

EASTHAMPSTEAD PARK COMMUNITY SCHOOL



Complaints Policy

CONTENTS

1.	The key principles of the policy	1
1.1.	Legal context	1
1.2.	Other relevant documents	1
1.3.	Aims and objectives of the policy.....	1
1.4.	Who is allowed to complain?	1
1.5.	The difference between a concern and a complaint	2
1.6.	How to raise a concern or make a complaint	2
1.7.	Anonymous complaints.....	3
1.8.	Duplicate Complaints	3
1.9.	Complaint campaigns	3
1.10.	Monitoring complaints.....	3
1.11.	Upholding or not upholding complaints	3
1.12.	Withdrawal of a Complaint	4
1.13.	Publicity and communication.....	4
1.15.	Recording of Meetings	5
1.16.	Minutes of the meeting.....	5
1.17.	Equal access, accompaniment and representation	5
1.18.	Support offered by Bracknell Forest Council (BFC)	5
1.19.	Time between stages.....	6
1.20.	Complaints received outside of term time	6
1.23.	Vexatious Complaints	6
1.24.	Managing serial and unreasonable complaints	6
2.	Summary of Complaints Procedures Stages.....	8
2.1.	Circumstances under which this procedure should not be used.	8
2.2.	Circumstances under which stages of the procedure should be missed out	9
3.	STAGE 1: Informal discussion.....	9
3.2.	Who to speak to informally.....	10
3.3.	Monitoring.....	10
3.5.	Response	10
4.1.	Introduction.....	10
4.6.	Response	11

5.1. Introduction.....	11
5.4. Acknowledgement and time scales.....	12
5.5. Preparation.....	12
5.6. The hearing.....	12
6.1. Introduction.....	13
6.7. Options for complainant	14
7.1. Introduction.....	14
Appendix 2	17
Appendix 3	18

This policy has been developed after consulting:

- DfE School Complaints Procedure Guidance;
- The best practice of other local authorities;
- Running a Complaints System' (The Local Government Ombudsman);
- NAHT (London) Model Procedure for Managing Complaints;
- 'A Model DFES general complaints procedure' DfES
- Headteachers, Governors and Diocesan representatives within Bracknell Forest.

After defining the key principles, this policy sets out the 5 separate stages of the complaints procedure itself. Appendix 1 summarises the key roles and responsibilities of the complaints committee. Appendix 2 summarises the process in the form of a flowchart. Appendix 3 provides a form to structure your complaint to us.

1. The key principles of the policy

1.1. Legal context

From September 2003 governing bodies of all maintained schools and nursery schools in England are required, under Section 29 of the Education Act 2002, to have in place a procedure to deal with complaints. The School Standards and Framework Act 1998 provided an additional function of the governing body to establish and publish procedures for dealing with complaints relating to the school, other than those covered by legislation and formal procedures elsewhere

Under section 29(2) of the Education Act 2002, governing bodies of maintained schools must 'have regard to any guidance given from time to time (in relation to England) by the Secretary of State' when establishing and publishing complaints procedures relating to their school and any facilities or services the school provides.

The phrase 'must have regard', when used in this context, does not mean that DfE's guidance has to be followed in every detail. While DfE's expectations are that schools will adopt our best practice recommendations, schools can apply alternative processes if they have good reason to.

1.2. Other relevant documents

The following documents may be relevant to those reading or implementing this policy:

- 'How to complain about a Bracknell Forest School' (public guidance leaflet);
- 'Bracknell Forest Council Corporate Complaints Procedure'.

1.3. Aims and objectives of the policy

This complaints policy aims to:

- Encourage the resolution of problems by informal means wherever possible;
- Ensure that concerns are dealt with quickly, fully and fairly and within clearly defined time limits;
- Provide effective responses and appropriate redress;
- Maintain good working relationships between all people involved with the school.

1.4. Who is allowed to complain?

This policy may be used by anyone who has a concern or complaint about any aspect of the school. In the main this will mean the parents and carers of the school's pupils, but

may include neighbours of the school or any other members of the local community. Unless complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions), we will use this complaints procedure.

1.5. The difference between a concern and a complaint

A concern may be defined as *'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'*.

A complaint may be defined as *'an expression of dissatisfaction however made, about actions taken or a lack of action'*.

