

BLACKFEN SCHOOL FOR GIRLS – COMPLAINTS POLICY
LEAD PERSON – HEAD TEACHER

This Policy was adopted by Governors in September 2016.

The Policy will be formally reviewed in September 2019 but will be updated as and when there is any change in legislation or guidance.

Relevant legislation and guidance used in writing this policy

Best practice advice for school complaints procedures 2016 – January 2016

The Education (Independent School Standards) (England) Regulations 2014, Schedule, Part 7.

Creating an academy complaints procedure guidance – January 2015

School Complaints Toolkit 2014 – August 2014

Statutory statement

All academies must have a complaints procedure which meets the standards set out in the 2014 regulations. These regulations set out how complaints procedures are written and how they are used effectively to handle complaints.

Rationale

At the heart of the complaints procedure is the principle that if things go wrong and standards are not met, the **complainant** is entitled to an apology, a full explanation and a swift and efficient remedy as appropriate.

If **any person** does decide to make a complaint against the school, it is important that they can access a system which gives them confidence that their complaint will be taken seriously and heard objectively.

Outcomes

Nearly all complaints are resolved at the informal stage, but occasionally a **complainant** may wish to take their complaint to the next stage if they believe they still have a case to be answered. The staff of the school are usually best placed to consider the concern or complaint and to find an acceptable way forward (unless it is an allegation of child abuse in which case the investigation **will** be referred to Social Services Protection Team). It is therefore strongly recommended that every effort be made to resolve the dispute at the informal stage, as long as this does not compromise the school's position or deny **the complainant** their legal right to take their complaint further.

Definition of concern and complaint

A concern may be defined as an expression of worry or doubt over an issue considered to be important for which reassurances are sought.

A complaint may be generally defined as an expression of dissatisfaction however made, about actions taken or a lack of action.

Timeliness

Complaints need to be considered and resolved as quickly, and efficiently as possible:

- Time limits are realistic and reasonable;
- Complaints must be made as soon as possible after an incident arises (within 3 months of the incident in question); and
- The school may consider exceptions and set new time limits as appropriate.

Framework of Principles

This procedure will:

- Be easily accessible and publicised;
- Be simple to use and understand;
- Be impartial;
- Be non-adversarial;
- Ensure a full and fair investigation by an independent person where necessary;

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- Respect people's desire for confidentiality, wherever possible (some information sharing may be necessary to carry out a thorough investigation);
- Address all points **at** issue, providing an effective response and appropriate redress, where necessary; and
- Provide information to the school's leadership team so that services can be improved.

Serial and persistent complainants

Blackfen School is committed to dealing with all complaints fairly and impartially, and to provide a high quality service to those who complain. We will not normally limit the contact complainants have with the school. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

PROCEDURE

Stage 1: Informal (concern)

Most **concerns** will be effectively dealt with in the first stage. **At this stage the concerned party should be asked what they think may resolve the issue.** Every effort should be made to resolve the difficulty informally in discussion with the class teacher, a senior member of staff or the Head Teacher. We encourage **the concerned party** to approach staff and aim to resolve all issues with open dialogue and mutual understanding. It is expected that **concerns** will be informally dealt with within 5 school days of the concern being raised.

Stage 2: Formal – Head Teacher

If the complainant does not feel that the complaint has been dealt with as they wish at Stage 1 of the procedure, or if they feel that the issue is sufficiently serious, they can make a formal complaint to the Head Teacher. This **must** be made in writing. If the complaint is about the Head Teacher the formal complaint should be addressed to the Chair of Governors **and then investigated at Stage 2 by the Chair of Governors.**

The Head Teacher:

- **Will** acknowledge receipt of the complaint in writing within 5 school days.
- **Will** fully investigate the complaint or appoint an appropriate member of staff to investigate the complaint.
- **Will** respond in writing to the complainant within 15 school days of the complaint being received outlining the result of the investigation. A meeting may also be arranged to outline the result of the investigation.
- **Will** record/log the complaint and report the log to the full Governing Body every term.

