said s/he would prefer that parents or guardians were not involved. In such circumstances another member of staff with whom the pupil feels comfortable should be asked to attend. If a member of staff is complained against, the needs of that person should be borne in mind. (See Para 14 under General Principles).
- 2.6 The Headteacher (or designate) keeps written records of meetings, telephone conversations, and other documentation.
- 2.7 Once all the relevant facts have been established, the Headteacher (or designate) should then produce a written response to the complaint, or may wish to meet the complainant to discuss/resolve the matter directly.
- 2.8 A written response includes a full explanation of the decision and the reasons for it. Where appropriate, this includes what action the school will take to resolve the complaint. The complainant is advised that should s/he wish to take the complaint further he/she should notify the Chair of the Governing Body **within 20 days of receiving the outcome letter**.
- 2.9 If a complaint is against the action of a Headteacher, or if the Headteacher has been very closely involved at Stage 1, the Chair of the Governing Body should carry out all the Stage 2 procedures.
- 2.10 If the complainant is for any reason unhappy with the Chair's finding and response, the complainant must write to the clerk to the governing body, **within the 20 day period, setting out the complaint(s) they still wish to pursue**. They should also clearly say whether they wish to proceed to Stage 3 of the complaints procedure. A pro forma for this purpose should be supplied with the Chair's response. Unless there are exceptional circumstances, if after 25 days from the date of the Chair's response no indication has been received that the complainant wishes to proceed to Stage 3, the complaint will be seen as resolved and closed, and no further action will be taken by the school.

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

- 3.1 **Complaints only rarely reach this formal level, but it is important that governing bodies are prepared to deal with them when necessary.** At this stage, schools should seek advice from any relevant authority e.g. LA, Board of Education (C of E) or Diocesan Schools' Commission (RC). This can provide a useful "outside view" on these issues.
- 3.2 **It is important that this review not only be independent and impartial but that it be seen as so.** Therefore, individual complaints should not be considered by the full governing body as serious conflicts of interest can arise; for example, in exceptional circumstances a complaint may result in disciplinary action against a member of staff, and governors might be required to give an unprejudiced hearing to an appeal by the member of staff concerned. Similarly some governors might have previous knowledge of the problem, which led to the complaint and would be unable to give fair unbiased consideration to the issue.
- 3.3 Many complaints are inevitably seen by parents as being "against" a particular member of staff and their actions. However, all complaints which reach this stage will have done so because the complainant has not been satisfied by the Headteacher's response at the earlier stage of the procedure, and it may be appropriate for the Governing Body to consider that the complaint is against the school rather than against the member of staff whose actions led to the original complaint.

#### **A model procedure for review by the Governing Body**

- 3.4 Upon receipt of a written request by the complainant for the complaint to proceed to Stage 3, the procedures outlined below should be followed.
- 3.5 The Clerk to the Governing Body should write to the complainant to acknowledge receipt of the written request. The acknowledgement should inform the complainant that the complaint is to be heard by three members of the school's Governing Body within 20 school days of receiving the complaint. The letter should 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.
- 3.6 The Clerk to the Governors should arrange to convene a Governors' Complaints Panel elected from members of the Governing Body. It may be necessary for the Governing Body to appoint reserves to this Panel to ensure that three governors are available to carry out their task within the set time.
- 3.7 The Panel members should be governors who have had no prior involvement with the complaint. If s/he has not previously been involved, the Chair of the Governing Body should chair the Panel; otherwise the Vice Chair should do it. Generally it is not appropriate for the Headteacher to have a place on the Panel. Governors will want to bear in mind the advantages of having a parent (who is also a governor) on the Panel. Governors will also want to be sensitive to issues of race, gender and religious affiliation.
- 3.8 The Chair/Vice Chair will ensure that the Panel hears the complaint within 20 school days of receiving the letter in 3.5. All relevant correspondence regarding the complaints should be given to each Panel member as soon as the composition of the Panel is confirmed. If the correspondence is extensive, the Chair of the Panel should prepare a thorough summary for sending to Panel members.
- 3.9 The Chair/Vice Chair will write and inform the complainant, Headteacher, any relevant witnesses, and members of the Panel at least 5 school days in advance, of the date, time and place of the meeting. The notification to the complainant should also inform him/her of the right to be accompanied to the meeting by a friend/advocate/interpreter. The letter will also explain how the meeting will be conducted and the complainant's right to submit further written evidence to the Panel.

