

COMPLAINTS POLICY - EXTERNAL

First Version Implemented	Revision Level	Current Version Adopted by School	Review Date	Responsible Person
September 2024	Governors	October 2026	October 2027	Helen Willett Headteacher

GENERAL POLICY STATEMENT

At Chellow Heights School we intend to provide a safe, secure, caring environment where every one is valued and respected equally. We aim to provide an inclusive education where children develop independent learning skills and are taught according to their needs, whatever their age, gender, background, beliefs or abilities. As a dual sided school, wherever possible the ethos and approaches are replicated across both sites. We have had regard to legislation re disabilities, race relations and special education needs and national, and local policies and procedures when compiling this policy.

SCOPE & ACCOUNTABILITY

- Staff, governors, parents and the wider school community should have regard to this policy.
- Accountability for leading administering, implementing and reviewing policy rests with the school leadership.
- Accountability for performing as policy requires rests with all staffs.

INTRODUCTION

We want our children's parents and carers to get to know the staff members as quickly as possible. In this way barriers can be overcome. We know your child is the most precious part of your life and feel privileged to be their teachers and carers. When things go wrong, and they will from time to time, we would like to know about it. The vast majority of concerns you have will usually be resolved by a simple and quiet word with the class teacher. If your initial concern has not been resolved by a teacher and you wish to take a complaint further, our Complaints Policy and a three stage Complaints Procedure will help to resolve your complaint.

This policy does **not** cover complaints procedures relating to:

- Admissions – these should be addressed to the LA
- Statutory assessments of special educational needs (SEN) and Education Health and Care Plans – these should be addressed to the LA

For complaints linked to the following please see the separate policies and procedures:

- Safeguarding
- Exclusion
- Whistle-blowing
- Staff grievances
- Staff discipline

Arrangements for handling complaints from parents about the school's support for their child's SEN are within the scope of this policy. Such complaints should first be made to the class teacher; they will then be referred to this complaints policy. Our SEN policy includes information about the rights of parents of pupils with disabilities who believe that our school has discriminated against their child.

Complaints about services provided by other providers who use school premises or facilities should be directed to the provider concerned.

POLICY

This policy is to inform parents and carers of how we deal with the statutory requirements on schools to manage complaints. It is to give them any information should they wish to make a complaint about any person or activity in school. The complaints procedure in appendix 1 is designed to help guide them through the process that they need to follow. We hope it will support you and prevent any issues from reoccurring. If staff have a complaint, they should follow the policy and procedure for staff complaints and grievances.

Where a complainant makes persistent or serial complaint, we will follow our procedures for serial and persistent complaints.

AIMS

When responding to complaints at Chellow Heights we aim to:

- To be impartial and non- adversarial
- Respect the need for confidentiality
- To be fair, open and honest when dealing with any complaint and where necessary we will use an independent person or panel to complete an investigation.
- To resolve a complaint through dialogue and mutual understanding
- To make lawful, rational, reasonable, fair and proportionate decisions
- To put the interests of the pupils above all else
- Consider how the complaint can improve the schools procedures and school improvement process

We try to resolve concerns or complaints by informal means wherever possible. Where this is not possible, formal procedures will be followed (see the three step procedure in Appendix 1).

The school will aim to give the complainant the opportunity to complete the complaints procedure in full. To support this, we will ensure we publicise the existence of this policy and make it available on the school website. Throughout the process, we will be sensitive to the needs of all parties involved, and make any reasonable adjustments needed to accommodate individuals.

ROLES & RESPONSIBILITIES

The roles and responsibilities of people are outlined in the procedure (appendix 2) as these vary dependent on the stage of the complaint.

DEFINITIONS

The DfE guidance explains the difference between a concern and a complaint:

- A **concern** is defined as “an expression of worry or doubt over an issue considered to be important for which reassurances are sought”
- A **complaint** is defined as “an expression of dissatisfaction however made, about actions taken or a lack of action

RECORDING & REPORTING

- Written records of formal complaints will be made and held with due regard to data protection and GDPR.
- Numbers of formal complaints received will be reported to the governing body each term.

