

Birkdale High School



Birkdale
High School

Aspire - Thrive - Succeed

Complaints Policy & Procedure



Birkdale High School Complaints Policy

<i>Date of Policy:</i>	<i>March 2017</i>
<i>Members of staff responsible:</i>	<i>Headteacher</i>
<i>Review date:</i>	<i>March 2019</i>

1. This policy has been developed after consulting:

- DfE School Complaints Toolkit 2014.
- Sefton Local Authority Guidance.

2. Introduction

Birkdale High School is committed to providing a quality service and achieving high standards. We are always willing to listen to concerns and be ready to learn from them. Most concerns are likely to be expressed by parents of our students, though some may come from students themselves or from other interested parties.

Informal concerns will be taken seriously with the intention of reducing the number that develop into formal complaints. However, formal complaints should always follow the complaints procedure.

We aim to ensure that:

- Making a complaint is an easy process.
- We treat as a complaint any clear expression of dissatisfaction (with our service), which calls for a response.
- Complaints are treated seriously whether made in person, by telephone, letter or email.
- Complaints are dealt with promptly, politely and appropriately.
- We respond in the right way (for example with an explanation, or an apology where we may have got things wrong, or by providing information on any action taken etc.).
- We learn from complaints and use them to improve our service.

3. Policy Aims and Objectives

This Complaints Policy aims to:

- Encourage the resolution of problems by informal means wherever possible.
- Be non-adversarial.

- Allow swift handling with established time limits for action and keeping people informed of the progress.
- Ensure a full and fair investigation by an independent person where necessary.
- Ensure that concerns are dealt with quickly, fully and impartially within clearly defined time limits
- Address all the points at issue and provide effective responses and appropriate redress, where necessary.
- Respect people's desire for confidentiality.
- Provide a vehicle for improvement within the school.
- Maintain good working relationships between all people involved with the school.

4. Dealing with complaints – formal procedures

The formal procedures will be involved when initial attempts to resolve the issue are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further.

This policy sets out procedures which Birkdale High School will follow whenever it receives a complaint for which there is not alternative statutory procedure laid down (See 'Matters Not Covered by Complaints Procedure', Page 16).

A summary of the various stages is given below:

- 1) Informal discussion and resolution
- 2) Investigation by Headteacher
- 3) Investigation by the Chair of Governors
- 4) Complaints Committee Hearing
- 5) Further recourse, ie to the School Complaints Unit (DfE)

Each of these stages will usually occur in order and there will usually be no return to previous stages.

Investigating Complaints

The school will appoint a member of the Senior Leadership Team to act as the complaints co-ordinator. At each stage, the person investigating the complaint (the complaints co-ordinator), will ensure 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;
- keep notes of the interview or arrange for an independent note taker to record minutes of the meeting.

Resolving Complaints

At each stage in the procedure the school will explore ways in which a complaint can be resolved. It might be sufficient to acknowledge that the complaint is valid in whole or in part. In addition, it may be appropriate to offer one or more of the following:

- an apology;
- an explanation;
- an admission that the situation could have been handled differently or better;
- an assurance that the event complained of will not recur;

- an explanation of the steps that have been taken to ensure that it will not happen again;
- an undertaking to review school policies in light of the complaint.

Complainants will be encouraged to state what actions they feel might resolve the problem at any stage. An admission that we, the school, could have handled the situation better is not the same as an admission of negligence.

At each stage the school will identify areas of agreement between the parties and clarify any misunderstandings that might have occurred.

Vexatious Complaints

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 the Governing Body will inform them in writing that the procedure has been exhausted and that the matter is now closed. If the complainant writes again on the same issue, then the correspondence may be recognised as vexatious and there will be no obligation on the part of the school to respond.

However, should a complainant raise an entirely new, separate complaint, it will be responded to in accordance with the complaints procedure. It is not the complainant who is vexatious; it is the correspondence.