It is in everyone's interest that concerns and complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to use the formal stages of the complaints procedure. The school takes concerns seriously and will make every effort to resolve the matter as quickly as possible.

If you have difficulty discussing a concern with a particular member of staff, we will respect your views. In these cases, the Headteacher or DHT will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, the Headteacher or DHT will refer you to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the concern objectively and impartially is more important.

We understand however, that there are occasions when people would like to raise their concerns formally. In this case, the school will attempt to resolve the issue internally, through the stages outlined within this complaints procedure.

1.6. How to raise a concern or make a complaint

A concern or complaint can be made in person, in writing or by email. They may also be made by a third party acting on behalf on a complainant, as long as they have appropriate consent to do so. Please ensure the complaints form is completed (See Annexe 3)

Concerns should be raised informally with the following escalation process: the class teacher, the Head of the Year group and thereafter referred to the Headteacher for informal resolution in Stage 1. If the issue remains unresolved, the next step is to make a formal complaint.

Complaints against school staff (except the Headteacher) should be made in the first instance, to the Headteacher via the school office or by email to headteacher@epschool.org Please mark them as Private and Confidential.

Complainants should not approach individual governors to raise concerns or complaints. They have no power to act on an individual basis and it may also prevent them from considering complaints at Stage 2 of the procedure

Complaints that involve or are about the headteacher should be addressed to the Chair of Governors, via the Clerk to the Governors by email to clerktothegovernors@epschool.org Please mark them as Private and Confidential.

Complaints about the Chair of Governors, any individual governor or the whole governing body should be addressed to the Clerk to the Governing Body by email to clerktothegovernors@epschool.org Please mark them as Private and Confidential.

For ease of use, a template complaint form is included at the end of this procedure.(see Annexe 3) If you require help in completing the form, please contact the school office. You can also ask third party organisations like the Citizens Advice to help you.

In accordance with equality law, we will consider making reasonable adjustments if required, to enable complainants to access and complete this complaints procedure. For instance, providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations.

1.7. Anonymous complaints

We will not normally investigate anonymous complaints. However, the Headteacher or Chair of Governors, if appropriate, will determine whether the complaint warrants an investigation.

1.8. Duplicate Complaints

After closing a complaint at the end of the complaints procedure, the school may receive a duplicate complaint from:

- a spouse
- a partner
- a grandparent
- a child

If the complaint is about the same subject, we will inform the new complainant that the school has already considered that complaint and the local process is complete. The new complainant can contact The Bracknell Forest Council under Stage 4 of the Complaints Procedure if they are dissatisfied with the school's handling of the original complaint.

The school will not overlook any new aspects to the complaint that we may not have previously considered. We will ensure these are investigated and dealt with to the full extent of the complaints procedure.

1.9. Complaint campaigns

After completing the appropriate complaints procedure stages the school reserves the right to send a template response to all complainants and or publish a single response on the school's website for any complaints that are all based on the same subject and or from complainants unconnected with the school.

1.10. Monitoring complaints

At all formal stages of the complaints procedure, the following information should be recorded:

- The name of the complainant;
- The date and time at which complaint was made;
- The details of the complaint;
- The desired outcome of the complainant;
- How the complaint is investigated (including written records of interviews held);
- Results and conclusions of investigations;
- Any action taken;
- The complainant's response (satisfaction or further pursuit of complaint).

The school may choose to appoint a member of staff as a 'complaints co-ordinator'. When this is the case, this individual will have the responsibility for the operation and management of the school complaints policy and will be responsible for monitoring complaints. Records should be retained for the periods specified in guidance on records retention (available separately).

1.11. Upholding or not upholding complaints

At each stage of the complaints procedure, the conclusion will be either:

1.11.1. That the complaint is upheld (in part or in full) and, where appropriate, some form of action is taken.

Or

1.11.2. That the complaint is not upheld and reasons for this are clearly given.

In the first instance, 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.

In the second instance, the complainant may either choose to take no further action or to take their complaint to the next relevant stage.

1.12. Withdrawal of a Complaint

If a complainant wants to withdraw their complaint, we will ask them to confirm this in writing

1.13. Publicity and communication

There is a legal requirement for schools to publicise their complaints procedures. This policy will be included within the school's handbook and may also be included, as appropriate, within the following:

- the governors' report to parents;
- the information given to new parents when their children join the school;
- the information given to pupils at the school;
- the home-school agreement;
- home school bulletins or newsletters;
- documents supplied to community users including course information or letting agreements;
- posters displayed in areas of the school that will be used by the public, such as reception or the main entrance.

