



COMPLAINTS POLICY

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In conjunction with
BOURNEMOUTH BOROUGH COUNCIL Children's & Family Services

BOURNEMOUTH BOROUGH COUNCIL & Moordown St. John's

COMPLAINTS POLICY

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This document is available for inspection at:

- all educational institutions maintained by the LA
- at public libraries
- the offices of the Education Directorate

A copy will be given on request, free of charge, to any person and the LA will provide translations into languages other than English on request. Guidance for users of the service who may wish to complain is also available.

A summary of each school's arrangements for considering complaints appears in the school's prospectus (as required by regulations made under S.22 of the Education Reform Act).

Policy for dealing with complaints

Our prospectus contains the following statement on complaints:

We welcome suggestions for improving our work in school. Be assured that, no matter what you want to tell us, our support and respect for your child will not be affected in any way. Please tell us of your concern as soon as possible. It is difficult for us to investigate an incident or problem properly if it took place some time ago. We do appreciate the assistance we receive from parents in addressing any problems that arise.

We receive very few complaints. Problems sometimes arise from misunderstandings which are easily addressed. Most concerns and complaints can be sorted out quickly by speaking with your child's class teacher. When parents and teachers treat each other with mutual respect and support, this provides a very good role model for all our children.

If, having spoken to the class teacher, you still have concerns, you should see the Headteacher. She will investigate the problem and discuss her findings with you so that we can find a way forward together which serves the best interest of both the school and your child. In the unlikely event of the problem remaining unresolved

you can put your complaint in writing and, if necessary, could subsequently refer it to the Chair of Governors.

The procedure to be followed in the event of a complaint being made is summarized in the following stages:

Stage 1: Informal Action

- Parents discuss concerns with the class teacher
- If the teacher is unable to deal immediately with the matter, a clear note is made, including complainant's name, phone number and date, and the parent is contacted as soon as the matter has been investigated. The teacher may also consult the Headteacher at this stage.
- The teacher ensures that the parent is clear what action or monitoring of the situation has been agreed.
- If no satisfactory solution has been found, parents are asked if they wish their concern to be considered further.

Stage 2: Referral to the Headteacher

- The Headteacher acknowledges the complaint, orally or in writing, within 3 working days
- A meeting is arranged with the complainant to clarify and supplement any information given.
- The Headteacher investigates further, interviewing witnesses as appropriate. If the complaint centers on a pupil, the pupil would normally be interviewed with a parent present or, if this is not possible, with a member of staff who is not directly involved.
- The Headteacher keeps written records of meetings, telephone conversations and other documentation.
- Once all relevant facts have been established, the Headteacher responds. If the complaint was in writing, a written response will be sent.
- If the complainant is not satisfied, they are advised to write to the governing body

If the complaint is against the Headteacher, the Stage 2 procedures are carried out by the Chair of the Governing Body.

Stage 3: Review by the Governing Body

- The Chair acknowledges receipt of the written complaint, informing the complainant that the complaint is to be heard by a Committee of three members of the School's Governing Body within 20 working days.
- The Chair arranges to convene a Complaints Panel elected from members of the Governing Body. The members should have no prior involvement

with the complaint and they should elect a Chair for the committee. All relevant documentation regarding the complaint should be given to the members of the committee as soon as possible.

- The Chair of the Committee will write and inform all concerned of the date, time and place of the meeting at least 5 working days in advance. The notification to the complainant should also inform him/her of the right to be accompanied to the meeting by a friend and the right to submit further written evidence.
- It is the responsibility of the Chair of the Committee to ensure that the meeting is properly minuted.
- After the meeting, the Committee will consider the evidence and a written decision will be sent to the Headteacher and the complainant within 15 working days.

Stage 4: Beyond the Governing Body

Complaints can be taken to the Secretary of State for Education under Education Act 1996 on the grounds that a Governing Body or LEA is acting or proposing to act unreasonably or has failed to discharge its duties under the Act.

Additional information regarding arrangements for considering complaints about special education provision within mainstream schools is available from schools as required by the Education (Special Education Needs) (Information) Regulations 1994.

