

Bryony School



Complaints Policy and Procedure

Part 1: General Principles

Bryony School is proud of the quality of teaching and pastoral care provided to its pupils. However, it is inevitable that situations will arise from time to time in which parents may feel that they have grounds for complaint. Any such complaint will be dealt with by the school according to this Complaints Procedure which also applies to the EYFS.

Our complaints policy and procedure aims to:

- Promote earlier involvement to prevent issues escalating
- Be **simple** to understand and use
- Allow **swift** handling with established **time-limits** for action and keeping people informed of the progress
- Provide an opportunity for constructive criticism and positive means of informing ourselves of concerns and making the necessary improvements
- Provide an **effective** response and **appropriate** redress, where necessary
- Demonstrate accountability and confidentiality.

Part 2: Complaints Procedure

Bryony School has a well-defined three-stage complaints procedure that states at each stage who will be involved and the outcome to expect.

- **Stage 1: Informal Procedure**
- **Stage 2: Formal Resolution - Head teacher**
- **Stage 3: Advisory Board Complaints Appeal Panel**

Timeframes

It is in everyone's interest to resolve a complaint as speedily as possible within the timeframes below within term time and as soon as practicable during holiday periods.

Complaints will be acknowledged within five working days. We aim to complete the first stage within 14 calendar days and the second stage in 14 calendar days. If a complaint proceeds to Stage 3, the Advisory Board will aim to complete this stage within 21 calendar days of receiving the complaint. If further time is necessary at any stage then the complainant will be sent details of the revised timeframe and reason for the delay.

It is important to consider, when making a complaint, the time period that has elapsed since the incident. The school can only be reasonably expected to deal with, and address an issue, that has occurred within the last school term. That doesn't exempt a complaint being made outside of this timeframe, however any subsequent investigation could be difficult due to the passage of time.

Stage One: Informal Procedure

It is anticipated that most complaints and concerns will be resolved quickly and informally. Most parental concerns are routinely dealt with through contact, for example, with the school office, class teacher or Senior Management Team who remain visible and approachable. In the majority of cases, these concerns can be easily resolved at this level and not reach the stage of a formal complaint.

There is no formal procedure to log, deal with and monitor these initial enquiries and concerns, although it is recommended good practice. The following principles guide the handling by staff of complaints by staff at this stage:

- Be a good listener
- Non adversarial
- Accentuate the positive
- Be impartial
- Seek swift solution wherever possible
- Keep all concerned informed of progress made
- Respect the request for confidence where possible
- Record the discussion and inform the Head teacher.

The ability to consider the complaint objectively and impartially is crucial. When a complainant indicates that he/she would have difficulty discussing a complaint with a particular member of staff or indeed a member of staff directly involved feels too compromised to deal with a complaint then the complainant may be referred to another staff member.

Bryony School has a long tradition of an open-door policy to parents. This may mean that on some occasions complaints may come directly to the Head teacher in the first instance. In this case the Head teacher will either continue with the complaint at stage 1 or move this to stage 2 (See below).

Where the complaint concerns the Head teacher, the complainant will be referred to the School's Proprietor and/or to the Chair of the School Advisory Board.

A telephone reply is frequently the most effective way of dealing with a concern or complaint. However, full and clear notes of the conversation must be made. Alternatively the complainant may be invited into school to discuss the issues informally and to try and agree a resolution. It is advisable to have a senior member of staff present to assist or mediate and take notes.

The complainant should be informed of the way in which the matter is being dealt with. Any written communications must be printed on headed paper and approved by the Head teacher or nominated person. Commitments should not be made on behalf of another person, class or year group without first checking that they are able to meet that commitment.

Stage Two: Formal Resolution

If the complaint cannot be resolved on an informal basis or the person raising the concern remains dissatisfied and wishes to take the matter further then this complaint should be put in writing to the Head teacher on the form at *Annex A* to this policy.

The Head teacher or nominated person will record the complaint using the school complaint log at *Annex B*, attaching the complaint form to it. The Head teacher will also record outcomes of discussions. The Head teacher will decide, after considering the complaint, the appropriate course of action to take. In most cases, the Head teacher will meet/speak directly to the parents concerned in a short a time as possible. This would normally not be more than 14 calendar days except in exceptional circumstances such as imminent school holidays. If possible, a resolution will be reached at this stage.

