

Bishop Road School

Part 1: Complaints Procedure February 2018

In order to investigate your complaint as fully as possible the governing body of Bishop Road School has implemented a staged approach. All complaints must be brought within 6 school weeks of the incident/matter/issue giving rise to the complaint or of the incident coming to the attention of the complainant. No complaints brought anonymously or based on anonymous information will be investigated. We are fully committed to dealing with all complaints fairly and impartially, in a friendly, respectful and professional way. It is in everyone's best interest to ensure complaints are resolved as quickly and informally as possible.

We anticipate that almost all complaints that arise will be resolved at Stage 1 or Stage 2 below, and that Stages 3 and 4 will only need to be followed on very rare occasions.

Stage 1: The first contact

- 1.1. Complainants are always welcome to discuss any concerns with the appropriate member of staff, who will clarify with the complainant the nature of the concern and reassure them that the school wants to hear about it. The member of staff may explain to the parent how the situation happened. It can be helpful at this point to identify what sort of outcome the complainant is looking for.
- 1.2. If the member of staff first contacted cannot immediately deal with the matter, s/he will make a clear note of the date, name and contact address or phone number.
- 1.3. All members of staff will know how to refer, if necessary, to the senior leader with responsibility for the particular issue raised by the complainant. S/he will check later to make sure the referral has been dealt with.
- 1.4. If the matter is brought to the attention of the Head Teacher by a member of staff at this stage she may decide in her discretion to deal with the concern directly or refer the complaint to a senior leader at this stage; if the complaint

is against the Head Teacher the complainant will be advised to contact the Chair of the Governing Body.

- 1.5. The member of staff dealing with the concern will make sure the complainant is clear what action (if any) or monitoring of the situation has been agreed, putting it in writing if appropriate.
- 1.6. Where no satisfactory solution has been found within 10 working days, the complainant will be advised that if s/he wishes their concern to be considered further they should write to the Head Teacher. Complainants are required to use the school's complaint record form.

Stage 2: Referral to the Head teacher for investigation

- 2.1 The Head Teacher (or a designated person) will acknowledge the complaint in writing within 5 working days (i.e. school days excluding weekends and school holidays) of receiving the written complaint. The acknowledgement will give a brief explanation of the school's complaints procedure and a target date for providing a response to the complaint. This should normally be within 20 working days. If this proves impossible, a letter will be sent explaining the reason for the delay and giving a revised target date.
- 2.2 The Head Teacher will provide an opportunity for the complainant to meet him/her (or designated person) to supplement any information provided previously. It will be made clear to the complainant that if s/he wishes s/he may be accompanied to any meeting by a friend, relative, representative or advocate who can speak on his/her behalf.
- 2.3 If necessary the Head Teacher (or designated person) will interview witnesses and take statements from those involved. If the complaint centres on a pupil, the pupil should also be interviewed. Pupils should normally be interviewed only with parents/guardians present, but if this would seriously delay the investigation of a serious/urgent complaint or if the pupil has specifically said that s/he would prefer that parents/guardians were not involved, another member of staff with whom the pupil feels comfortable should be present. If a member of staff is complained against, they must have the opportunity to

present their case (see General Principles).

- 2.4 The Head Teacher will keep written records of meetings, telephone conversations and other documentation.
- 2.5 Once all the relevant facts have been established as far as possible, the Head Teacher (or designated person) will then produce a written response to the complainant, including a full explanation of the decision and the reasons for it. Where appropriate, this will include what action the school will take to resolve the complaint. The complainant will be advised that should s/he wish to take the complaint further s/he should notify the Chair of Governors within 20 working days of receiving the letter.
- 2.6. If, in the course of an investigation, a fault is identified, the Head Teacher should take immediate action to put matters right so that any potential injustice does not continue or risk happening to somebody else.

What if the complaint is about the Head Teacher?

If the complaint is against the Head Teacher, or if the Head Teacher has been closely involved at Stage 1, the Chair of the Governing Body (or a governor designated by him) will carry out all the Stage 2 procedures.

What if the complaint is about a governor?

The complainant should still contact the Chair of Governors who will investigate the concerns. If the complaint is about the Chair of Governors the complainant should be referred to the Vice Chair. If the complaint is about the governing body as a whole, the complainant should be referred to the Strategic Director, Children, Young People and Skills, Bristol City Council.

Stage 3: Review by the Governing Body

- 3.1 The Chair of the Governing Body will write to the complainant to acknowledge receipt of the written request for the governing body to review the complaint.

The acknowledgement will inform the complainant that three members of the school's governing body will endeavour to hear the complaint within 30 working days of receiving the request. The letter will also explain that the complainant has the right to submit any further documents relevant to the complaint. These must be received in good time for the documents to be sent to the three members, so not less than 10 working days before the panel review.

- 3.2 A meeting of the Governors' Complaints Panel will be convened by the chair of governors and a clerk to the panel will be appointed.

The Complaints Panel can be drawn from the whole governing body. Governors with prior involvement must not be included on the panel. If s/he has not previously been involved the chair of governors can chair the panel. However this does not need to be the case. It is up to the Complaints Panel to decide who should be its chair. When deciding on the make up of the panel, bear in mind the advantages of including a parent governor and if possible having a balance of race and gender. It is not appropriate for the Head teacher to sit on the panel. Careful consideration will need to be given whether it is appropriate for staff governors to be appointed as panel members; in many instances this may lead to a conflict of interest.