Time Limits

Complaints need to be considered and resolved, as quickly, and efficiently as possible. Realistic time limits have been established for each action within each stage. However, where further investigations are necessary, new time limits can be set. The complainant will be sent details of the new deadline and an explanation for the delay.

Part 2: The Complaints Procedure

The Stages of Complaints

Birkdale High School's complaints procedure has 4 school based stages. These are contained in Annex A. There may, on occasion, be the need for some flexibility; for example, the possibility of further meetings between the complainant and the member of staff directly involved and further investigations may be required by the Headteacher after a meeting with the complainant.

- Stage 1 (informal): complaint heard by staff member (though not the subject of the complaint)
- Stage 2 (formal): complaint heard by Headteacher
- Stage 3 (formal): complaint heard by Chair of Governors
- Stage 4 (formal): complaint heard by the Governing Body's Complaints Appeal Panel

An unsatisfied complainant can **always** take a complaint to the next stage.

Complaints against the Headteacher and/or Chair of Governors

If a complaint concerns either the conduct of the Headteacher or if the Headteacher has been involved in the issue previously, it should be dealt with initially by the Chair of Governors (Stage 3). Complaints against the Chair of Governors or any individual Governor should be made by writing to the Clerk to the Governing Body.

Part 3: Managing and Recording Complaints

Recording Complaints

The school will record the progress of the complaint and the final outcome. A complaint may be made in person, by telephone, or in writing. At the end of a meeting or telephone call, the relevant member of staff will ensure that the complainant and the school have the same understanding of what was discussed and agreed. A note of meetings and telephone calls will be kept and a copy of any written response added to the record.

The complaints co-ordinator will be responsible for the records and hold them centrally.

Governing Body Review

The Governing Body will monitor the level and nature of complaints. It will review annually the outcomes to ensure the effectiveness of the procedure, making changes where necessary. This will be an agenda item on the summer meetings of the Full Governing Body. Complaints information that is shared with the whole Governing Body will not name individuals in case an appeal panel needs to be constituted.

The school complaints procedure will be reviewed biennially. Projected review dates will be published on the policy document and adhered to. The policy will also be reviewed if new guidance or legislative changes are introduced by the Department for Education.

Publicising the Procedure

The school complaints procedures are publicised on the school website and in the information given to new parents when their children join the school.

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 one child or family.

Annex A – Birkdale High School’s Complaints Procedure

The stages of the complaint

Stage 1 (informal): complaint heard by staff member

It is the school’s intention that complaints are resolved at the earliest possible stage. The experience of the first contact between the complainant and the school can be crucial in determining whether the complaint will escalate. To that end, staff will be made aware of the procedures, so they know what to do when they receive a complaint.

If a complainant indicates that he/she would have difficulty discussing a complaint with a particular member of staff, their views will be respected. In these cases, the complainant will be referred to another staff member. Where the complaint concerns the Headteacher, the complainant will be referred to the Chair of Governors. The complainant will be provided with details of how to contact the Chair of Governors.

Similarly, if a member of staff directly involved feels too compromised to deal with a complaint, the complainant may be referred to another staff member. This member of staff may be more senior but does not have to be. It is essential that this member of staff considers the complaint objectively and impartially.

If the first approach is made to a Governor, the complainant will be referred to the appropriate person and advised about the procedure. Governors will not act unilaterally on an individual complaint outside the formal procedure or become involved at the early stages in case they are needed to sit on a panel at a later stage of the procedure.

If the member of staff can’t resolve the concern, they will make a clear note of the date, name, contact address and phone number and a brief note of the nature of the concern. They will also record what sort of outcome the complainant is looking for. The staff member will then refer the complainant to the complaints co-ordinator.

The staff member dealing with the concern will ensure that the complainant is kept informed of any action taken. The emphasis at this stage should be on resolving the issue quickly and informally for the benefit of the complainant, staff, students and parents.

The complainant will receive a response as soon as possible and within a maximum of 10 school days. At this stage the response may be given verbally (either in person or by telephone) or in writing.