All staff and members of the governing body should be made aware of the complaints procedure and the various stages involved.

At all stages of the complaints procedure, everybody involved needs to be clear about what is happening and what their responsibilities are. In addition, the complainant should be told how to proceed to the next stage of the procedure if and when their complaint is not upheld.

1.14. Confidentiality

Confidentiality is vital. All conversations and correspondence will be treated with discretion. Complainants have the right to know what use will be made of personal information and, accordingly, personal information will only be shared between staff on a 'need to know' basis.

1.15. Recording of Meetings

Recording may be of use for lengthy meetings and hearings where the accuracy of minute or note taking can become difficult over a long period. It may also be useful for evidential purposes during official hearings (such as student appeals, IRP or employment hearings).

Such recordings do not replace the formal record of any meeting but may assist with the accuracy of the formal record or if there is a dispute over what was said. The minute or note taker will be in attendance in the event of a technology failure.

Recording of Meetings is in accordance with our Recording of Meetings and Hearing Policy.

1.16. Minutes of the meeting

The Complaints Committee meeting minutes are not a verbatim transcript of the meeting and are based upon the written notes and memory of a participant, attendee, or observer. The contents of the minutes represent the notes and recollections of the committee's clerk and representatives, and may not have captured the true intent of all statements made by the participants.

For clarification of any details of the minutes, contact would need to be made with the Chair of the committee. For clarification of any statements attributed to the participants of the meeting, contact with the individual would need to be made for clarification before passing judgement on the words contained herein.

The Complaints Committee meeting minutes are the property of the Complaints Committee. If you disagree with the minutes you can submit a statement to that effect to be filed with the minutes. Complainants have no right to make changes to the actual document or its contents.

1.17. Equal access, accompaniment and representation

Appropriate steps should be taken to ensure that any individual has the opportunity to raise their concerns or submit a formal complaint. This includes the right to be accompanied or represented by a friend or relative at discussions and hearings and/or to submit formal complaints which have been written by another individual on their behalf.

Should any meetings need to be held where any parties would have difficulties in terms of access, Bracknell Forest Council can assist with providing an appropriate venue.

It is an expectation that equal respect will be granted to each person involved within the process and that differences between people will be respected and understood.

1.18. Support offered by Bracknell Forest Council (BFC)

BFC Education Department offer advice and guidance to headteacher's and governing bodies who feel they need extra support when dealing with a complaint.

If a complaint concerns the headteacher, the governing body will be required to work with BFC from the outset.

In exceptional circumstances, BFC is able to investigate on behalf of either the headteacher or school governors. Where possible, the intention will always be for BFC to support the school in its own investigations rather than take complete responsibility for them itself.

1.19. Time between stages

Although each of the stages within the procedure should occur consecutively, it is not necessary for each stage to immediately follow the last. Complainants may need some time to decide whether or not they wish to pursue the matter any further.

After each stage, the complainant and the individual who is dealing with their complaint at that time should agree an appropriate time limit within which the next stage should be accessed, if at all. If the complaint is not submitted to the next stage within this agreed time limit it should be considered as closed.

1.20. Complaints received outside of term time

We will consider complaints made outside of term time to have been received on the first school day after the holiday period.

1.21. Changes to time limits and deadlines

In general, the time limits and deadlines contained within this policy should be adhered to. However, in certain circumstances it may be deemed inappropriate or impossible to guarantee that this is possible.

Where a complaint leads to criminal proceedings this will always be the case.

If and when it becomes necessary to alter the time limits and deadlines set out within this policy, the complainant should be told and given an explanation as to why this has been the case.

1.22. Appeals

If at any stage, as the result of a complaint, a decision or course of action is taken with regards to an individual (apart from the complainant) which they feel is ungrounded, unjustified or incorrect they have the right to appeal.

It is recommended that school governing bodies use their established appeal procedures in order to facilitate this.

1.23. Vexatious Complaints

The Chair of governors can write to a complainant and refuse to consider their complaint at stage 3 if he or she feels that there are insufficient grounds to do so, if the complaint has already been considered at this stage or if it has been closed.