LINKS

- Section 29 of the [Education Act 2002](#),
- [guidance for schools on complaints procedures](#)
- Department for Education (DfE)

Other policies which may be relevant are

- Whistle blowing
- Staff compliments and complaints
- Staff Grievance procedure
- Allegations against staff



APPENDIX 1: COMPLAINTS PROCEDURE

It is expected that all parties involved in the complaint will

- Follow the procedures.
- Co-operate throughout the process, and respond to deadlines and communication promptly.
- Ask for assistance as needed.
- Treat all those involved with respect and confidentiality.
- Not publish details about the complaint on social media or in other media.

Where the complaint cannot be resolved at an informal stage an investigation will take place which will follow the following:

When investigating a complaint, we will try to clarify:

- What has happened
- Who was involved
- What the complainant feels would put things right

TIMESCALES

1. The complainant must raise the complaint **within 3 months** of the incident. If the complaint is about a series of related incidents, they must raise the complaint within 3 months of the last incident.
2. We will consider exceptions to this time frame in circumstances where there were valid reasons for not making a complaint at that time and the complaint can still be investigated in a fair manner for all involved.
3. When complaints are made out of term time, we will consider them to have been received on the first school day after the holiday period.
4. If at any point we cannot meet the time scales we have set out we will:
 - Set new time limits with the complainant
 - Send the complainant details of the new deadline and explain the delay

STAGE 1: INFORMAL STAGE

WHERE TO COMPLAIN?

Class Teacher or appropriate member of staff

- Parents should discuss their concerns with an appropriate member of staff.
- The appropriate member of staff should ascertain if this is a complaint or a concern.

A **concern** is defined as “an expression of worry or doubt over an issue considered to be important for which reassurances are sought”

A **complaint** is defined as “an expression of dissatisfaction however made, about actions taken or a lack of action

- In many cases concerns and complaints are resolved at this informal stage.
- If the concern or complaint remains unresolved the staff member should advise the parent to move the complaint to Stage 2
- If the appropriate member of staff has identified a ‘complaint’, whether resolved or not this should be reported to a senior leader with the outcome at the earliest possible opportunity so that the SLT can keep a tally of complaints received and outcomes to report termly to the governing body.

TIME SCALES & CONTACTS

The complainant should raise the complaint as soon as possible but within 3 months of the incident with the relevant member of staff by note, home school diary, letter, telephone or email.

If the complainant is unclear who to contact or how to contact them, they should contact the school office by phone/email. Details are on the school website.

The school will acknowledge informal complaints normally on the day of receipt but within 5 school days of receipt of the complaint and investigate and provide a response within 15 school days.

If the complaint is not resolved informally, it will be escalated to a formal complaint. Where the complaint is about the headteacher this should go immediately to the Chair of Governors.

STAGE 2: SENIOR LEADERSHIP STAGE

ASSISTANT HEAD OR DEPUTY

The assistant head or Deputy should:

- Meet with the person making the complaint and obtain full details of the complaint.
- Discuss this with the member of staff involved.
- Where a complaint concerns a pupil, where possible the pupil should normally be interviewed.
- Ensure written records are kept of all meetings, telephone discussions and any other relevant documents.
- Consider all the facts and reach a conclusion.
- Write to the person making the complaint giving an explanation of the decision, the reasons for it and, where appropriate, what action the school proposes to take. This should not contain specific information.
- The Headteacher should be kept informed of the complaint, investigation and outcome but not of details.
- Where the complainant is dissatisfied with the outcome of the SLT investigation they should be advised that they can progress to Stage 3 Formal Stage

TIME SCALES & CONTACTS

- The complainant should raise the complaint as soon as possible but within 3 months of the incident with the relevant member of SLT by letter, telephone or email.
- If the complainant is unclear who to contact or how to contact them, they should contact the school office by phone/email. Details are on the school website.
- The school will acknowledge complaints in writing/via email normally on the day of receipt but within 5 school days of receipt of the complaint and investigate and provide a response within 20 school days.
- If the complaint is not resolved. it will be escalated to a formal complaint.
- Where the complaint is about the headteacher this should go immediately to the Chair of Governors.