1) What is covered by this policy

- 1.1 This document sets out the arrangements of Bournemouth Borough Council in respect of complaints on all matters relating to the performance of its duties as the Local Authority (the LA) or the performance of the Governing Bodies it maintains. The arrangements will cover all establishments and services maintained by the LA as well as the work of Children's & Families Services itself.
- 1.2 As such it meets the statutory duty to receive complaints about curriculum and collective worship under the terms of Section 39 of the School Standards and Framework Act 1998 (see appendix 1 for more details).
- 1.3 The Education Act 1993 requires Local Authorities to make arrangements to receive complaints relating to curriculum matters at Pupil Referral Units.
- 1.4 Paragraph 6 (2) of Schedule 18 to the 1993 Act requires that the curriculum offered in Pupil Referral Units should satisfy the requirements of Section 1 of the Education Reform Act 1988. Pupil Referral Units should, therefore, offer a balanced and broadly based curriculum in line with:
 - a. the duty, imposed by paragraph 6 (2) of Schedule 18 to the 1993 Act, to provide a curriculum that satisfies the requirements of Section 1 of the Education Reform Act 1988;
 - b. the duties imposed by paragraph 6 (1) of the Schedule as regards the LEA's duty to state its policy in relation to the secular curriculum for PRUs;
 - c. the duties imposed by paragraph 8 as regards sex education;
 - d. the curriculum duties imposed by paragraphs 8, 9 and 13 as regards political indoctrination, political issues, charges and children with special educational need;
 - e. compliance with other enactments relating to the curriculum at PRUs.
- 1.5 However, in light of their different and varied circumstances Pupil Referral Units are not bound by the National Curriculum nor are they bound to conduct statutory assessments of pupils at or near the end of each key stage.

2) What is not covered by this policy

- 2.1 This policy does not cover matters related to the following (where alternative complaints or appeals arrangements already exist):
- admissions to schools;
 - exclusions of pupils from schools;
 - complaints against individual members of schools' staff in relation to their behaviour or efficiency;
 - school reorganisation proposals subject to statutory procedures;
 - general, education wide, service performance.
- 2.2 Where there is provision for a statutory appeals procedure in respect of a particular kind of complaint that procedure must be exhausted before a complaint may be considered under the arrangements in this document. If a statutory procedure allows for a final appeal to the Secretary of State then such a complaint cannot fall within these arrangements.
- 2.3 If a statutory procedure stops with an appeal to the Governing Body (as with appeals about the temporary withdrawal of pupils from part or all of the National Curriculum) an appeal may be made to the LA under these arrangements but only after the statutory procedure has been exhausted.
- 2.4 The LA has no power to inspect the provision or influence the content of denominational religious education or collective worship in a Voluntary Aided (or special agreement) school. Within these overall arrangements for the consideration of complaints there are, therefore, distinct procedures for considering complaints about such matters and are available from the appropriate school.
- 2.5 It is expected that all schools will have procedures for receiving complaints about matters related to the school, and these procedures should be exhausted before a complaint is made to the LA.

3) The Informal Stage

- 3.1 In the great majority of cases an attempt should be made to resolve complaints and concerns with full discussion with the member of staff most directly concerned, unless there are exceptional circumstances (in which case the responsible officer, see below, should be consulted directly).
- 3.2 Should the complainant be reluctant to do this, the approach should be made instead to the person who has responsibility for receiving complaints. For the LA this is the LA Complaints Officer, for schools it is the headteacher or their representative, for other education establishments this will be the head of service or their representative.
- 3.3 It seems reasonable and desirable that persons seeking to resolve matters of concern to them by informal means should receive an acknowledgement of their complaint within 2 working days and a written response to the complaint within 10 working days of first making contact. In most cases the person directly concerned will be the one to respond.
- 3.4 However, generally in cases where the matter remains unresolved after one reasonably full discussion, the complainant should at least be advised as to how to proceed to the first formal stage of the procedure, should this appear to him/her to be the appropriate course.
- 3.5 Before a complaint regarding any other education centre is referred to the Education Directorate those making the complaint **must** have been through the full formal complaints procedure of that establishment. In schools this would include having the complaint heard by a panel of governors.
- 3.6 The following services have their own complaints procedures:
 - Adult Education
 - Youth Service
 - Early Years Development and Childcare Partnership
 - Hengistbury Head Centre
 - Schools (model policy supplied by LEA)

