



BREACHWOOD GREEN SCHOOL

COMPLAINTS POLICY AND PROCEDURE

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Introduction

Department for Education (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”. The school will resolve concerns through day-to-day communication as far as possible. A complaint is defined as “an expression of dissatisfaction however made, about actions taken or a lack of action”

Principles for investigation When investigating a complaint, we will try to clarify:

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

We also intend to address complaints as quickly as possible. To achieve this, realistic and reasonable time limits will be set for each action within each stage. Where further investigations are necessary, new time limits will be set, and the complainant will be informed of the details of the new deadline with an explanation for the delay.

The school expects that complaints will be made as soon as possible after an incident arises and no later than three months afterwards. 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.

When responding to complaints, we aim to:

- Treat complainants with respect;
- Be impartial and non-adversarial;
- Facilitate a full and fair investigation by an independent person or panel, where necessary;
- Address all the points at issue and provide an effective and prompt response;
- Respect complainants’ desire for confidentiality;
- Keep complainants informed of the progress of the complaints process;
- Consider how the complaint can feed into school improvement evaluation processes
- Provide a full and clear written reply to formal complaints within 28 school days (5½ weeks) .

Under this complaints procedure any member of school staff who is complained about will have the opportunity to respond to the complaint during its investigation and will be able to see any subsequent response sent to the complainant.

There is an entirely separate procedure for schools to follow in dealing with staff disciplinary matters.

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Therefore, if in the course of their consideration of a complaint the Governing Body or Local Authority conclude that disciplinary proceedings should be started, they will take separate action.

How to make a complaint

If your first contact is with individual Governors, they will advise you to take up your concerns with the appropriate member of staff or Headteacher. A Governor should not be made aware of a potential complaint as they may be required to sit on a Panel in the event of a formal hearing (Stage Two) and should be impartial.

Stage 1: In the first instance – informal stage (not complaints about the Headteacher)

If you have a concern about anything we do, or if you wish to make a complaint, you can do this by telephone, in person or in writing (by letter or email). We hope that most complaints can be settled quickly and informally, either by putting matters right or by giving you an explanation. If there is something you are not happy about, or you don't understand why we are doing something in a particular way, please come in and discuss it with the class teacher or another appropriate member of staff, such as the Special Educational Needs Co-ordinator (SENCo) if it is about Special Needs.

If your child has a Statement of Special Educational Needs (SEN) or an Education, Health and Care Plan (EHCP) you might find it helpful to talk to our Special Educational Needs Co-ordinator (SENCo) or your child's named Special Needs Officer at the Local Authority. The SEND Information Advice and Support Service (SENDIASS – formerly Parent Partnership) may also be able to help you.

We know that it can feel uncomfortable to question or challenge something, but if you don't tell us what is worrying you we cannot explain what we are doing or try to put it right. If the member of staff you speak to in the first instance is unable to attempt to resolve the matter, you should make an appointment with the Headteacher. You should be able to sort out your worries but sometimes this is not possible. In this case there is a next step and the complaint is escalated to the first Formal stage.

Stage 2 : First formal stage

This should include everything you wish considered in respect of your complaint such as relevant dates, times, and the names of witnesses of events, alongside copies of any relevant documents. You should make it clear:

- why you are complaining;
- who you have spoken to already;
- what you want to happen as a result of your complaint.

You should request a meeting with the Headteacher who will investigate your complaint and aim to inform you of the outcome **within 10 school days (2 weeks)**.

If your complaint is about the Headteacher, you should write to the **Chair of Governors**

If you wish to proceed to the next stage of the procedure, you should inform the Chair of Governors in writing within 10 school days (2 weeks) from the date you receive the letter stating the outcome of your Stage 2 complaint.

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Stage 3 - Second formal stage

If you remain dissatisfied following Stage 2 and wish to take your complaint further, you will be asked to complete a form or write a letter addressed to the Chair of Governors. In the letter you should:

- Make it clear why you are complaining, including evidence as above.
- Say who you have spoken to already and why you feel the previous stage of the procedure has not addressed your complaint sufficiently.
- Explain what you want to happen as a result of your complaint.

The Chair of Governors will arrange for your complaint to be considered and investigated under the arrangements approved by the Governing Body. This should involve a Panel of Governors at a hearing where the complainant and the respondent are invited to attend. If the Chair of Governors or another Governor has been involved in discussions to help settle the matter at Stage 2, s/he should arrange for another Governor to take charge of the situation. Neither the Chair of Governors nor the Governor in charge should sit on the Panel themselves and they should instead ensure that a Panel is convened in line with the timeframes. Where the Governing Body is aware of the substance of the complaint before the review panel stage, the school will (where reasonably practicable) arrange for an independent panel to hear the complaint. These individuals will have access to the existing record of the complaint's progress. The Governor in charge of investigating the complaint may ask to meet you to discuss your concerns. It is not advisable for a Panel to investigate and conclude matters without giving the Complainant and Respondent the opportunity to respond. Therefore a formal hearing with all in attendance is most preferable.