Stage 3: Formal – Governor review of the process

If the complainant is not satisfied with the response (Stage 2) then the complainant **will** write to the Chair of Governors within 20 school days of the date of the response in Stage 2. The complainant must request that the **process is reviewed.**

The Chair of Governors:

- **Will** acknowledge receipt of the complaint in writing within 5 school days.
- **Will** appoint a Governor to investigate the complaint **process**, how the school has handled Stages 1 and 2 and if due process has been followed.
- **Will** respond in writing to the complainant within 15 school days of the complaint being received outlining the result of the investigation. A meeting may also be arranged to outline the result of the investigation of the process.
- **Will** record/log the complaint and report all complaints to the full Governing Body every term.

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Stage 4: Formal – Governors’ panel hearing

If the complainant is not satisfied with the response (Stage 3) then the complainant should write to the Clerk to Governors (c/o Blackfen School) within 20 school days of the date of the response in Stage 3. The complainant must request that the complaint is considered further.

The Clerk to Governors:

- **Will** log/record the complaint.
- **Will** set up the panel hearing within 15 school days of the complaint being received.
- **Will** invite the parent(s) to attend and to be accompanied if they wish.
- **Will** convene a panel which consists of 3 people who have no prior involvement with the complaint or with the parent. The panel must consist of at least 1 person who is independent of the management and running of the school. The other 2 members **should** be Governors.
- **Will** publish any information to be considered at the hearing to all parties no later than 5 days before the panel meets.
- **Will** advise Governors to follow a set procedure (see appendix 1).
- **Will** ensure that the panel take appropriate decisions (see appendix 2).
- **Will** provide a written response to all parties within 10 school days of the hearing.

- **Taking the complaint further**

If the complainant is not satisfied with the way in which the complaint has been handled then they should contact the Education Funding Agency (EFA) via the schools complaints form:

https://form.education.gov.uk/submitform.php?self=1&form_id=cCCNJ1xSfBE&type=form&ShowMsg=1&form_name=Contact+the+Department+for+Education&noRegister=false&ret=%2Fmodule%2Fservices&noLoginPrompt=1

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The role of the EFA

The EFA can support academies to achieve a compliant procedure but it is the responsibility of academy trusts to make sure that their complaints procedure is fully compliant. The responsibility of the EFA is to ensure academies comply with their funding agreements.

If a complaint is received by the EFA they will check whether the complaint has been dealt with properly by the academy. They will consider complaints about academies that fall into any of the following three areas:

- where there is undue delay or the academy did not comply with its own complaints procedure when considering a complaint
- where the academy is in breach of its funding agreement with the Secretary of State
- where an academy has failed to comply with any other legal obligation

The EFA will not overturn an academy's decision about a complaint. However, if they find an academy did not deal with a complaint properly they will request the complaint is looked at again and procedures meet the requirements set out in the Regulations.

If the academy's complaints procedure does not meet the Regulations, the EFA will ask the academy to put this right. The EFA may seek to enforce the decision under the terms of the funding agreement on behalf of the Secretary of State, if appropriate.

Appendix 1 – Panel hearing procedure

The procedure for the hearing is:

- 1 Introductions from all parties present.
- 2 Complainant explains the complaint.
- 3 Panel questions the complainant.
- 4 Head Teacher questions the complainant
- 5 Head Teacher explains the school's actions.
- 6 Panel questions the Head Teacher.
- 7 Complainant sums up their complaint.
- 8 Complainant questions the Head Teacher.
- 9 Head Teacher sums up the actions.
- 10 Panel considers all the evidence provided.