- 3.10 The Chair/Vice Chair of the Governing Body should invite the Headteacher to attend the Panel meeting and prepare a written report for the Panel in response to the complaint. The Headteacher may also invite members of staff directly involved in matters raised by the complainant to respond in writing or in person to the complaint. Any relevant documents including the Headteacher's report should be received by all concerned - including the complainant - at least 5 working days prior to the meeting.
- 3.11 The involvement of staff other than the Headteacher is subject to the discretion of the Chair of the Panel.
- 3.12 It is the responsibility of the Chair of the Panel to ensure that the meeting is properly minuted.
- 3.13 The aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant. However, it has to be recognised that sometimes it may only be possible to establish facts and make recommendations, which will satisfy the complainant that his or her complaint has at least been taken seriously.
- 3.14 The Panel should remember that many parents are unused to dealing with groups of people in formal situations and may feel inhibited when speaking to the Panel. It is therefore recommended that the Chair of the Panel ensures that the proceedings are as informal as possible.
- 3.15 If either party wishes to introduce previously undisclosed evidence or witnesses, it is in the interests or natural justice to adjourn the meeting so that the other side has time to consider and respond to the new evidence.
- 3.16 The meeting should allow for:
- The complainant to explain their complaint and the Headteacher to explain the school's response.
  - The Headteacher to question the complainant about the complaint and the complainant to question the Headteacher and/or other members of staff about the school's response.
  - 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 the approval of the Chair) and all parties having the right to question all the witnesses.
  - Final statements by both the complainant and the Headteacher.
- 3.17 The Chair of the Panel will explain to the complainant and the Headteacher that the Panel will now consider its decision, and a written decision will be sent to both parties within 15 school days. The complainant, Headteacher, other members of staff and witnesses will then leave.
- 3.18 The Panel will then consider the complaint and all the evidence presented and (a) reach a unanimous, or at least a majority, decision on the complaint and (b) decide upon the appropriate action to be taken to resolve the complaint and (c) where appropriate, suggest recommended changes to the school's systems or procedures to ensure that problems of a similar nature do not happen again.
- 3.19 A written statement outlining the decision of the Panel must be sent to the complainant and Headteacher. The letter to the complainant should explain whether a further appeal can be made, and if so, to whom.
- 3.20 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.

- 3.21 For most complaints, parents cannot take their appeal further than the governing body. The LEA does provide a consultancy/mediation service to help schools and the complainant to resolve complaints. Schools are encouraged to use this service if they are unable to satisfy complainants internally.
- 3.22 If the complainant feels that the school has acted unreasonably or not followed the correct procedure, they can move to stage 4 of the procedures and contact the Secretary of State or the Local Ombudsman.

#### **Stage 4: Appeal Stage**

- . 5.1 **The Secretary of State:** Complaints can be taken to the Secretary of State for Education and Employment under Section 496 of the Education Act 1996, on the grounds that a Governing Body or LEA is acting or proposing to act unreasonably, or under Section 497 of the same Act, on the grounds that either the Governing Body or the LEA has failed to discharge its duties under the Act. The Secretary of State may contact the Governing Body or the LEA for more information in order to consider the complaint. These powers relate to County Schools, Voluntary Schools, Grant-Maintained Schools and City Technology Colleges.
- 5.2.1 **The Local Government Ombudsman:** Complaints about the maladministration of Local Authority Services including the way it operates any general school complaints procedure could be made to the Ombudsman. However the Ombudsman does not look at internal school management matters and usually expects that thorough attention has been given to a complaint locally before investigation by the Ombudsman.

## **APPENDIX A - If you have a concern or complaint**

We would like you to tell us about it. We welcome suggestions for improving our work in the school. Be assured that no matter what you want to tell us, our support and respect for you and your child in the school will not be affected in any way. Please tell us of your concern as soon as possible. It is difficult for us to investigate properly an incident or problem, which has happened some time ago.

All staff will make every effort to resolve your problem informally. They will make sure that they understand what you feel went wrong, and they will explain their own actions to you. They will ask you what you would like the school to do to put things right. Of course, this does not mean that in every case the school agree with your point of view but it will help both you and the school to reach a positive outcome and help to prevent a similar problem arising in the future.

### **How to make a complaint**

1. All complaints should be made to the school office. The administrative staff will log the complaint onto the system, noting the time and date on which it was made and will pass on the complaint to the appropriate person.
2. Formal Complaints must be made in writing, or by email . They will be considered and dealt with in accordance with the timescales contained in the School Complaints Policy ( see flowchart below )
3. Complaints can best be dealt with if the information is clear. Anonymous complaints and those which cannot name or describe the children or adults concerned are difficult to deal with.
4. Parents who wish to formally complain should always write or email to the school to log the complaint. They should never enter the building without signing in or attempt to locate a child or member of staff directly as this would be a serious breach of security and against the School Safeguarding Policy
5. School policy as determined by the School Governing Body states it is unacceptable for any person making a complaint to be abusive or aggressive to the school staff. If anyone behaves aggressively or abusively towards staff they will be asked to leave the school premises and to return when they are able to discuss the complaint more calmly. Parents or visitors who are violent towards staff or children in the school will result in the matter being referred to the Police and such persons may be arrested and prosecuted.
6. Initially complaints are resolved most effectively when they are dealt with by the appropriate person. The Headteacher is not necessarily the most appropriate person to deal with a complaint in the first instance (see policy attached) and insisting on speaking only to the Headteacher can cause significant delays in resolving problems.
7. Complaints about the behaviour of a child towards another child, or the behaviour of a group of pupils should be reported either to the form teacher or to the Year Progress Manager in the first instance. If a parent is not happy about the response they receive they may refer the problem to a Deputy or Assistant Headteacher.