If additional time is required, the Head teacher will send an acknowledgement to the complainant and when they can expect a reply. The Head teacher may delegate the task of collating the information to another staff member but the decision on the action to be taken will be the Head teacher's or a member of the Senior Leadership team in his absence. The Head teacher will give the person making the complaint any decision or outcome as a result of his investigation. This will be by letter recording decisions or outcomes. Bryony School will record the progress of the complaint and the final outcome.

There may on occasions be the need for flexibility, e.g. a member of the Senior Leadership Team or School Advisory Board (although they will be excluded from any further stage 3 proceedings) may need to represent the Head teacher if he is unavailable and the matter cannot be delayed. Any discussions will be recorded and provided to the Head teacher on his return for a decision.

Stage Three: Complaint heard by the Bryony School Advisory Board Complaints Appeal Panel

If the complainant seeks to invoke Stage 3 (following a failure to reach an earlier resolution) he/she needs to write to the Chair of the School Advisory Board within 7 calendar days of receiving the outcome from the Head teacher. The complainant should provide the reason for his/her dissatisfaction with stage 1 and stage 2 and include a copy of the initial complaint form. This request to invoke stage 3 should be sent via the School office addressed to the Chair of the Advisory Board.

The Advisory Board appeal hearing is the last school-based stage of the complaints process. The Chair of the Advisory Board will establish a Panel of three board members with delegated powers to hear complaints at this stage. It is important that it is independent and impartial. The nominated members will need to be able to confirm that they are not tainted or directly involved in respect of the case under determination. Any Advisory Board member having a connection with either a pupil, a member of staff or the incident in question which could affect their ability to act impartially should not serve on the panel. The Panel cannot include the Proprietor or Head teacher. At least one member must be independent of the management and running of the school.

Individual complaints would not be heard by the whole School Advisory Board at any stage, as this could compromise the impartiality of any panel set up for a disciplinary hearing against a member of staff following a serious complaint.

The Panel can:

- Dismiss the complaint in whole or part
- Uphold the complaint in whole or part
- Decide on the appropriate action required to resolve the complaint
- Recommend changes to the school's procedures or policies to ensure problems of a similar nature do not recur

The Panel will review the complaint, the procedure followed by the Head teacher and his decision, request a formal meeting/hearing with the parent or guardian to hear their appeal and may request a reinvestigation of the issues if they deem it to be necessary. The complainant has the right to be accompanied to the hearing, if they wish, by a partner or a friend. The Head teacher and Proprietor have the right to be accompanied by a member of staff as a supporter.

However, it has to be recognised that the complainant might not be satisfied with the outcome of the hearing if it does not find in his/her favour. It may only be possible for the Panel to establish the facts and make recommendations which will satisfy the complainant that his or her complaint has been taken seriously listened to in an open minded and non-judgemental forum.

Following the representation from both sides the Panel will make its findings and recommendations. The Chair of the Panel will communicate the findings and recommendations of their review to the complainant and, where relevant, the person complained about. A written and dated record of the review and any correspondence and any decision or agreed resolution will be retained by the school in confidence for inspection by the proprietor and Head teacher.

In all cases, every reasonable effort should be made to conclude the Panel appeal stage within 21 calendar days if the request to review the decision is made within term time, and as soon as practicable during the holiday periods.

Roles and Responsibilities of the Complaints Panel of School Advisory Board (at Stage 3)

The **Clerk's** role (contactable via the School Office) is to:

- Set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible
- Collate any written material and send it to the parties in advance of the hearing
- Meet and welcome the parties as they arrive at the hearing;
- Record the proceedings
- Notify all parties of the Panel's decision.

The **Chair of the School Advisory Board's** role is to:

- Check that the correct procedure has been followed
- If a hearing is appropriate, notify the Clerk to arrange the Panel

The **nominated Chair of the Panel's role** (usually also the Chair of the Advisory Board) is to ensure that:

- The remit of the panel is explained to the parties and each party has the opportunity state their case and ask question
- The issues are addressed

- Key findings of fact are made
- Parents and others who may not be used to speaking at such a hearing are put at ease which includes ensuring an informal and welcoming layout of the room
- Each party treats the other with respect and courtesy
- The Panel is open minded and acting independently

Vexatious Complaints

If properly followed, a good complaints procedure will limit the number of complaints that become protracted. However, there will be occasions when, despite all stages of the procedures having been followed, the complainant remains dissatisfied. If the complainant tries to reopen the same issue, the Chair of School Advisory Board is able to inform them in writing that the procedure has been exhausted and that the matter is now closed.