In both cases, the complainant has the right to take their complaint to Bracknell Forest Council (stage 4) who will, if appropriate, investigate the school's adherence to the complaints policy.

1.24. Managing serial and unreasonable complaints

The school is committed to dealing with all complaints fairly and impartially, and to providing a high quality service to those who complain. We will not normally limit the contact complainants have with our school. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

The school defines unreasonable behaviour as that which hinders our consideration of complaints because of the frequency or nature of the complainant's contact with the school, such as, if the complainant:

- refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the 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 the complaints procedure
- insists on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice
- introduces trivial or irrelevant information which they expect to be taken into account and commented on
- raises large numbers of detailed but unimportant questions and insists they are fully answered, often immediately and to their own timescales
- 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
- repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed)
- refuses to accept the findings of the investigation into that complaint where the school's complaints procedure has been fully and properly implemented and completed including referral to the Department for Education
- seeks an unrealistic outcome
- makes excessive demands on school time by frequent, lengthy and complicated contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with
- uses threats to intimidate
- uses abusive, offensive or discriminatory language or violence
- knowingly provides falsified information
- publishes unacceptable information on social media or other public forums.

Complainants should try to limit their communication with the school that relates to their complaint, while the complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text), as it could delay the outcome being reached.

Whenever possible, the Headteacher or Chair of Governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

If the behaviour continues, the Headteacher will write to the complainant explaining that their behaviour is unreasonable and ask them to change it. For complainants who excessively contact the school causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will be reviewed after six months.

In response to any serious incident of aggression or violence, we will immediately inform the police and communicate our actions in writing. This may include barring an individual from the school.

2. Summary of Complaints Procedures Stages

This policy sets out the procedures which Easthampstead Park Community School will follow whenever it receives a complaint for which there are not alternative statutory procedures (see section 2.1).

A summary of the various stages is given below:

Summary	Stage	Primary Responsibility
1. Informal discussion and resolution	Informal Stage	School Staff
2. Investigation by Headteachers	Formal Stage	School Staff
3. Complaints committee review body		Governing Body
4. LA investigation (BFC)		BFC LA
5. Further recourse		Other

Each of these stages will usually occur in order and there will usually be no return to previous stages (exceptions to this are noted within the procedure).

It is stressed that the majority of complaints are resolved on an informal basis (stage 1).

2.1. Circumstances under which this procedure should not be used.

This guidance does not refer to areas where Bracknell Forest Council (BFC), as the Local Authority (LA), has the lead role and for which different procedures must be followed. These areas are:

- Collective worship
- Religious education
- Non-approved external qualifications or syllabuses
- Temporary withdrawal of pupils from all or part of the national curriculum
- Pupil admissions
- Pupil exclusions for Fixed term exclusions between 5 and 15 days in any one term AND will convene a meeting ONLY IF the parent requests a meeting. The meeting must be held between the 6th and 50th school day after the exclusion notice in the absence of any representations from the parents, the governing body is not required to meet and cannot direct the reinstatement of the pupil
- Pupil Exclusions for Fixed term exclusions of more than 15 days in any one term and Permanent Exclusions AND convene a Governors Disciplinary Committee meeting between the 6th and 15th school day after the exclusion notice
- School reorganisation proposals
- Whistleblowing

Issues related to child protection, criminal investigations and employee grievances must also all be handled separately from this policy.

Staff Conduct and staff grievance complaints: This complaints policy is distinct from formal staff disciplinary proceedings and this should be made clear to all concerned. There may be occasions where a complaint gives rise to disciplinary procedures which put the complaints process on hold. If and when this occurs, the complainant should be informed. Any non-disciplinary aspects of the complaint should continue to be dealt with through the usual complaints procedures.

Complaints about the services provided by other providers who may use school premises or facilities should direct complaints to follow the external providers own complaints procedure.

Complaints about the content of the national curriculum should be sent to the DfE using their contact form on the [DfE website](#).

This policy does not cover complaints made against Bracknell Forest Council. Any complaint of this sort should be dealt with in accordance with the Council's 'Corporate Complaints Procedure'.

If another policy is more appropriate than this complaints policy for any given situation then it should be used in preference to it.