Stage 2 (formal): complaint heard by Headteacher

At this point, the complainant may be dissatisfied with the way the complaint was handled at Stage 1 as well as pursuing their initial complaint.

Parents and students will be advised of their right to make complaints. Complaints should be made to the Headteacher. If the complaint is about the Headteacher the Chair of Governors will deal with the matter using this procedure. If the complaint is made verbally a written record of the complaint will be made and checked with the complainant. The Headteacher may delegate the task of collating information to another staff member but not the decision on the action to be taken.

The Headteacher will acknowledge the complaint within 3 school days. The acknowledgement will include a summary of the complaints procedure and a target date for providing a response. This will be within 10 school days. If this date cannot be met, the complainant will be contacted and given a reason for the delay and a revised target date.

The Headteacher will contact the complainant and provide an opportunity for the complainant to discuss their concerns and find solutions. This could be by phone or in a meeting. It will be made clear that the complainant may bring a friend, family member or advocate to any meeting if they wish. Interpreting services will also be made available where necessary. The Headteacher may find it useful to have another member of staff present to observe and record the meeting and promote staff safety. Care will be taken in these circumstances not to create an intimidating atmosphere for the complainant.

The Headteacher will make whatever enquiries s/he considers necessary to ascertain the facts, conclude whether actions were reasonable and decide on the response. This may include

- Interviewing staff/students
- Reviewing minutes of meetings
- Reviewing school records

Students will be interviewed in the presence of another member of staff, or in the case of serious complaints (eg where the possibility of criminal investigation exists) in the presence of their parents. Again, care will be taken in these circumstances not to create an intimidating atmosphere. Students will be told what the interview is about and that they can have someone with them.

It is important that the Headteacher investigates complaints thoroughly and objectively (following Investigating Complaints Procedure, Page 3). If s/he feels unable to do this (eg if s/he has been directly involved in the decision making process that led to the complaint) s/he will delegate responsibility for investigating the complaint to another member of the leadership team or the Chair of Governors. The Headteacher (or designated person) will keep a record of interviews, telephone conversations and other documentation.

Once all the relevant facts have been established, the Headteacher will provide a written response to the complainant. This will include a full explanation of decisions taken and the reasons for them. Where appropriate, it will include details of actions the school will take to resolve the complaint.

The complainant will be invited to a meeting to discuss the response and seek reconciliation. The complainant will be provided with details of how to contact the Governing Body if they are not satisfied with the response.

Stage 3 (formal): complaint heard by the Chair of Governors

If the complainant is not satisfied with the response of the Headteacher or the complaint is about the Headteacher, the complainant should write to the Chair of Governors to request that their complaint is considered further.

The complainant must write to the Chair of Governors giving details of the complaint. A letter received by the school notifying that a complainant is dissatisfied with the outcome of a complaint at Stage Two must be passed to the Chair of Governors within 3 school days. Any complaint received by an individual Governor must be passed to the Chair of Governors within 3 school days.

In the case of a written complaint received directly by the Governing Body, the Chair of Governors must first ensure that:

- The complaint has first been dealt with at Stage 2
- The complaint is covered by the school's complaints procedure not other procedures e.g. personnel or safeguarding

If the Governors cannot hear the matter, it will be referred back to the Headteacher and the Clerk to the Governors will write to the complainant advising them of the correct procedures.

The Chair of Governors will ensure that the complaint is acknowledged within 3 school days. The acknowledgement will also include a summary of the complaints procedure and a target date for providing a response. This will be within 10 school days. If this date cannot be met, the complainant will be contacted and given a reason for the delay and a revised target date.

The Chair of Governors will contact the complainant and provide an opportunity for the complainant to discuss their concerns and find solutions. This could be by telephone or in a meeting. It will be made clear that the complainant may bring a friend, family member or advocate to any meeting if they wish. Interpreting services will also be made available where necessary. The Chair of Governors may find it useful to have another member of staff present to observe and record the meeting. Care will be taken in these circumstances not to create an intimidating atmosphere for the complainant.