STAGE 3: FORMAL STAGE

This stage is divided into 3 parts.

1. **Headteacher Formal Investigation Review**
2. **Chair of Governors and Complaints Committee**
3. **Independent Panel review**

HEADTEACHER INVESTIGATION REVIEW

- The headteacher will contact the parent/carer and discuss the complaint. The complainant may be accompanied to this meeting, and should inform the school of the identity of their companion in advance. In certain circumstances, the school may need to refuse a request for a particular individual to attend any such meeting – for example, if there is a conflict of interest. If this is the case, the school will notify the complainant as soon as they are aware, so that the complainant has the opportunity to arrange alternative accompaniment.
- If complainants need assistance raising a formal complaint, they can contact the school office by phone/email – details are on the school website.
- The complainant should provide details such as relevant dates, times, and the names of witnesses of events, alongside copies of any relevant documents, and what they feel would resolve the complaint.
- The headteacher will then conduct their own investigation. review all the paperwork and the details around the complaint.
- The written conclusion of this investigation will be sent to the complainant within 20 school days.
- Where this does not resolve the issue the headteacher will inform the parent to contact the Chair of Governors in writing.

PRINCIPLES FOR REVIEW

When reviewing a complaint, we will try to clarify:

- What has happened
- Who was involved
- Why the outcome is not deemed as resolved
- What the complainant feels would put things right

Formal complaints can be raised:

- By letter or email
- Over the phone
- In person
- By a third party acting on behalf of the complainant

If the complainant wishes to proceed to the next stage of the procedure, they should inform the clerk to the governing board within 10 school days. The clerk is independent of the school, employed by governors services but can be contacted via the school.

The clerk will need the details of the complaint as set out above, as well as details from the complainant on how they feel the previous stage of the procedure has not addressed their complaint sufficiently, and what they feel would resolve the complaint.

CHAIR OF GOVERNORS AND COMPLAINTS COMMITTEE

1. If the parent wishes to proceed to have their complaint reviewed by the Complaints committee, they should contact the Chair of the Governing Body within 10 days of the initial complaint outcome.
2. If a complaint has been through stages 1 and 2, the Chair would normally pass the complaint straight to the Complaints Committee unless it is clear that the matter can be immediately resolved.
3. A complaint against the Headteacher should be referred straight to the Chair of Governors.
 - This would usually involve the Chair speaking with the person making the complaint and the Headteacher to ascertain whether or not the complaint can be resolved at an informal meeting.
 - If the matter cannot be resolved and the complaint falls within the scope of the procedure the Chair should then refer the complaint straight to the Complaints Committee.
 - If the Chair has had some prior involvement in the matter which is being complained of, or is not available the Vice Chair will act on their behalf.

Submit the complaint to the Complaints Committee for Review

COMPLAINTS COMMITTEE

The Complaints Committee of the Governing Body deals with any complaint which has reached the formal stage.

This involves:

- 1. Receiving the complaint**
- 2. Investigating the complaint**
- 3. Making a decision on the complaint**
- 4. Reporting the decision of the Complaints Committee to the Governing Body.**

CONVENING THE COMMITTEE

The complaints committee panel consists of the first 3 members of the governing board available, who don't have direct knowledge of the complaint. These individuals will have access to the existing record of the complaint's progress as outlined above. The governors will select a panel chair from amongst themselves.

If not enough impartial governors are available, we will seek panel members from other schools, the local authority. We will make sure the governors we source are suitably skilled and can demonstrate that they are independent and impartial.

