



## SCHOOL COMPLAINTS PROCEDURE

Committee:	<b>Governing Body</b>
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Last reviewed:	<b>July 2022</b>
Review cycle:	<b>Three years</b>
Required to publish on website?	<b>Yes</b>
Statutory:	<b>Yes</b>

### 1. Context

- 1.1 The St Marylebone CE Bridge School (“the School”) understands that its service to its community includes a responsibility to listen to and address relevant concerns and complaints. This approach is grounded in the School’s Church of England ethos.
- 1.2 From September 2003 governing bodies of all local authority maintained schools including nursery schools are required under Section 29 of the Education Act 2002 to have in place a procedure to deal with complaints relating to the School and to any community facilities or services that the School provides.
- 1.3 The law also requires the procedures to be publicised, but does not specify any particular method.
- 1.4 The law does not specify what the process should be. Many schools already have a procedure in place which should be reviewed in light of experience or changes in legislation.
- 1.5 Academies/Free Schools must comply with the Education (Independent School Standards) (England) Regulations 2014 which require that a complaints procedure is drawn up and effectively implemented which deals with the handling of complaints from parents. Academies/Free Schools should ensure that the complaints procedure:
  - a) is in writing
  - b) is made available to parents of pupils
  - c) sets out clear time scales for the management of a complaint
  - d) allows for a complaint to be made and considered initially on an informal basis

- e) where the parent is not satisfied with the response to the complaint made in accordance with sub-paragraph (d) above, establishes a formal procedure for the complaint to be made in writing
- f) where the parent is not satisfied with the response to the complaint made in accordance with sub-paragraph (e) above, makes provision for a hearing before a panel appointed by or on behalf of the proprietor and consisting of at least three people who were not directly involved in the matters detailed in the complaint
- g) ensures that, where there is a panel hearing of a complaint, one panel member is independent of the management and running of the School
- h) allows for a parent to attend and be accompanied at a panel hearing if they wish
- i) provides for the panel to make findings and recommendations and stipulates that a copy of those findings and recommendations is:
  - i. provided to the complainant and, where relevant, the person complained about; and
  - ii. available for inspection on the school premises by the proprietor and the Head of School
- j) provides for a written record to be kept of all complaints that are made in accordance with sub-paragraph (e) and
  - i. whether they are resolved following a formal procedure, or proceed to a panel hearing; and
  - ii. action taken by the school as a result of those complaints (regardless of whether they are upheld)
- k) provides that correspondence, statements and records relating to individual complaints are to be kept confidential except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access to them.

## **2. Principles**

2.1 In line with the School's Church of England ethos, the School recognises its duty to listen and seek to understand and support people in its community and this includes hearing their concerns or complaints.

### **2.2 Concern or complaint?**

- a) The St Marylebone CE Bridge School ("the School") knows that almost all complaints start as a concern expressed by an individual about something that matters to them. If the School's response is reasonable it is more likely that good relations will be sustained and further upset or complaint will be avoided.
- b) Concerns can become complaints if the initial response is perceived as unreasonable or dismissive. The School knows that if a matter is important to someone their point of view needs to be taken seriously. The School also acknowledges that dismissing a concern may well lead to a formal complaint.

## **3. Complaints happen in all organisations**

3.1 The School recognises that comments and complaints will occur even though the School aspires to operate as effectively and fairly as possible. Complaints can provide important feedback or an indication that some practices may need change.

#### **4. The basis of the complaints procedure**

##### **4.1 The School's complaints procedure:**

- encourages resolution of problems by informal means wherever possible
- is easily accessible and publishable
- is simple and easy to understand and use
- is impartial, non-adversarial and objective
- allows swift handling with established time limits for action and keeping people informed of progress
- ensures a full and fair investigation by an independent person where necessary
- seeks and takes into account the complainant's suggestions for ways of addressing the issue
- respects confidentiality of all parties concerned
- addresses all the points at issue with a response and appropriate redress where necessary
- identifies areas of agreement between the parties and clarifies any areas of misunderstanding
- provides information to leaders and managers so that service can be improved
- overall seeks understanding and resolution wherever possible

4.2 The School's complaints procedure is available to parents of current pupils. However, at the School's discretion, it may choose to deal with complaints from parents of former pupils who have left within the last 6 months under this procedure.