4) Formal Complaint to the Education Directorate

- 4.1 These procedures cover complaints about the work of the Education Directorate (i.e. in respect of any matters which are solely the responsibility of the LA) or where the complainant has gone through the appropriate complaint procedures at an education establishment and is still dissatisfied with the response.
- 4.2 The complainant will be supplied with the name and contact address of the Complaints Officer and a copy of the complaints information booklet explaining the formal arrangements for considering complaints. People who need help understanding the documents will be given that help by the officer(s) concerned or alternatively advised to contact the Complaints Officer or an appropriate advice agency.
- 4.3 Complainants should set out their complaint in writing and submit it to the Complaints Officer. The complainant should make clear what the complaint is about and why it is being made. She/he should also indicate that an attempt has been made to resolve the matter by informal means (or, if not, his/her reasons for not attempting to do so). The complainant should also make clear the complaint is to be formally considered under the complaints procedure.
- 4.4 The Complaints Officer will refer it for response to an appropriate officer of the Education Directorate. The Complaints Officer will, within 2 working days of the receipt of the complaint, acknowledge that receipt in writing, indicating to whom it has been referred for response and the length of time within which it can be expected to be addressed.
- 4.5 The officer/manager to whom the complaint has been referred will then arrange for a response to be dispatched within 10 working days of its receipt from the Complaints Officer, having sought such information or advice, as she/he considers appropriate. Where appropriate, the officer reviewing the complaint will make reference to relevant statutory plans/documentation e.g. the Code of Practice on LEA-School Relations.
- 4.6 Should the complainant indicate a wish to make an verbal statement to supplement the written complaint suitable arrangements will be made for this, every effort being made to ensure that the dates and times of any meeting are mutually convenient. The purpose of this statement will be to enable the complainant to bring out more fully the nature and detail of the complaint. It will not be to enable a response to be made to the complaint at that stage. The complainant may be accompanied at any meeting by a friend or representative if they so wish. Interpreting services will be arranged as necessary.
- 4.7 Should a formal complaint not be resolved within 10 working days the complainant will be informed of progress and will be kept informed at regular intervals, until the complaint has been fully investigated.
- 4.8 When the complaint has been fully investigated the relevant officer will notify Complaints Officer who will inform the complainant in writing. The notification will include an explanation of the conclusion reached, the reasons for it, and

any action taken or proposed to be taken to resolve the complaint. It will also refer the complainant to the section of the documents circulated to them earlier which outlines the procedure for taking matters further if they wish. This notification brings the complaint to the Directorate of Children's & Family Services to a conclusion.

5) Appeals Process

- 5.1 This formal stage may be used if the complainant has complained to either the governing/managing body of an institution or to the Education Directorate, is not satisfied with the outcome, and wishes to appeal. It may also be used in certain cases where a statutory appeals procedure has been used which involves a governing body and where the appellant is dissatisfied with the decision.
- 5.2 Complainants should set out their appeal in writing and submit it to the Director of Children's & Family Services. The complainant should make it clear what the appeal is about and why it is being made. For people who need help with writing or translation such help will be arranged.
- 5.3 The Director of Children's & Family Services will refer it to a senior manager, the manager to be involved in considering the matter will not be the one involved in the earlier stage of consideration (although that person will also be notified of the appeal having been received). In the case of complaints previously considered by the governing or managing body of an establishment, the manager to be involved will be the one responsible for that area of education.
- 5.4 The Director of Children's & Family Services will acknowledge receipt in writing indicating the steps that will be taken to resolve the matter and the length of time within which it can be expected to be addressed.
- 5.5 When the appeal has been fully investigated and considered, the Director of Children's & Family Services will notify the complainant of the outcome in writing, giving details of the conclusion, the reasons for it, and any action taken or proposed to be taken, including details of any request made to those complained against to take particular actions to resolve the complaint. The notification will also include details of the further recourse available to the Secretary of State. Notification will also be sent to the Governing or Managing Body concerned (where appropriate), the Business Unit Manager and the Complaints Officer. This notification brings the complaint to the LA to a conclusion.

6) Role of the Secretary of State

- 6.1 Section 23 of the Education Reform Act 1988, lays down that the Secretary of State may not consider any complaint on a matter covered by para 1.1 - 1.5, unless it has first been considered under the LA's arrangements. The intention of this provision is that complaints should, if possible be dealt with and resolved between the complainant and parties responsible. A complainant who is still dissatisfied after these arrangements have been exhausted will be able to complain to the Secretary of State.

Appendix 1

The LA Complaints Policy meets the statutory duty to receive complaints about curriculum and collective worship under the terms of Section 39 of the School Standards and Framework Act 1998 as follows:

- a) the provision of a curriculum, including religious education and worship, which meets the general requirements of Sections 1 and 2 of the Act;
- b) the implementation of the National Curriculum and compliance with Orders and Regulations made about its requirements and exceptions to its provision (Section 4.10 and 17);
- c) provision of religious education and worship as required by the Act and other enactments (Sections 6-10 and 12);
- d) the need to act reasonably in deciding whether or not to be associated with an application for exemption from all or part of the National Curriculum in order to carry out developmental work (Section 16);
- e) provision to pupils of compulsory school age of courses leading to an external qualification, only if that qualification and the associated syllabus or syllabus criteria have been approved (Section 5);
- f) compliance with regulations about the provision of information (Section 22);
- g) compliance with any other enactments relating to the curriculum;
- h) in the case of a Governing Body, consideration of appeals by parents about the temporary withdrawal of pupils form part or all of the provisions of the National Curriculum (Section 19);
- i) operation of charging policies in relation to the curriculum (Section 109);
- j) in the case of the LA, establishment of a Standing Advisory Council on Religious Education (SACRE) and review of the agreed syllabus for the area if the SACRE so requires (Section 11);

Requirements (a) to (i) apply to community, voluntary, and foundation schools including special schools, other than hospital special schools, maintained by the LA.