8. Complaints about a child's work in a subject or about an incident in a lesson or a matter concerning a class teacher should be dealt with by the class teacher or by the Head of Department, who will refer the matter to their senior line manager if necessary. Parents who are not happy with the response from the Head of Department can ask to speak to an Assistant or Deputy Headteacher.
9. Complaints about children's behaviour to and from school or out of school during the school day should be referred to the Year Progress Manager.
10. Complaints which involve any allegations of child abuse such as assault or inappropriate staff conduct towards a child will be referred DIRECTLY to the Deputy Headteacher & Child Protection Officer –. The Headteacher will be informed immediately and will contact the Child Protection Team. Child protection procedures will be followed. The Deputy Headteacher dealing with the case will keep the parents informed about the progress and outcome of the investigation.

### **What to do next**

If you are dissatisfied with the teacher's response you can make a complaint to the Headteacher. This should be made in writing or by email to [builehill.school@salford.gov.uk](mailto:builehill.school@salford.gov.uk)

If your complaint is about an action of the Headteacher personally, then you should refer it to the Chair of Governors. You can contact him by contacting the Chair Ben Rockcliffe at [builehill.school@salford.gov.uk](mailto:builehill.school@salford.gov.uk) directly.

You may also find it helpful at this stage to have a copy of the full Complaints Policy as this explains in detail what procedures are followed. This is available from the school office.

The Headteacher will arrange a meeting with you to establish the facts. You may invite a friend to accompany you should you wish. The Headteacher will conduct a full investigation of the complaint and may interview any members of staff or pupils involved. You will receive a written response to your complaint.

### **If you are still unhappy**

The problem will normally be solved by this stage. However if you are still not satisfied you may wish to contact the Chair of the Governing Body to ask for a referral of your complaint to a Governors' Complaints Panel. It will then be heard by a group of three governors who have no previous knowledge of the problem and so will be able to give it a fresh assessment. You will be invited to attend and speak to the panel at the meeting, which the Headteacher will also attend. The Complaints Policy explains how these meetings will operate.

### **Further action**

Complaints about school problems are almost always settled within schools but in exceptional cases it may be possible to refer the problem to an outside body such as the Local Authority or the Secretary of State for Education and Employment. Again there is more information in the Complaints Policy.

Below is a flowchart detailing the different stages of the complaints procedure and what the process is at each stage.

**Chart: Stages for Handling Complaints**

<p><b>STAGE ONE: INFORMAL</b></p>	<p>Express concern to members of staff</p> <p style="text-align: center;">↓</p> <p>Satisfactory outcome reached?</p> <p style="text-align: center;">↓                      ↓</p> <p style="text-align: center;">No                      YES →</p> <p style="text-align: center;">↓</p>	<p>(10 days to investigate)</p> <p>No further action</p>
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<p><b>STAGE TWO: HEADTEACHERS OR CHAIR OF GOVERNORS INVESTIGATION</b></p>	<p>Complainant makes written complaint to Headteacher / Chair of Governors</p> <p style="text-align: center;">↓</p> <p>Investigation conducted and reported to complainant</p> <p style="text-align: center;">↓                      ↓</p> <p style="text-align: center;">NO                      YES →</p> <p>If the complainant is unhappy with the Headteachers / Chair of Governors findings they must write within 20 school days stating they wish to go to stage 3.</p> <p>If a response from the complainant is not received within 25 school days following the date of the Headteacher’s letter the complaint is closed.</p>	<p>Acknowledged orally or in writing within 3 school days</p> <p>Within 10 school days</p> <p>No further action</p>
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<p><b>STAGE THREE: GOVERNORS’ REVIEW</b></p>	<p>Complainant makes formal complaint to Governing Body Complaints Panel</p> <p style="text-align: center;">↓</p> <p>Meeting of the Governors Complaints Panel (Complainant and Headteacher attend)</p> <p style="text-align: center;">↓</p> <p>Satisfactory outcome reached?</p> <p style="text-align: center;">↓                      ↓                      →</p> <p style="text-align: center;">NO                      YES</p> <p style="text-align: center;">↓</p>	<p>Within 20 school days (5 days notice of meeting must be given)</p> <p>No further action (Panel decision must be sent to complainant within 15 school days)</p>
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<p><b>STAGE FOUR: APPEAL STAGE</b></p>	<p>Complainant appeals to Secretary of State or Local Government Ombudsman</p>	
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