#### **5. Freedom of information and confidentiality**

5.1 The School considers the General Data Protection Regulation (GDPR), the Data Protection Act, Human Rights Act and Freedom of Information Act to be relevant in the context of complaints. The School will give all relevant parties access to the same information as appropriate.

5.2 The School will make it clear to everyone involved that any information they provide, written or verbal will be made available to other relevant parties.

5.3 Investigators will also be made aware that anyone involved is entitled under GDPR and the Data Protection Act to access their written or electronic personal records, which include notes of meetings and conversations.

5.3 The School is also mindful that everyone involved must be assured that the complaint and its investigation will remain confidential within the confines of the School's procedures.

#### **6. Equal Opportunities**

6.1 The School will ensure that no one is discriminated against because of their gender, race, sexual orientation, disability or for any other reason. Advice will be sought as appropriate to ensure that a complainant with any protected characteristic(s) is treated without prejudice.

- 6.2 Translations and/or interpreters will be made available if necessary.
- 6.3 The School will not treat the complainant (or their child) adversely because they have made a complaint.

## **7. Training**

- 7.1 The School will train staff as appropriate in how to deal with complaints, notably how to deal with difficult conversations and conflict, how to ensure equal opportunities are promoted and when to seek advice.
- 7.2 The School recognises that people who feel anxious, annoyed or worried might speak or act in a negative or confrontational way, or might find it hard to express their concern, so knowing how to respond in these circumstances is important.

## **8. Publicising this procedure**

- 8.1 The School will publicise this procedure:
- in the information given to new parents when their child joins the School
  - in newsletters
  - on the School website
- 8.2 By publicising these procedures, the School intends to demonstrate its genuine interest in the views of parents and others in our community and to make it clear how a concern or complaint will be addressed.

## **9. Resolving Complaints**

- 9.1 All responses the School issues to a complaint will be clear, open and honest, addressing all points raised as appropriate.
- 9.2 The School appreciates that if the complainant is not satisfied that their concerns have been acknowledged and responded to, another complaint is likely.
- 9.3 Throughout the procedure the School will keep in mind ways in which a complaint can be resolved. If the complaint is justified, or partly justified, it might be sufficient to acknowledge that it is valid in part or in whole. In each case, as appropriate, the School will consider offering one or more of the following:
- an explanation
  - an admission that the situation could have been handled differently or better
  - an assurance that the event complained of will not happen again
  - an explanation of the steps taken to ensure it will not happen again
  - an undertaking to review the School's policies or practices in the light of the complaint
  - an apology.

## **10. Vexatious Complaints**

- 10.1 Each complaint will be dealt with fairly and individually, and the person making the complaint treated with respect.
- 10.2 The School's complaints procedure should minimise the number of complaints the School considers vexatious. However, if a complainant tries to reopen a previously closed/resolved issue the Chair of Governors will inform them in writing that the procedure has been exhausted and the matter is now closed.
- 10.3 If an individual's approaches become disturbing or distressing, intimidating or harassing, the Chair of Governors and/or London Diocesan Board for Schools (LDBS) advisor will be consulted and legal advice sought.

## **11. The role of the Local Authority (LA)**

- 11.1 Since the School is an academy/free school, the LA does not have formal authority to investigate general school complaints or impose remedies.
- 11.2 However, the School acknowledges that parents and members of the public often contact the LA in the first instance with concerns and complaints about schools. In these circumstances, LA officers will refer complainants back to the School with advice on how to proceed and what to expect. The School knows that LA officers may also get in contact. The School is advised that the LA must play an impartial role, and may provide both complainant and school with information and advice to ensure that the complaint has been dealt with in accordance with the School's Complaints Procedure and that the School's governors have acted reasonably and properly.

## **12. What's not covered?**

- 12.1 The guidelines outlined below refer to complaints about those aspects of school life for which there is no specific statutory requirement. They do not therefore cover complaints or appeals about:
- the delivery of the National Curriculum, arrangements for Collective Worship and religious education
  - disapplication of the National Curriculum
  - Special Educational Needs (SEN) assessments
  - admissions or admissions appeals
  - exclusions
  - staff discipline, grievance, dismissals
  - allegations of child abuse and other child protection issues
  - allegations of financial impropriety or criminal activity

The School has procedures and guidance in place for these areas.

- 12.2 If there is any doubt about whether an issue should be dealt with as a complaint or through some other procedure the Head of School will seek guidance from the Governing Body in the first instance, followed by LDBS and / or the School's legal and HR advisors.