The Chair of Governors will make whatever enquiries s/he considers necessary to ascertain the facts, conclude whether actions were reasonable and decide on the response. This may include

- Interviewing staff/students
- Reviewing minutes of meetings
- Reviewing school records

Students will be interviewed in the presence of a member of staff, or in the case of serious complaints (eg where the possibility of criminal investigation exists) in the presence of their parents.

Again, care will be taken in these circumstances not to create an intimidating atmosphere. Students will be told what the interview is about and that they can have someone with them.

It is important that the Chair of Governors investigates complaints thoroughly and objectively (following Investigating Complaints Procedure, Page 3). The Chair of Governors (or designated person) will keep a record of interviews, telephone conversations and other documentation.

Once all the relevant facts have been established, the Chair of Governors will provide a written response to the complainant. This will include a full explanation of decisions taken and the reasons for them. Where appropriate, it will include details of actions the school will take to resolve the complaint.

The complainant will be invited to a meeting to discuss the response and seek reconciliation. The complainant will be provided with details of how to contact the governing body if they are not satisfied with the response.

Stage 4 (formal): complaint heard by the Governing Body's Complaints Appeal Panel

The complainant should contact the Clerk to the Governing Body (where possible in writing) giving details of the complaint and asking that it is put before the appeal panel.

Upon receipt of notification that the complainant is not satisfied with the outcome of a Stage 3 investigation the Clerk to the Governors will acknowledge the complaint within 3 school days and will convene the Governing Body's Complaints Appeal Panel. The letter will explain that the complainant has the right to submit any further documents or information relevant to the complaint.

The Headteacher will also be invited to submit a written report for the committee. This may be a copy of the stage one response. The Headteacher may also invite members of staff directly involved in matters raised by the complainant to respond personally or in writing. A deadline for submission of these documents must be given. This will be at least 5 days before the hearing.

The Clerk to the Governors will convene the complaints committee elected from the Governing Body. The committee will comprise 3 Governors who have had no previous involvement with the complaint. In deciding the make-up of the panel, Governors will try and ensure that it is a cross-section of the categories of Governor and sensitive to the issues of race, gender and religious affiliation.

The complaint will not be heard by the entire Governing Body 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 committee has delegated powers to hear complaints at Stage 4 and to set its terms of reference which include:

- drawing up its procedures
- hearing individual appeals
- making recommendations on policy as a result of complaints

The Complaints Appeal Panel will set a date and time for the hearing and a timetable for the panel meeting. The complainant will be notified of this in writing. The review hearing will be heard within 20 school days of receiving the letter.

The Clerk will write to inform the committee, Headteacher, complainant and any relevant witnesses of the date and time of the hearing, giving a minimum of 5 days' notice. All documents submitted will be circulated to the committee, the Headteacher and the complainant. The complainant will be notified of their right to have a friend, family member, advocate or interpreter present if they wish. The Chair of Governors will ensure that the review panel meeting is minuted.

The Hearing

The Governors' appeal hearing is the last school-based stage of the complaints process and is not convened merely to rubber stamp previous decisions. The appeal hearing must be independent and impartial and must be seen to be so. The Governors sitting on the panel must be aware of the complaints procedure.

The aim of the hearing, which will be held in private, is to resolve the complaint and achieve reconciliation between the school and the complainant. However, it has to be recognised that the complainant might not be satisfied with the outcome if the hearing does not find in their favour. It may only be possible to establish the facts and make recommendations which will satisfy the complainant that his or her complaint has been taken seriously.

The panel will acknowledge that many complainants feel nervous and inhibited in a formal setting. Parents often feel emotional when discussing an issue that affects their child. The panel Chair will ensure that the proceedings are as welcoming as possible. The layout of the room will set the tone and care is needed to ensure the setting is informal and not adversarial.