2.2. Circumstances under which stages of the procedure should be missed out

This policy sets out the most suitable and effective process for dealing with the majority of complaints which are not covered by alternative statutory procedures (see above). In most cases any concern or complaint, regardless of whose attention it is initially brought to, should be discussed informally (stage 1) before being submitted at any of the following consecutive formal stages.

However, occasionally there will be circumstances under which it is unsuitable for complaints to be dealt with in this way.

In all cases where the complaint concerns the school's headteacher directly, stage 2 will be missed out and the formal complaints procedure will begin at stage 3.

In some cases, it may be deemed inappropriate for individuals to discuss their concerns informally. In such cases, complainants may be directed to contact the headteacher directly (i.e. begin at stage 2). Complainants may choose to contact the headteacher directly of their own accord. In these cases it will be at the discretion of the headteacher as to whether or not it is appropriate for the complainant to discuss the matter informally (i.e. return to stage 1).

If and when complaints about the school are brought to the attention of Bracknell Forest Council, the majority of complainants will be advised to contact the school and to follow the procedures set out within this document from stage 1 onwards. In certain exceptional cases, however, it may be decided, at the discretion of the Director of Children, Young People & Learning, that it is appropriate to deal with the complaint at a different stage.

3. STAGE 1: Informal discussion

3.1. Introduction

The vast majority of concerns and complaints can be dealt with informally. There are many occasions where concerns are resolved straight away without the need to submit a formal complaint. Indeed, many concerns raised at this level might not be classified as complaints.

When a complaint is made directly against the school's headteacher, stage 2 is not required and the formal procedure begins at stage 3.

- 3.2. **Who to speak to informally**
Individuals may decide to raise their concerns with a member of school administrative staff, class teacher, senior teacher, governor or headteacher depending on their wishes and the type of issues they want to discuss.
- 3.3. **Monitoring**
It is not necessary to record or monitor complaints at this level.
- 3.4. **Time scales**
There are no specific time scales for dealing with concerns at this stage. However, as at all stages, issues should be considered and dealt with as quickly and effectively as possible.
- 3.5. **Response**
The individual who raised the issue should be informed of any action to be taken to resolve the issue. If appropriate, this might be confirmed in writing.
- 3.6. **Options for complainant**
If the individual is dissatisfied with the response they have been given and would like to take their complaint further, they should be referred to the school's complaints procedure and accompanying public guidance leaflet and told how to move on to the next stage.

4. STAGE 2: Referral to the headteacher

- 4.1. **Introduction**
This is the first stage of the formal complaints process and, as a result, all communications between parties need to be carefully recorded and monitored as set out in the 'monitoring complaints' section of this document.
- 4.2. **Informal discussion with headteacher**
Before proceeding with a formal investigation, the headteacher will meet with the individual and discuss their concerns and wishes. It may still be appropriate and satisfactory to reach an informal resolution at this point. If not, the headteacher will decide whether the individual's complaint will be dealt with by this policy or another statutory procedure and advise them on what they will need to do.
- 4.3. **Submitting a formal complaint**
By this stage it must be clear that the concern is a definite complaint which will be dealt with according to this policy and should be formally submitted in writing to the headteacher utilising the Complaints Form in Appendix 3.
- As indicated within the 'equal access, accompaniment and representation' section of this policy, all complainants have the right to submit formal complaints, at this or any stage, which have been written by another individual on their behalf.
- 4.4. **Acknowledgement and time scales**
The headteacher should formally acknowledge the complaint within 3 school days of receiving it and begin an investigation.

4.5. The investigation

The headteacher will need to investigate the complaint and review any relevant documentation and information. If necessary, the headteacher will interview witnesses and take statements from those involved. If the complaint centres around a pupil, the pupil will also usually be interviewed.

As indicated within the 'equal access, accompaniment and representation' section of this document, all individuals have the right, at this or any other stages, to be accompanied or represented by a friend or relative at discussions and hearings. This includes the right of teachers to be accompanied by a representative from their Trade Union.

When pupils are interviewed, an additional member of staff should always attend.

4.6. Response

The headteacher will provide the complainant with a full written response within 10 school days of acknowledging it. This response will determine whether or not the complaint has been upheld, the reasons why, and what action (if any) will be taken.

4.7. Options for complainant

If the individual is dissatisfied with the response they have been given and would like to take their complaint further, they should be referred to the school's complaints procedure and accompanying public guidance leaflet and told how to move on to the next stage.