# Complaints Procedure

The procedure is set out below. It is important to note the way a complaint can progress. Most complaints can be resolved at an informal stage, compassionately, reasonably and professionally. If a complaint cannot be effectively resolved informally, it becomes a formal complaint.

## 1. Dealing with concerns and complaints informally

- 1.1 The School recognises that most concerns can be resolved at this stage, whereby the complainant speaks directly with the most appropriate member of staff. If a complaint is received by the governors, this will be referred to the Head of School in the first instance.
- 1.2 At this stage it may be unclear whether the person is asking a question or expressing a concern rather than making a complaint. This is an opportunity to clarify the matter and identify what sort of outcome the person is looking for. At the end of the discussion the person dealing with the concerns should be sure that the complainant is clear what action (if any) is agreed, and what to do if the concern recurs or is not resolved. Although this stage is informal the School will keep a record of the issue and responses made.
- 1.3 Staff are reminded to use the guidance in this policy to support their approach when listening to, receiving and planning to respond to a concern or complaint. It is often useful to seek advice from a line-manager or member of the Senior Leadership Team (SLT).

## 2. Stages of referral

- 2.1 It is important that a complaint is addressed at a level commensurate with the nature of the complaint. For this reason, the School issues guidelines on its website about whom to contact about what kind of issues.
- 2.2 The system should work such that, should the complaint not be resolved by (e.g.) the class teacher or tutor:
  - should it not be resolved at this level, it would be referred to the member of the Senior Leadership Team (SLT) who line-manages that department/year group lead
  - should it not be resolved at that level, it would be referred to the Deputy Head of School
  - should it not be resolved at that level, it would be referred to the Head of School
  - should the Head of School not be able to resolve the issue, the complaint would be referred to the Governing Body

The School understands that it is appropriate in some cases to skip one or more of these levels in order to resolve the complaint effectively.

- 2.3 If the complaint regards a serious safeguarding issue, a child protection issue, an allegation of abuse or a matter with serious disciplinary implications, it would be referred to the Head of School for immediate attention. The appropriate policy and procedures would then be followed (see 12.1 above).

- 2.4 If the complaint is about the Head of School, the complaint will be referred to the Chair of Governors, via the Clerk to the Governing Body (the Clerk).
- 2.5 At the initial stage, the complaint is likely to come in the form of a phone call, email or letter. The School will not insist that complaints are put into writing at this stage. To insist could result in a genuine complaint not being resolved due to lack of confidence on the part of the complainant. The School serves people of many different cultural, social, religious and racial backgrounds and it is important to understand how this can affect people's concerns and the way they communicate these. The School knows that insisting on written complaints can lead to entrenched positions from which it is difficult to achieve a resolution. The School will seek to enable complainants to express their complaint in the form best suited to them.
- 2.6 At each stage of referral of the complaint, the member of staff dealing with the complaint will follow the points set out below.
- a) acknowledge the complaint within two school working days and give a reasonable deadline date by which a response will be provided. A school working day is Monday to Friday during the advertised term times
  - b) provide an opportunity to discuss the issue
  - c) listen and ensure the complainant has an opportunity to be fully heard
  - d) try to establish what sort of outcome the complainant is looking for to resolve the situation
  - e) do not rush to answer the complaint or defend a position - seek to understand first, showing that the School cares
  - f) gather information in relation to the complaint
  - g) keep records with dates of meetings, telephone conversations and other contacts or documentation
  - h) come to a conclusion about the issue and how to resolve it. This could be communicated as a written response, or a meeting or phone call with the complainant could be arranged. However, a record of the outcome will be maintained. The complainant will also be informed of what to do next if still not happy
- 2.7 The complainant is entitled to be accompanied at any meeting, but not by a legal representative (unless expressly agreed in writing by the School), and this will be made clear in an invitation to a meeting.

### **3. Referral to the Chair of Governors (or other designated Governor)**

- 3.1 At this stage a complainant should contact the Chair or other designated governor in writing, via the Clerk ([clerk@stmarylebonebridgeschool.com](mailto:clerk@stmarylebonebridgeschool.com)).
- 3.2 The complainant should explain why they are complaining, to whom they have already spoken and what they want from a further review of the situation.
- 3.3 The Chair should look into the issue and what has already been done and seek some mutually agreeable resolution of the difficulty.