Habitual and / or vexatious complainants can be a problem for School staff and School Advisory Board. The handling of such complaints can place a strain on time and resources. Whilst the School endeavours to respond with patience and sympathy to the needs of all complainants there are times when there is nothing further which can reasonably be done. Each case will be viewed individually and decided on its merits.

However, a complainant (and/or anyone acting on his or her behalf) may be deemed to be habitual or vexatious if previous or current contact shows that they may meet any of the following criteria: Where complainants:

- Persist in pursuing a complaint where the school's complaints procedure has been fully and properly implemented and exhausted (e.g. where several responses have been provided).
- Change the substance of a complaint or continually raise new issues or seek to prolong contact by continually raising further concerns or questions upon receipt of a response. Care must be taken not to discard new issues which are significantly different from the original complaints. These may need to be addressed as separate complaints.
- Are unwilling to accept that the School Advisory Board has reached a final decision on a chosen course of action.
- Continue to seek to pursue a complaint where the concerns identified are not within the remit of the School Advisory Board to investigate.
- Have threatened or used physical violence towards staff at any time – this will, in itself cause personal contact with the complainant and / or their representatives to be discontinued and the complaint will, thereafter, only be continued through written communication. All such incidences will be documented. Have harassed or been either personally abusive or verbally aggressive on more than one occasion towards staff dealing with the complaint.
- Make unreasonable demands on the complaint procedure and fail to accept that these may be unreasonable (e.g. insist on responses to complaints or enquiries being provided more urgently than is reasonable within the complaints procedure or normal recognised practice).

In extreme circumstances, the Head teacher or Proprietor may have to inform the complainant that unreasonable or vexatious behaviour may result in legal action against them. Copies of all decisions relating to the categorisation of a person as a habitual or vexatious complainant will be sent to the Clerk of the Advisory Board who will hold and maintain a central register of such decisions.

Investigating Complaints

At each stage, the person investigating the complaint must make sure that they:

- Establish **what** has happened so far, and **who** has been involved;
- Clarify the nature of the complaint and what remains unresolved;
- Meet with the complainant or contact them (if unsure or further information is necessary);
- Clarify what the complainant feels would put things right;
- Interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish;
- Conduct the interview with an open mind and be prepared to persist in the questioning; and
- Respect the request for confidentiality where possible.
- Keep a record of complaints at stage 2 and beyond including interviews, findings and agreed outcomes. It is also recommended that the staff member concerned at stage 1 maintain a log of the complaint.

Resolving a Complaint

At each stage in the procedure, the Head teacher and staff in responding to the complaint or concern will keep in mind ways in which a complaint can be resolved. It may be appropriate to offer one or more of the following:

- An explanation to clarify any misunderstandings that might have occurred
- An apology and admission that the situation could have been handled differently or better
- An assurance that the event complained of will not recur and an explanation of the steps that have been taken to ensure that it will not happen again. This might require a review of school policies in light of the complaint.

Monitoring and review

Bryony School's Advisory Board will monitor the level and nature of complaints and review the outcomes on a regular basis to ensure the effectiveness of the procedure and make changes where necessary. Complaints information may be shared with the whole School Advisory Board but individuals will not be identified. Any outcomes may need to be reflected on the School Improvement Plan. The monitoring and review of complaints may be a useful tool in evaluating the schools performance. This policy is available on the website and how to access it is detailed in the school prospectus, home school agreement or by request at the school office. This policy will be reviewed every three years and every time a formal complaint reaches stage 3, whichever is earlier.

Records

A record of formal complaints will be kept for three years. The record indicates at what point the complaint was resolved. If any parent or prospective parent wants to know the number of formal complaints that have been made in the past year they should contact the Principal.

EYFS

Additional requirements apply for EYFS settings beyond those which apply to the main school. Written complaints about the fulfilment of the EYFS requirements must be investigated and the complainant notified of the outcome of the investigation within 28 days. The record of complaints must be made available to Ofsted on request. A copy of the Ofsted poster for parents is displayed in the Early Years classrooms.