5. **STAGE 3: Review by governing body complaints committee**

5.1. Introduction

Complaints only rarely reach this formal level, but it is important that governing bodies are prepared to deal with them. Complaints need to move through Stage 2 before moving on to Stage 3. In all cases where the complaint concerns the school's headteacher directly, stage 2 will be missed out and the formal complaints procedure will begin at stage 3.

Upon receiving a formally submitted complaint using the Complaints Form in Appendix 3 at this stage the Chair of governors will usually choose to deal with it by holding a Complaints Committee hearing. However, in some cases, it may be possible and appropriate for the Chair of governors to resolve the issue with the complainant by other means without the need for a complaints committee review.

The complaints committee must be clerked. The clerk may be a member of the school staff, the clerk to the governing body or another governor. If required, BFC will offer support and guidance to the clerk, the Chair of governors and/or the members of the complaints committee on procedural issues but will not normally play any part in reviewing the details of the complaint itself.

When stage 2 has been missed out (see section 1.4), this is the first stage under which a formal complaint about the headteacher will be dealt with.

The first Annex summarises the key roles and responsibilities of the complaints committee.

5.2. The Complaints Committee

It is recommended that school governing bodies annually agree five governors who will be able to form part of a complaints committee if and when this becomes necessary at any point. The three governors appointed to the complaints committee in any case will usually be chosen from this group of five.

The committee will generally consist of three governors who have not previously been involved with dealing with the complaint. The committee should elect its own chair.

5.3. Submitting a formal complaint

The complainant must submit a written request using the Complaints Form in Appendix 3 to the Chair of governors for their complaint to be considered by the complaints committee.

5.4. Acknowledgement and time scales

The Chair of governors should acknowledge receipt of this letter within 5 school days if possible but no more than ten at most by writing to the complainant. This letter will inform them that their complaint will be heard by a complaints committee within 15 school days.

5.5. Preparation

The Chair of governors will then contact the clerk and ask him or her to begin making preparatory arrangements.

The clerk will convene a meeting of the complaints committee. The membership of the complaints committee will be confirmed, a date and time will be arranged for a hearing and all existing relevant documentation will be given to the three appointed governors. The clerk should then formally write to the complainant, the headteacher and any other relevant staff or witnesses and inform them:

- Of the date, time and venue of the hearing;
- Of the aims and objectives of the hearing and how it will be conducted;
- That any documentation they wish the committee to consider must be returned to the Clerk no later than 5 school days before the hearing takes place;
- Of the rights of equal access, accompaniment and representation as set out within this document;
- How and when the committee will reach their decision.

It is the responsibility of the clerk to ensure that all parties receive all relevant documents at least 3 school days before the date of the hearing so as to allow individuals to familiarise themselves with them.

5.6. The hearing

The hearing should allow each party involved to explain their understanding or interpretation of events and for other parties to question them. The hearing will, therefore, usually operate according to the following format:

- The chair will introduce all parties to one another and explain the principles, objectives and format of the hearing
- The complainant will be given the opportunity to explain their complaint. Following this the headteacher and the complaints committee will be allowed to ask the complainant questions.

- The headteacher will then be given an opportunity to explain the school's official response, interpretation or view about the complaint. Following this the complainant and committee will be allowed to question the headteacher.
- Every party will be given the opportunity to call witnesses and question witnesses called by other parties.
- The headteacher and the complainant will both be given the chance to give final statements.
- The hearing will be concluded by the chair who should explain that the committee will consider its decision and write to both parties within 5 school days informing them of the outcome.

This format will need to be altered under certain circumstances, including instances where Bracknell Forest Council, rather than the headteacher, has played an investigating role. Ultimately, the chair of the meeting has control over its proceedings.

5.7. After the hearing

The committee 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 (if any) to be taken;
- where appropriate, suggest changes to, or request a review of, the school's systems or procedures to ensure that problems of a similar nature do not happen again.

This information will be included in both the letters to the headteacher and the complainant.

5.8. Options for complainant

If the individual is dissatisfied with the response they have been given and would like to take their complaint further, they should be referred to the school's complaints procedure and accompanying public guidance leaflet and told how to move on to the next stage.