Extra care needs to be taken when the complainant is a child. Careful consideration of the atmosphere and proceedings will ensure that the child does not feel intimidated. The panel needs to be aware of the views of the child and give them equal consideration to those of adults. Where the child's parent is the complainant, the parent will be given the opportunity to say which parts of the hearing, if any, the child needs to attend.

Any witnesses (other than the complainant and the Headteacher) will only attend for the part of the hearing in which they give their evidence.

Once the panel are satisfied that they have heard all the information they need to make a decision, the Chair of the Panel will explain to the complainant and the Headteacher that the committee will consider its decision and respond in writing within 15 school days. The complainant and the Headteacher will then leave.

The committee will then consider the complaint and all the evidence presented. The panel can:

- uphold the complaint, in whole or in part;
- dismiss the complaint, in whole or in part;
- decide on the appropriate action to be taken to resolve the complaint;
- recommend changes to the school's systems or procedures to prevent similar difficulties in the future.

A written response detailing the decisions, recommendations and the basis on which these have been made will be sent to the complainant within 15 school days. The letter will advise the complainant of the right to refer their concerns to the Secretary of State for Education via The Schools Complaints Unit if they are dissatisfied with the way their complaint has been dealt with. A copy will be provided to the Headteacher.

The school will retain a copy of all correspondence and records of meetings.

Annex B - Roles and responsibilities of those involved in a Stage 4 hearing

The role of the Clerk

The panel considering complaints must be clerked. The Clerk would be the contact point for the complainant and be required 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 (at least five school days in advance);
- meet and welcome the parties as they arrive at the hearing;
- record the proceedings;
- notify all parties of the panel's decision.

The Clerk will share copies of the panel meeting minutes with all parties involved in the panel hearing, providing a reasonable opportunity for the minutes to be agreed and if necessary, challenged.

The role of the Chair of the Governing Body

- Ensure that the correct procedure has been followed;
- If a hearing is requested, notify the Clerk to arrange the panel.

The role of the Chair of the Panel

The Chair of the Panel has a key role, ensuring that:

- the remit of the panel is explained to the parties and each party has the opportunity of putting their case without undue interruption;
- 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;
- the hearing is conducted in an informal manner with each party treating the other with respect and courtesy;
- the panel is open minded and acting independently;
- no member of the panel has a vested interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure;
- each side is given the opportunity to state their case and ask questions;
- written material is seen by all parties. If a new issue arises it would be useful to give all parties the opportunity to consider and comment on it.

Annex B Contd. - Complaints Panel Checklist

- The Hearing is as informal as possible
- Witnesses are only required to attend for the part of the hearing in which they give their evidence
- After introductions, the complainant is invited to explain their complaint, outline their desired outcome and be followed by their witnesses
- The Headteacher may question the complainant and the witnesses after each has spoken
- The Headteacher is then invited to explain the school's actions, their views on the desired outcomes and be followed by the school's witnesses
- The complainant may question both the Headteacher and the witnesses after each has spoken
- The panel may ask questions at any point
- The complainant is then invited to sum up their complaint
- The Headteacher is then invited to sum up the school's actions and response to the complaint
- The Chair explains that both parties will hear from the panel within 15 school days
- Both parties leave together while the panel decide on the issues
- Panel write to the complainant with their findings and their right to contact the Secretary of State and send a copy to the Headteacher

Annex C - Dealing with Unreasonable Complaints

In a small minority of cases people pursue their complaints in a way which is unreasonable. They may behave unacceptably, or be unreasonably persistent in their contacts and submission of information. The nature or frequency of their contacts may hinder the school's consideration of their (or other people's) complaints. These actions can occur either while their complaint is being investigated, or once the school has concluded the complaint investigation.