You should make sure that the Governors' Complaint Panel is provided with any written information or evidence you intend to use in a formal hearing. You may bring a friend, representative or interpreter to any meeting if you wish. The Chair of the Panel may invite any person who may help establish the facts of the complaint. The Chair should tell you who this person is before the meeting. If any member of staff is required by the Governing Body to attend a meeting they will have the opportunity to be accompanied or represented as they wish. A member of staff named in a complaint may also choose to attend a meeting, even if not required to do so by the Governors. They may be represented. If this happens, we will inform you in advance.

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, yourself and the school representative will be given the chance to ask and reply to questions. Once yourself and school representatives have completed presenting your case, you will be asked to leave and evidence will then be considered. The panel must then put together its findings and recommendations from the case. When the panel has fully considered your complaint, the Chair of the panel will write and let you know their findings and any agreed actions to be taken. These findings will be reported to the Governing Body, the Headteacher and, where relevant, the subject of the complaint.

In the case of Special Educational Needs complaints, the panel will send a copy of the letter to

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the Children's Services Complaints Manager.

Our Governing Body will aim to deal with your complaint **within 28 school days (5½ weeks)**.

What can I do if I am not satisfied with the outcome?

- If your complaint is about the way that a school is providing for your child's Special Educational Needs, you do have a fourth stage of complaint to the Local Authority:
 - You should write to the Children's Services Complaints Manager at Hertfordshire County Council. They will acknowledge your complaint and will then inform the Chair of Governors and the Headteacher. The CS Complaints Manager will arrange for your complaint to be investigated. The Investigator will seek the comments of the Governing Body and any other information or advice that they deem necessary.
 - When your complaint has been fully investigated and considered the CS Complaints Manager will write and let you know the outcome. They will give the reasons for it, any action or proposed action to be taken and any further avenue open to you. They will send a copy to the Headteacher, the Chair of Governors and to anyone else concerned in the investigation.
 - Hertfordshire County Council aim to respond with the outcome within 25 working days. More complex cases may take up to 65 working days.
 - This brings the fourth stage for Special Educational Needs complaints to a conclusion.
- For all other types of complaint, including those regarding bullying, the National Curriculum or Collective Worship there is no fourth stage of complaint to the Local Authority.

It should be noted however that if you wish to pursue this route, you must do so within **20 working days (4 weeks)** of receiving the written outcome of the hearing into your complaint. After **20 working days (4 weeks)**, neither the school nor the Local Authority is under any obligation to investigate or progress your complaint any further.

Useful information and contacts

- Chair of Governors – c/o the School Office.
The secretary at school will tell you who this is and pass on any written correspondence.
- County Councillor for your area – see <http://cmis.hertfordshire.gov.uk/hertfordshire/CountyCouncillors.aspx> 0300 123 4040
- Complaints Team, Children Schools and Families – <https://www.hertfordshire.gov.uk/Aboutthe-council/Complain-or-comment/Make-a-complaint.aspx> or call 01992 588542 – cs.complaints@hertfordshire.gov.uk
- Hertfordshire County Council – General Enquiries – www.hertfordshire.gov.uk - 0300 123 4040
- SEND Information Advice and Support Service (SENDIASS – formerly Parent Partnership) - <https://www.hertfordshire.gov.uk/microsites/local-offer/support/sendias.aspx> – 01992 555847 – SENDIASS@hertfordshire.gov.uk
- Minority Ethnic Curriculum Support Service (MECSS – if your complaint is about racial harassment or discrimination) – www.thegrid.org.uk/ 01582 830280/830202
- ACE (Advisory Centre for Education) – www.ace-ed.org.uk – 0808 800 5793
- POhWER (advocacy service) – www.pohwer.net 01438 740162 (North Herts) • Family Lives – <https://www.familylives.org.uk/> - 0808 800 2222
- Carers in Herts - <http://www.carersinherts.org.uk/> - 01992 586969

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- Children's Legal Centre - <http://www.childrenslegalcentre.com/> - 0345 345 4345
- Your Local Citizen's Advice Bureau
- Family Lives London and the Northern Home Counties: 01163 666087 15-17 The Broadway, Hatfield, Hertfordshire, AL9 5HZ Email: parentssuppotherts@familylives.org.uk



Governing Body committee responsible: Full Governing Body

Review frequency: Annually

Based on: Herts Model procedure for school based complaints (CS4288) along with schools' additional information

Signed Chair of Governors:

Handwritten signature in black ink that reads "T.A. Sturkey".

Date: 23.03.2020

Signed Vice Chair of Governors: *M Ross*

Date: 23.03.2020

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Next review: 23rd March 2021