6. STAGE 4: Complaint to Bracknell Forest Council

6.1. Introduction

Complainants are entitled to complain to Bracknell Forest Council (BFC) Local Authority (LA) if they believe that their complaint was not handled fairly and in accordance to the school's complaints policy. Complaints can only be considered once the school's procedures have been completed in full.

Complaints very rarely reach this level. However, it is important that the LA, the school are ready to deal with them if necessary and that the complainant is fully informed of how and when they can complain at this level.

6.2. Submitting a formal complaint

Complaints must be submitted, in writing, to the following address:

The Director of Children, Young People & Learning
 Bracknell Forest Council
 Time Square
 Bracknell
 Berkshire
 RG12 1JD

This written complaint must include the following information:

- Details of the original complaint;
- The judgement and action taken by the governing body;
- Reasons for believing that the original complaint was not dealt with fairly and in accordance with the school's complaints procedure;
- The expected or desired outcome.

6.3. Acknowledgement and time scales

BFC will write to the complainant and formally acknowledge their complaint within 3 working days of receipt.

BFC will also write to the school's headteacher and Chair of governors to inform them that a complaint has been made against the actions they have taken with regards to the original complaint.

6.4. The investigation

BFC will examine all relevant documentation considered by the school in their original investigation as well as the records and correspondence produced at each stage.

6.5. The response

BFC will write to the complainant and inform them of their findings within 20 working days of acknowledging their original complaint. Copies of this letter will be sent to the Headteacher and Chair of Governors.

6.6. Possible outcomes

If BFC decides that the school has failed to handle the original complaint fairly and according to its complaints policy the matter will be referred back to the governing body.

The governing body will then be requested to reinvestigate the complaint at stage 3 (review by governing body complaints committee). The governing body will need to re-appoint a new complaints committee.

Again, BFC Governor Services will be able to offer support to the governing body in their investigations.

6.7. Options for complainant

If the individual is dissatisfied with the response they have been given and would like to take their complaint further, they should be referred to the school's complaints procedure and accompanying public guidance leaflet and told how to move on to the next stage.

7. STAGE 5: The Secretary of State

7.1. Introduction

Individuals have the right to contact to the Secretary of State for Education with regards to the way their complaint has been handled.

Usually, they will not take any action until both the school and the Council's procedures have been exhausted.

7.2. Complaining to the Secretary of State

Complainants have a right of appeal to the Secretary of State for Education under sections 496 or 497 of the 1996 Education Act if they believe that the LA has acted unreasonably. If the Secretary of State agrees that a complaint is justified, the Department for Education has the power to require the LA to take certain actions, including issuing instructions to school governing bodies in appropriate circumstances, although in practice this would be very rarely exercised.

7.3. Contacting the Secretary of State

The DfE National Enquiry Line can be contacted on:

Telephone: 0370 000 2288

Fax: 01928 79 4248

Web site: www.education.gov.uk

<https://www.gov.uk/contact-dfe>

If you wish to write to the Secretary of State for Education by post:

Secretary of State for Education
Sanctuary Buildings
Great Smith Street
London
SW1P 3BT

Review by Complaints Committee – Key Roles and Responsibilities

The Role of the Clerk

The Clerk organises the complaints committee review. She will need to:

- Set the date, time and venue of the review, 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 parties in advance of the review;
- Meet and welcome the parties as they arrive at the review;
- Record the proceedings;
- Notify all parties of the committee's decision.

The Role of the Chair of Governors

The Chair of Governors should:

- Check that the correct procedure has been followed;
- If a review is appropriate, notify the clerk to arrange the committee.

The Role of the Chair of the Complaints Committee

The Chair of the complaints committee has a key role. He or she will need to ensure that:

- The remit of the committee 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 speak at such a review are put at ease;
- The review is conducted in an informal manner with each party treating the other with respect and courtesy;
- The committee is open minded and acting independently;
- No member of the committee 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.

The Chair of the complaints committee needs to ensure that the complainant is notified of the committee's decision, in writing, with the committee's response within 5 school days. This letter will explain if there are any further rights of appeal and, if so, to whom they need to be addressed.