1. RECEIVING THE COMPLAINT

- The Complaints Committee should try to meet as soon as possible after the complaint is received to agree and be clear about what needs to be done and draw up a timetable for doing it.
- The Chair of the Complaints Committee should write to the person making the complaint to:
 - a. explain that the committee is now dealing with the complaint
 - b. confirm that the committee has received a copy of any written complaint
 - c. set out what appears to be the nature of the complaint and to invite the complainant to send any further written information about the complaint
 - d. set out the committee's timescale for dealing with the complaint
 - e. invite the person making the complaint to meet the committee to give full details of their complaint, and inform them they may be accompanied by a friend or representative
 - f. set a reasonable deadline for reply by the person making the complaint, and make it clear that if there is no response by this deadline the committee will proceed on the basis of the information it already has.
- If the person making the complaint accepts the invitation to meet the Committee, arrangements should be made to make this as easy as possible. The Committee may wish to consider the most appropriate time and place for the meeting to take place and whether other facilities such as providing an interpreter would be helpful.
- The committee should also write to the person(s) complained of informing him/her of the complaint and explaining that they will be given the opportunity to give their version of events.

The purpose of all the above is to find out precisely what the complaint is about and to inform the complainant of the procedure and timescale.

2. INVESTIGATING THE COMPLAINT

- The Committee must meet to discuss the complaint and decide what information they need, who they may need to interview in addition to the person(s) complained of and what questions will need to be asked.
- The interviews can proceed with prepared questions followed by other questions if necessary, and the people being interviewed should be asked if they have anything to add. Answers to the questions should be carefully recorded and the people being interviewed should be asked to sign the record of answers.

- The investigation is not a staff disciplinary investigation.
- Following interviews with staff it may be necessary to ask for further information from the person making the complaint.
- The complainant and the person(s) who is the subject of the complaint should be informed if there is any delay in the investigation process.
- When the Complaints Committee is satisfied that it has all the available information it will consider the complaint and all the evidence. Governors serving on the committee should all try to reach an agreed decision and should decide what should be done to resolve the complaint.
- It may be possible for the Complaints Committee to recommend changes to school policies or procedures to prevent the same problem happening again in the future.

3. MAKING THE DECISION

- The Complaints Committee must make their decision on the basis of the information in their possession.
- They should produce an investigation report which documents their decision. This would need to be produced if the complainant was to refer the matter to the Secretary of State.
- This report is usually written by the Chair of the Committee.
- The investigation report will be brief and will usually keep the names of the pupil, parents and people interviewed confidential. Its purpose is to:
 - a. Summarise the evidence gathered
 - b. Give the decisions made by the Complaints Committee
 - c. Give any recommendations made by the Complaints Committee to prevent a similar problem happening again.
- Where conflicting versions of events have been given it should be clear from the report why one version has been preferred over the other.
- In very few cases it could happen that one of the recommendations is for the Governing Body to hold a formal disciplinary investigation to find out if staff disciplinary action is necessary. In this case the Complaints Committee should seek the advice of the School Governor Service and/or the Human Resource Service before the investigation report is issued to the Governing Body.
- The decisions and recommendations of the Committee should be:
 - a. Sent to the person making the complaint with the information that if the Governing Body's response has failed to satisfy the person making the complaint he or she may complain to the Secretary of State for Education and Skills on the grounds that the Governing Body has failed to discharge its statutory duties.
 - b. Sent to the Headteacher.
 - c. Sent to the person(s) complained of.

REPORTING THE DECISION

- The outcome of the complaint should be reported to the Governing Body, for information only, as with any delegated decision.
- The report back should take the form of a paragraph briefly summarising the complaint, the investigation and the outcome. The Committee's recommendations should be given. No names should be given in the report back.

INDEPENDENT PANEL

If the complainant is still unhappy with the outcome the complainant can request an independent panel review from

1. The school has a governor collaboration agreement with other special schools in Bradford. The school can ask for independent governors from other schools to review the investigation.
 2. The complainant can personally complain to the local authority
 3. In Bradford, if it is a safeguarding concern, you can phone to speak to the Bradford Safeguarding Board on 01274 437043.
 4. In Bradford, If your concern is not a safeguarding concern you can contact the Assistant Director for Children's Services through the Bradford Council switchboard on [01274 432111](tel:01274432111).
- The complainant may raise directly concerns/complaints with OFSTED through the Ofsted website, if you have followed the schools complaints procedures on <https://contact.ofsted.gov.uk/online-complaints-schools> or through the Secretary of State for Education can be contacted via the following website <https://www.gov.uk/complain-about-school/state-schools>

CONVENING THE REVIEW MEETING

The complainant must have reasonable notice of the date of the review panel; however, the review panel reserves the right to convene at their convenience rather than that of the complainant. The clerk will aim to find a date within 15 school days of the request, where possible.