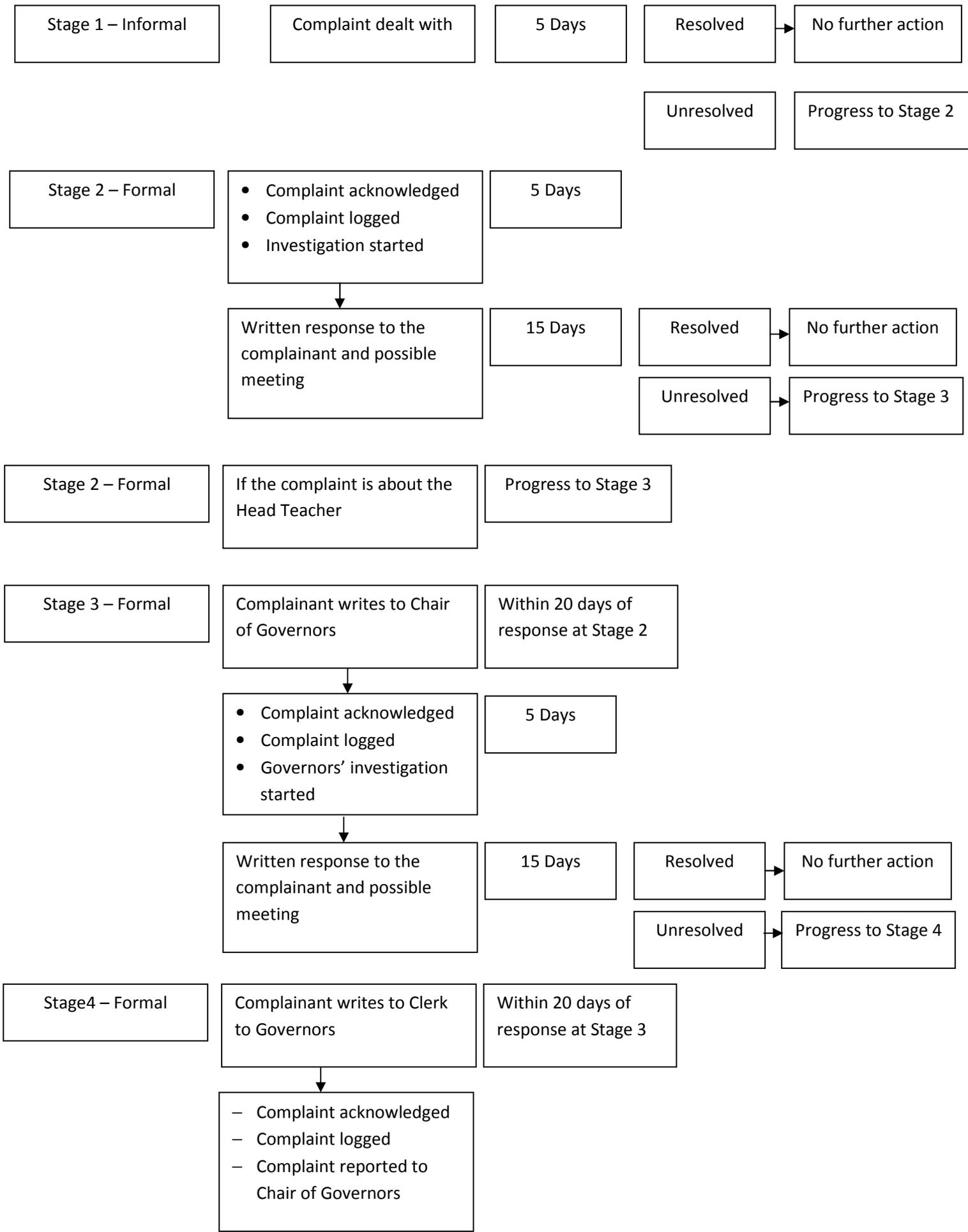
Appendix 2 – Panel hearing decisions/outcomes

The following courses of action are open to the panel. The final actions ~~should~~ will be communicated to all parties in writing within 10 school days of the panel hearing.

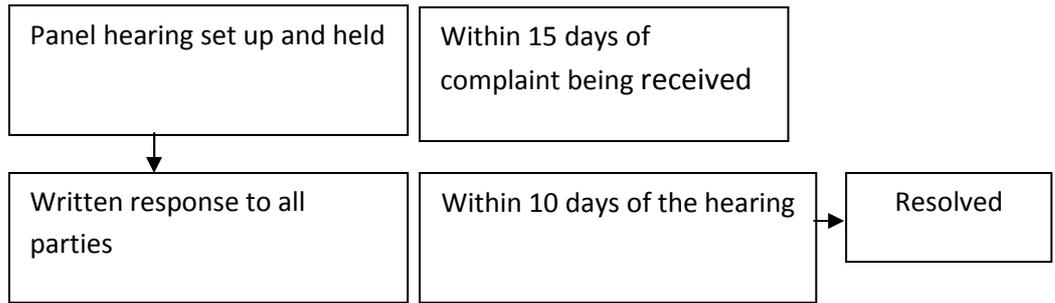
- 1 Dismiss all or part of the complaint.
- 2 Uphold all or part of the complaint.
- 3 Decide on appropriate action to be taken to resolve the complaint.
- 4 Recommend changes to the school's systems or procedures as a preventative step against similar problems arising in the future.

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Appendix 3 – Flowchart



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N.B. All days are school days