Reviewed and Revised:

Responsibility for Implementation and Review:

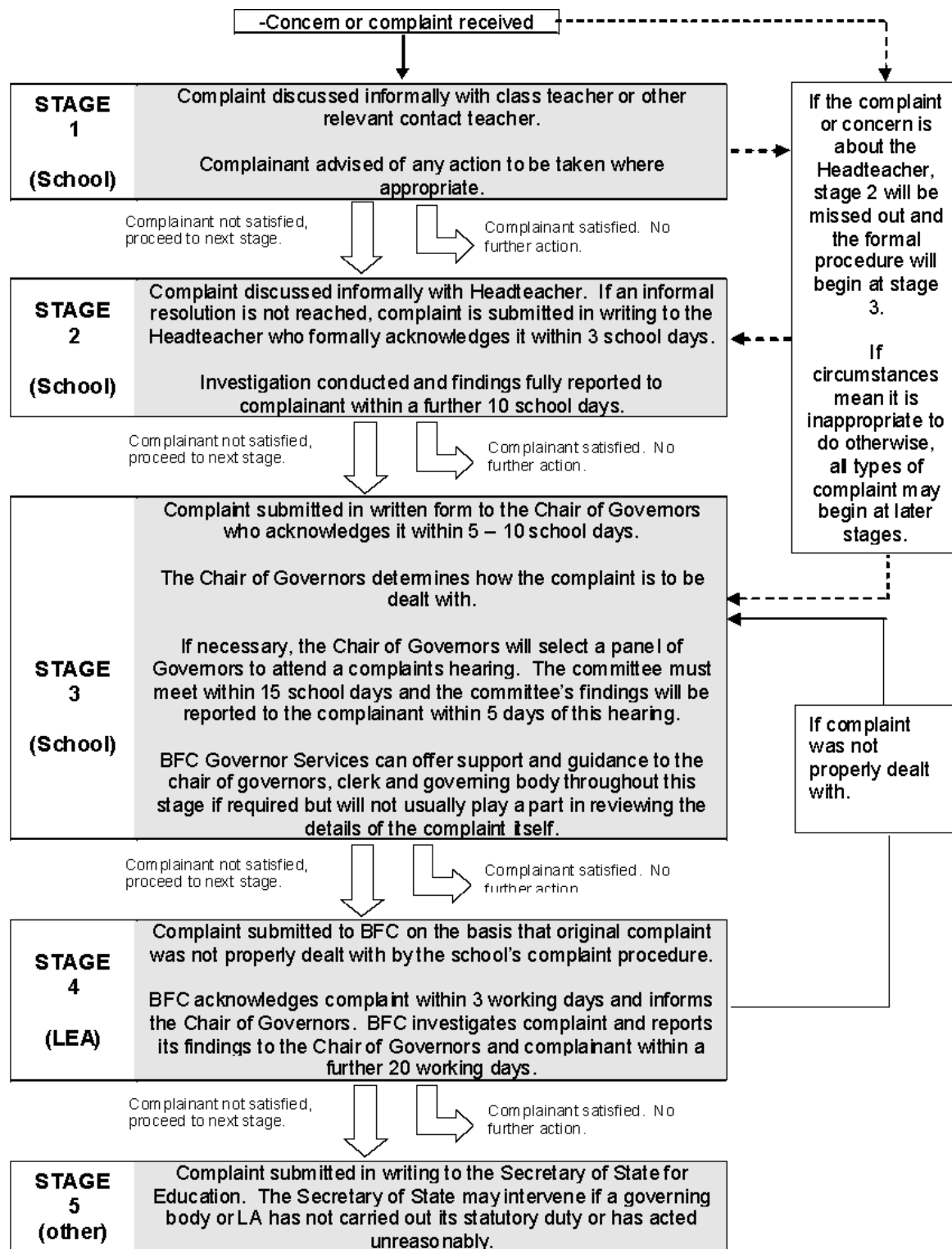
Date of Next Review:

November 2020

Steering Committee

November 2022

Appendix 2



EASTHAMPSTEAD PARK COMMUNITY SCHOOL

SUBMISSION OF A FORMAL COMPLAINT IN WRITING

Stage 2 Formal complaint to Headteacher Stage 3 Formal complaint to Governor's	
The name of the complainant	
The date and time at which this complaint is being made in writing / by email	
Who or what is the complaint regarding?	
The details of the complaint: Bullet points would be appreciated Kindly provide a chronology of events that resulted in your complaint:	
The desired outcome for your complaint:	

If you are sending an email for your complaint, please use the Complaints table in your email message