3.4 The Chair of Governors will follow the points set out below:

- a) Acknowledge the complaint within 5 school working days and give a target date for providing a response (usually within 20 school working days). In acknowledging the complaint the Chair may need to explain the powers of the Governing Body on the matter in question and the extent to which it may or may not be possible to achieve the outcome desired by the complainant. For example, a parent may be unhappy with their child's placement in a set. Whilst governors can look at whether their placement was made in a fair, reasonable and consistent way they do not have the power to change the placement, which is an operational matter for the Head of School.
- b) Look into the complaint. The Chair may need to interview the Head of School and possibly other members of staff and may need to meet or contact the complainant. Notes will be kept of meetings.
- c) Check what has been done so far and consider whether anything further might be done.
- d) Communicate their conclusions and/or suggestions to the complainant either in writing or at a meeting or by phone call.
- e) Provide the complainant with the option of a review by a panel of the Governing Body by contacting the Clerk.

#### **4. Review by the Complaints Panel of the Governing Body**

4.1 The School recognises that complaints only rarely reach this formal level. Complaints will not be considered by the full Governing Body as a whole because of the points listed below:

- Governors dealing with an issue need to be impartial; they should have no previous involvement with the issue.
- If a complaint involves a member of staff, they are entitled to confidentiality and protection of their reputation as is the complainant. The School considers that this is best achieved by restricting the number of people involved.
- It is possible that a complaint could lead to disciplinary action against a staff member, and other governors would be needed to hear the matter in an impartial way.

4.2 With these considerations in mind, a complaints panel of at least three governors will be formed to deal with complaints which reach this formal level ("the Panel") – see further below under "Preparation".

4.3 The Panel will have the authority of the Governing Body to act; therefore arrangements will be agreed at the beginning of every school year for convening the Panel where necessary. At this stage, the complaint needs to be put in writing, if it is not already in writing. The Panel will be supported administratively by the Clerk.

#### **5. Preparation**

5.1 On receipt of a written complaint the Clerk will convene the Panel:

- a) Such a panel will be convened ad hoc.



- b) The Panel will be made up of two governors and one person independent of the School.
- c) The two governors on the Panel will be governors who have had no prior direct involvement with the issue.
- d) The Panel will not include staff governors who may not be regarded as impartial by the complainant.

5.2 The Clerk will ask the members of the Panel to elect one of them to act as the Chair of the Panel, and notify the same to the Clerk. The Chair of the Panel will need to consider how to proceed, investigate and resolve the complaint (see Procedures below).

5.3 The Clerk will write to the complainant to acknowledge receipt of the written request within 5 school working days and inform the complainant that the complaint will be investigated by the Panel (stating the members' names) within 20 school working days of receiving the request.

5.4 The letter will also explain the proposed procedure to be followed and that the complainant may submit any further documents relevant to the complaint, which must be received in time for them to be sent to the Panel. The complainant will be given the opportunity to object to the chosen procedure and make submissions as to why an alternative approach may be more beneficial in the circumstances. The complainant will also be asked whether the School needs to make any reasonable arrangements or adjustments to the procedure so as to ensure that the complainant is given full access to the proceedings, for example, as a result of a disability or English language difficulties.

5.5 The Head of School will be informed immediately that a complaint has been received and consulted about the proposed procedure and date of any meeting. The Head of School will be given the opportunity to object to the chosen procedure and make submissions as to why an alternative approach may be more beneficial in the circumstances.

5.6 Both parties will be invited to submit relevant documentation in time to be circulated five school working days before any meeting or formal consideration by the Complaints Panel.

## **6. Procedures**

6.1 The Chair of the Panel, having sought the views of the complainant, the Head of School and the Clerk, will decide which of these following procedures is most beneficial to the nature of the complaint.