Policy last reviewed and adopted by the Proprietor and Advisory Board (amendments to reflect name of Head teacher)	September 2019
Date of Next review	September 2022

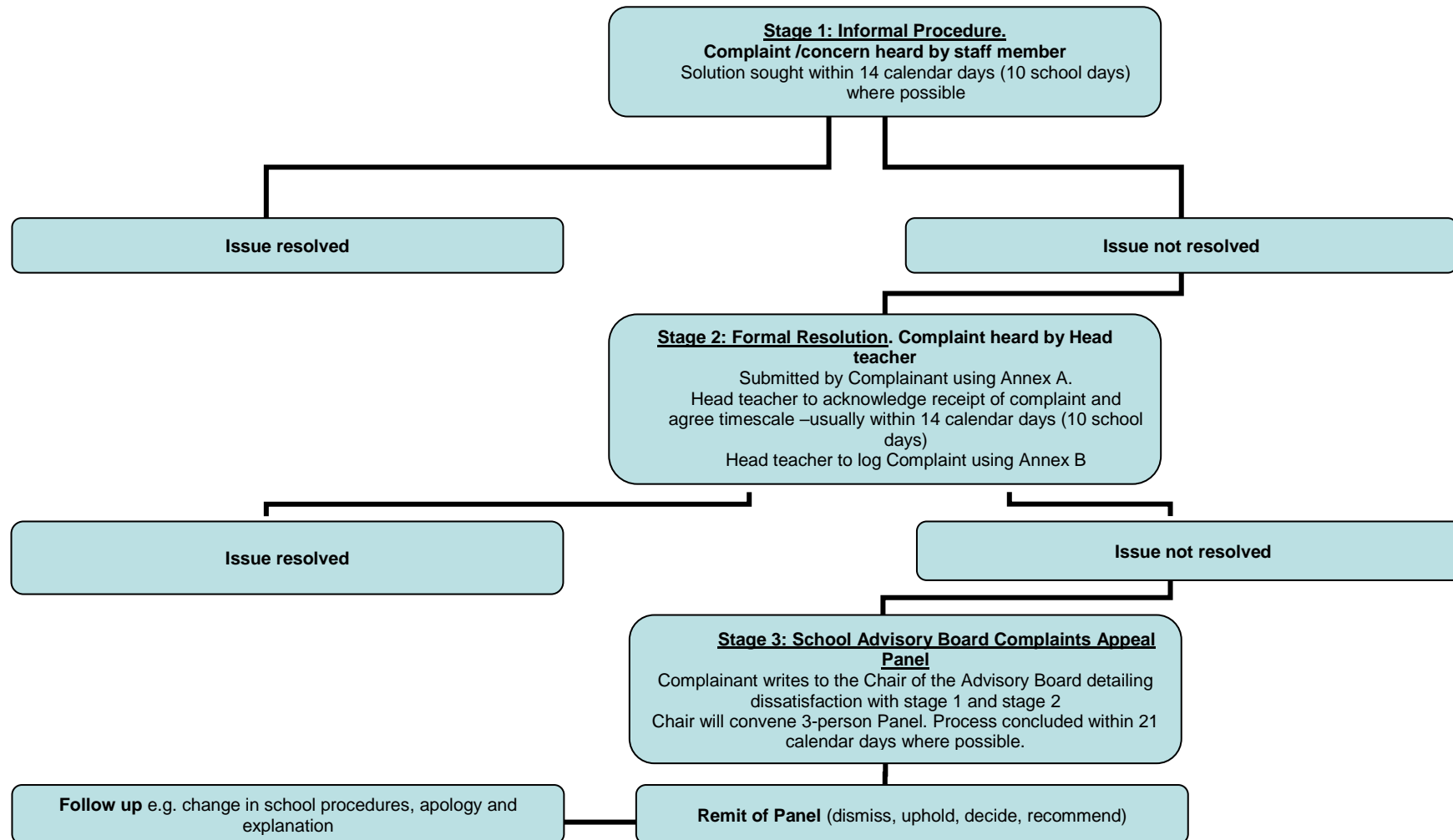
Official Complaints

Academic Year 2016/2017 = 3

Academic Year 2017/2018 = 2

Academic Year 2018/2019 = 2

Summary of Bryony School Complaints Procedure





Complaint Form (Annex A)

Please complete and return to Mrs Gee (Head teacher) who will acknowledge receipt and explain what action will be taken.

Person making the complaint:

If parent/carer your child's name:

Address:

Postcode:

Day time telephone number:

Evening telephone number:

Email:

Please give details of your complaint.

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

What actions do you feel might resolve the problem at this stage?

Are you attaching any paperwork? If so, please give details.

Signature:

Date:

Official use

Date acknowledgement sent and by whom (if applicable):

Complaint referred to:

Date:

Action taken and by whom (where applicable):



Complaint Log (Annex B)

Name of complainant	
Person receiving	
Date and time	
Previous action relating to complaint	
Complaint	
Agreed Action	
Review of action	