- 3.3 The Chair/Vice-Chair will endeavour to ensure the Panel hears the complaint within 30 working days of receiving the request. All relevant correspondence relating to the complaint will be given to each Panel member as soon as the composition of the panel is confirmed. If the correspondence is extensive, the Chair may prepare a thorough summary for sending to Panel members.
- 3.4 The Chair or clerk will write and inform the complainant, Head Teacher, any relevant witnesses and members of the Panel at least 10 working days in advance of the date, time and place of the meeting. The notification will also inform the complainant of his/her right to be accompanied to the meeting by a friend/advocate/interpreter and explain how the meeting will be conducted.
- 3.5 The Head Teacher will be invited to attend the Panel meeting and will be asked to prepare a written report for the Panel in response to the complaint. All concerned, including the complainant, should receive any relevant documents

including the Head teachers report, at least 5 working days prior to the meeting.

The Head Teacher may also invite members of staff directly involved in matters raised by the complainant to respond in writing or person.

3.6 The meeting should allow for:

- The meeting will be conducted in two parts which will be held separately and in private. Except in unusual circumstances, the Panel will hold both parts of the meeting on the same day
- In the first part, the complainant will explain their complaint and present any evidence on which they rely. Panel members to have an opportunity to question the complainant and witnesses. The complainant and witnesses will then leave.
- In the second part, the Head Teacher and/or other members of staff will respond to the complaint and additional matters arising from part one. Panel members to have an opportunity to question the Head Teacher and/or other members of staff. The Head Teacher and witnesses will then leave.

It is the responsibility of the Clerk of the panel to ensure that sufficient notes are taken to record an accurate reflection of the points considered and any decisions taken or actions agreed. The notes do not need to be verbatim but should be sufficient to remind the panel of the evidence that has been presented and the reason for the decision.

3.7 The Chair of the Panel will explain to both the complainant and Head Teacher that the Panel will consider its decision and that a written decision will be sent to both parties within 20 working days.

3.8 The Panel will then consider the complaint and all the evidence presented and

- Reach a unanimous, or at least a majority decision on the complaint;
- Decide upon the appropriate action to be taken to resolve the complaint; and
- Where appropriate, suggest recommended changes to the school's systems or procedures to ensure that problems of a similar nature do not happen

again.

- 3.9 A written statement outlining the decision of the Panel will be sent to the complainant and Head Teacher. Should the Panel findings result in disciplinary proceedings against a staff member, this is a matter that shall remain confidential to the school. The letter to the complainant should also explain how a further appeal can be made.
- 3.10 The school should ensure that a copy of all correspondence and notes are kept on file in the school's records. These records should be kept separately from the pupil's personal records.

Stage 4 The complaint is sent to the Local Government Ombudsman

- 4.1 If a parent or pupil is making the complaint, and they wish to go beyond the governors' complaints panel, they should be advised to write to the Local Government Ombudsman (LGO). The LGO's contact details should be included in the letter from the governor's complaints panel. The LGO will then investigate and review as appropriate.

Someone with a complaint can contact the LGO Advice Team on **0300 061 0614**, or complete an online complaints form at <https://www.lgo.org.uk/contact-us>

Part 2: Unreasonably persistent complainants and unreasonable complainant behaviour

Bishop Road School is fully committed to dealing with all complaints fairly and impartially, in a friendly, respectful and professional way. We are sure that you will understand the need to behave in a similar way as it is in everyone's best interest to help ensure the matter can be resolved as quickly and informally as possible. However the school does not expect its staff or governors to tolerate behaviour by complainants which is unacceptable, for example, which is abusive, offensive or threatening, and they will take action to protect staff and governors from any such behaviour if it occurs. Also, there may be complainants who, because of the frequency of their contact with the school, hinder our consideration of their or other people's, complaints and potentially the running of the school.

We anticipate that such behaviour will be a very rare occurrence, but if we consider a complainant's behaviour is unacceptable or unreasonably persistent, we will tell them why and ask them to change it. If the behaviour continues, we may take action to restrict the complainant's contact with the school.

The decision to restrict access to the school will be taken by the Head Teacher and Chair of governors. Any restrictions imposed will be appropriate and proportionate. They may include:

- requesting contact in a particular form (for example, letters only);
- requiring contact to take place with a named member of staff or governor;
- restricting telephone calls to specified days and times; and/or
- asking the complainant to enter into an agreement about their conduct.

In all cases we will write to tell the complainant why we believe his or her behaviour is unacceptable or unreasonably persistent, what action we are taking and the duration of that action. We will also tell them how they can challenge the decision if they disagree with it.

Where a complainant continues to behave in a way which is unacceptable or

unreasonably persistent, we may decide to terminate contact with that complainant and discontinue any investigation into their complaint. If we decide to carry on treating someone as an unreasonably persistent complainant and we are still investigating their complaint six months later, we will carry out a review and decide if restrictions will continue.

Where the behaviour is so extreme that it threatens the immediate safety and welfare of the school's staff or governors, we will consider other options, for example reporting the matter to the Local authority, the police or taking legal action. In such cases, we may not give the complainant prior warning of that action.

Where a complainant whose case is closed persists in communicating with us about it, we may decide to terminate contact with that complainant. In such cases, we will read all correspondence from that complainant, but unless there is fresh evidence which affects our decision on the complaint we will simply acknowledge it or place it on the file with no acknowledgement.

New complaints from people who have come under the unreasonably persistent complainants policy will be treated on their merits.

Policy adopted: February 2018

Policy review: February 2020

Adopted by Chair of Staffing and Pay