### **6.2 A formal meeting**

- a) All parties will attend the meeting in the same room. The complainant and the Head of School and any other staff/witnesses will be invited to make representations concerning the complaint and may be questioned by the Panel members so that they can form a clear and unbiased view of the complaint. Whilst it will be for the Chair of the Panel to decide exactly how the meeting will proceed, the procedure at the meeting will allow:
  - the complainant to explain their complaint
  - the Head of School/other party to explain the School's response

- the Panel to have an opportunity to question both the complainant and the Head of School/other party
  - all involved to call witnesses (subject to the approval of the Chair of the Panel), and the Panel to question all the witnesses
  - the complainant, the Head of School and staff to be accompanied at the meeting if they so wish (other than by a legal representative)
- b) The meeting will be minuted, and these minutes circulated to the parties with the Panel’s decision. At the end of the meeting, the Chair of the Panel will explain to the complainant and the Head of School that the Panel will consider its decision based on the information and evidence presented to them, and a written response will be sent to both parties within 5 school working days.
- c) The School notes that the advantage of this approach is that all parties can hear what the other has to say and can question and comment. The School does acknowledge, however, that there is a risk of the procedure being adversarial and stressful for both parties.

### 6.3 An investigatory approach

- a) The complainant and representative(s) from the School may be invited to attend a formal meeting with the Complaints Panel in order to clarify the matter. As the Panel meeting is intended to be investigatory, rather than adversarial, the persons giving evidence or making representations to the Panel would normally attend separately. Whilst it will be for the Chair of the Panel to decide exactly how the meeting will proceed the procedure will allow:
- the complainant, the Head of School and staff to be accompanied if they so wish (other than by a legal representative)
  - notes of the interview to be made, checked with the interviewee and made available to other parties on request
- b) The Chair of the Panel will explain to the complainant and the Head of School that the Panel will consider its decision based on the information and evidence presented to them, and a written response will be sent to both parties within 5 school working days. See ‘Outcomes’ below.
- c) The School notes that the advantage of this approach is that it avoids the possibility of direct confrontation and associated stress. The disadvantage is that the parties cannot hear what the other has to say or question directly, although notes of the meeting and other documents will be made available. The procedure may become protracted if one or other side queries the process and evidence.

6.4 Whichever procedure is followed, the Panel will remember that some parents/carers are unused to dealing with groups of people in formal situations and may feel inhibited. Parents may also feel emotional about discussing an issue that affects their child. The Chair of the Panel will ensure that the proceedings are as informal as the situation allows.

## 7. Outcomes

7.1 The aim of the Panel is to resolve the complaint and achieve reconciliation between the School and the complainant. However, it is recognised that sometimes it may only be

possible to establish facts and make recommendations which will satisfy the complainant that their complaint has been taken seriously.

7.2 The Panel will consider the complaint and all the evidence presented and

- reach a decision (unanimous or majority) on the complaint
- decide upon the appropriate action to be taken to resolve the complaint
- where appropriate, suggest any changes to the School's systems or procedures to ensure that issues of a similar nature do not happen again.

7.4 A written statement outlining the decision of the Panel and the reasons for reaching that decision should be sent by the Clerk to the main parties. If any action is to be taken against a member of staff, to protect the rights of the staff member concerned, only the phrase 'appropriate action has or will be taken' should be used. The letter to the complainant will also explain whether a further appeal can be made and if so, to whom.

7.5 The Clerk will keep a copy of all correspondence and notes on file. These records will be kept separately from any pupil's individual records in the School.

## **8. Ofsted**

8.1 Under the Education and Inspections Act 2006, parents may complain about a school to Ofsted. Ofsted will refer individual cases to an appropriate channel but may investigate more general concerns about schools.

8.2 Ofsted can investigate complaints about the work of the School as a whole, but are not in a position to investigate any matter that relates only to individual children.

## **9. Repairing Relationships**

9.1 The School's complaints procedure and an open approach will endeavour to promote positive relationships between home and school whatever the outcome of the complaint. The School accepts that occasionally outside help is needed to restore constructive dialogue and that professional mediation can help.

## **10. Recording Complaints**

10.1 The School has a reliable system for recording complaints and their progress. Any member of staff receiving a complaint should keep a record of the initial complaint and all subsequent communication. Copies of this are shared with each member of staff involved at each stage of the process. Once a complaint goes beyond the initial stage of contact with one member of staff, a timeline is begun by the relevant line-manager or member of SLT to keep track of the complaint and associated communication.

10.2 The Governing Body will monitor the number and nature of complaints without individuals being identified. If it becomes clear that there are several complaints about a particular issue then governors will ensure that appropriate action is taken by discussing this in the first instance with the Head of School. A series of review discussions on the issue will be planned to ensure action is being taken to amend the situation.

*This policy is available on request and is on the School's website:*

<https://www.stmarylebonebridgeschool.com/>