If the complainant rejects the offer of 3 proposed dates without good reason, the clerk will set a date. The hearing will go ahead using written submissions from both parties.

Any written material will be circulated to all parties at least 5 school days before the date of the meeting.

AT THE MEETING

At the review panel meeting, the complainant, and representatives from the school, as appropriate, will be present. Each will have an opportunity to set out written or oral submissions prior to the meeting.

The complainant must be allowed to attend the panel hearing and be accompanied by a suitable companion if they wish. We don't encourage either party to bring legal representation, but will consider it on a case-by-case basis. For instance, if a school employee is called as a witness in a complaint meeting, they may wish to be supported by their union.

At the meeting, each individual will have the opportunity to give statements and present their evidence, and witnesses will be called as appropriate to present their evidence.

The panel, the complainant and the school representative will be given the chance to ask and reply to questions. Once the complainant and school representatives have completed presenting their cases, they will be asked to leave and evidence will then be considered.

Each independent panel will review all the information and make a decision as to whether the process followed has been a fair and correct one. This may result in further investigations or the conclusion that the school's investigation was completed fairly and correctly and that the outcome stands.

The panel will then put together its findings and recommendations from the case. The panel will also provide copies of the minutes of the hearing and the findings and recommendations to the complainant and, where relevant, the subject of the complaint, and make a copy of the findings and recommendations available for inspection by the headteacher.

THE OUTCOME

The committee can:

- Uphold the complaint, in whole or in part
- Dismiss the complaint, in whole or in part

If the complaint is upheld, the committee will:

- Decide the appropriate action to resolve the complaint
- Where appropriate, recommend changes to the school's systems or procedures to prevent similar issues in the future

The school will inform those involved of the decision in writing within 10 school days.

Appendix 2 Roles and Responsibilities

INFORMAL STAGE

The complainant will:

- Follow the procedures
- Co-operate with the school throughout the process, and respond to deadlines and communication promptly
- Ask for assistance as needed
- Treat all those involved with respect and confidentiality
- Not publish details about the complaint on social media or in other media.

The Class Teacher will:

- Follow the procedures and communication promptly with the complainant
- Ask for assistance as needed
- Treat all those involved with respect and confidentiality
- Not publish details about the complaint on social media or in other media.
- Report any complaints to a senior leader

The investigator will:

- Be appointed to look into the complaint, and establish the facts. They will:
- Interview all relevant parties, keeping notes
- Consider records and any written evidence and keep these securely
- Prepare a comprehensive report to the headteacher or complaints committee which includes the facts and potential solutions

The Headteacher will be appointed to look into the complaint investigation if the complaint is not resolved at the SLT level and establish the facts.

They will:

- Interview all relevant parties if more information is required, keeping notes
- Consider records and any written evidence and keep these securely
- Prepare a comprehensive report to the headteacher or complaints committee which includes the facts and potential solutions

Clerk to the governing board

The clerk will:

- Be the contact point for the complainant and the complaints committee/ Independent Panel, including circulating the relevant papers and evidence before complaints committee meetings
- Arrange the complaints hearing
- Record and circulate the minutes and outcome of the hearing

Committee Chair

The committee chair will:

- Chair the meeting, ensuring that everyone is treated with respect throughout
- Make sure all parties see the relevant information, understand the purpose of the committee, and are allowed to present their case

Panel Chair

The committee chair will:

- Chair the meeting, ensuring that everyone is treated with respect throughout
- Make sure all parties see the relevant information, understand the purpose of the committee, and are allowed to present their case.

COMPLAINTS FLOWCHART