A complaint can be regarded as unreasonable when the person making the complaint:

- Refuses to specify the grounds of a complaint, despite offers of assistance.
- Refuses to co-operate with the complaints investigation process.
- Refuses to accept that certain issues are not within the scope of a complaints procedure.
- Insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice.
- Makes unjustified complaints about staff who are trying to deal with the issues and seeks to have them replaced.
- Changes the basis of the complaint as the investigation proceeds.
- Raises numerous, detailed but unimportant questions; insisting that they are answered.
- Repeatedly makes the same complaint and refuses to accept the findings of the investigation into that complaint.
- Seeks an unrealistic outcome.
- Has a history of making unreasonable complaints.
- Makes frequent, lengthy, complicated and stressful contact with staff regarding the complaint.
- Makes covert recordings of meetings.

A complaint will also be considered unreasonable if the person making the complaint does so:

- maliciously;
- aggressively;
- using threats, intimidation or violence;
- using abusive, offensive or discriminatory language;
- knowing it to be false;
- using falsified information.

The behaviour may include one or two isolated incidents or an accumulation of incidents or behaviour over a longer period.

In most cases, the Headteacher will discuss the concerns with the complainant informally before invoking the procedure. If the behaviour continues the Headteacher will write to the complainant explaining what behaviour is unreasonable and asking them to change it.

In the case of a serious incident of aggression or violence the concerns and action will be put in writing immediately. If the complainant fails to make the required changes, the Headteacher and/or Chair of Governors will liaise with legal services before deciding what action to take.

The Governors may consider:

- Warnings/contract regarding future conduct.
- Restricting telephone calls to a particular day/time or person.
- Restrictions on methods of contact (eg in writing only).
- Not acknowledging future correspondence that does not present new information.
- Temporary suspension of the person's access to the complaints system.

The complainant will be informed in writing of any action taken and how long the action will last. Any such restrictions will be reviewed within three months.

They must also be advised how to complain to the Governing Body.

The Headteacher and Chair of Governors will agree who within the school should be informed of the decision. Consideration must be given to the needs of the individual and the health and safety of staff.

For example:

- If the decision is taken because of aggressive behaviour it might also be appropriate to ban the person from the school premises.

The complainant will be notified of the outcome of any review of restrictions.

Annex D - Some Matters Not Covered by Complaints Procedure

The complaints procedure does not apply to proceedings where there is an existing appeals process eg SEND EHC plans, allocation of school places, exclusions.

Special Educational Needs

Where there are difficulties regarding SEN provision, parents can get support and information from the Parent Partnership. Where there is a clear disagreement, Children's Services has a duty to provide opportunities for disagreement resolution. They should demonstrate independence and credibility in working towards early and informal resolution of disagreements. Parents have a right of appeal, which can be lodged with the First-tier Tribunal (Special Educational Needs and Disability). This is not affected by entering into disagreement resolution. Disagreement resolution can run alongside the appeals process. Information about this is contained on Sefton Council's website.

School Admissions and arrangements for appeals are set out in the school admissions arrangements published on the school's and Sefton's website.

School Exclusions are covered by the school's exclusions policy and statutory guidance.

Annex E - Useful Contacts

Sefton Council	0845 140 0845
Children's Complaints Officer 9 th Floor, Merton House, Stanley Road, Bootle, L20 3JA childrenscomplaints@sefton.gov.uk	0151 934 3628
Parent Partnership Caretakers House, Good Shepherd Site, Sterrix Lane, Litherland L21	0151 291 0551
Sefton Carers Centre South Road, Waterloo	0151 288 6060
Sefton Advocacy 1st Floor, Gordon House, 3-5 Leicester Street, Southport PR9 0ER	01704 500500
Citizen's Advice Bureau 24 Wright Street SOUTHPORT Merseyside PR9 0TL Goddard Hall, 297 Knowsley Road BOOTLE L20 5DF	01704 531456 0151 922 1114
Ofsted	08456 40 40 www.ofsted.gov.uk
Children's Commissioner	www.childrenscommissioner.org
Children's Rights Director	www.rights4me.org
Department for Education The School Complaints Unit (SCU) Department for Education 2 nd Floor, Piccadilly Gate, Manchester. M1 2WD.	www.education.gov.uk
Coram Children's Legal Centre	08088 020 008 www.childrenslegalcentre.com