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## Complaints Policy

<p><b>Date Approved: September 2019</b> <b>Review Date: August 2020</b> <b>This policy is for Bury Grammar Schools</b> <b>Author: D P Cassidy</b></p>
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***This policy has been written to meet the standards as set out in the Education (Independent Schools Standards) Regulations 2014 (ISSR) as amended under section 94 of the Education and Skills Act 2008 and has particular regard for the interpretation of these as set out in paragraphs 554 to 576 of the Commentary on the Regulatory Standards September 2019.***

### **Introduction**

The Bury Grammar Schools are proud of the quality of the teaching and pastoral care provided to their pupils. However, if parents do have a complaint, they can expect it to be treated by the School in accordance with this Procedure.

The School regards any matter about which a parent of a pupil is unhappy and seeks action as a complaint. This policy is available on request to the parents of current pupils. This policy applies to parents of current pupils from EYFS (Cygnet/Reception 3-5 years) to the sixth form.

The School's Complaints Procedure for Parents is drafted in accordance with Part 7 of the Education (Independent School Standards) Regulations 2014 and applies to complaints from parents of current pupils and to parents of former pupils if the complaint was raised when the pupil was registered at the School.

This policy has regard for the School's Data Protection Policy and all associated policies aligned to GDPR.

The number of complaints during the previous academic year is available on request from the Principal's PA, Mrs A Cloke who can be contacted at [acloke@burygrammar.com](mailto:acloke@burygrammar.com).

*When we refer to working days in this policy, we mean Monday to Friday, when School is open during term time.*

## **Stage 1 – Informal Resolution**

- It is hoped that most complaints and concerns will be resolved quickly and informally.
- If parents have a complaint they should normally contact their son/daughter's Form Tutor/Class Teacher. In many cases, the matter will be resolved straight away by this means to the parents' satisfaction.
- Complaints made directly to a Head of Department, Head of Year, Deputy Head, Headmaster/mistress will usually be referred to the relevant Form Tutor/Class Teacher.
- An informal complaint provided in writing will be acknowledged by telephone, email or letter within two working days of receipt during term time and as soon as practicable during the holidays. A matter raised orally will not necessarily be acknowledged in writing but a record of the matter will be made.
- The Form Tutor/Class Teacher will make a written record of all concerns and complaints and the date on which they were received. Should the matter not be resolved within 10 term-time working days or in the event that the Form Tutor/Class Teacher and the parent fail to reach a satisfactory resolution then parents will be advised to proceed with their complaint in accordance with stage 2 of this Procedure.
- A written record of all concerns and complaints and the date on which they were received will be made. Should the matter not be resolved within 10 term-time working days or in the event that the Form Tutor/Class Teacher and the parent fail to reach a satisfactory resolution then parents will be advised to proceed with their complaint in accordance with stage 2 of this Procedure.

A computer record may also constitute to a written record for the purpose of this policy.

## **Stage 2 – Formal Resolution**

- If the complaint cannot be resolved on an informal basis, then the matter should be referred to the Principal by the member of staff handling the complaint at stage 1, or the Parents may wish to put their complaint in writing to the Principal. In any case, if the parents seek a formal meeting with the Principal, or raise issues through a formal letter, which may require a written response from the school, this would normally be regarded as a formal complaint, even if it has not been referred to as such in the letter.
- The complaint will be acknowledged within two working term time days, and as soon as practicable during the holidays. The Principal will decide, after considering the complaint, the appropriate course of action to take.
- In most cases, the Principal will communicate with the parents concerned, within 10 term-time working days of receiving the referred complaint, to discuss the matter. If possible, a resolution will be reached at this stage.

- It may be necessary for the Principal to carry out further investigations or to ask a senior member of staff to act as investigator.
- The Principal will keep written records of all meetings and interviews held in relation to the complaint.
- Once the Principal is satisfied that, so far as is practicable, all of the relevant facts have been established, a decision will be made and parents will be informed of this decision in writing not more than 21 term-time working days after the Principal's receipt of the complaint. The Principal will also give reasons for his/her decision.
- If parents are still not satisfied with the decision, they should proceed to Stage 3 of this Procedure.

### **Stage 3 – Panel Hearing**

- The Complaints Panel hearing is a review of the decisions taken by the Principal. The role of the Panel is to establish the facts surrounding the complaints that have been made by considering:
  - the documents provided by both parties and
  - any representations made by the Parents and the Principal and to reach a decision, on the balance of probabilities, as to whether each complaint is to be upheld.
- It is not within the powers of the Panel to make any financial award, nor to impose sanctions on staff, pupils or parents. The Panel may make recommendations on these matters or any other issues to the Principal and / or to the Governing Body.
- The Panel will consist of at least three persons not directly involved in the matters detailed in the complaint, one of whom shall be independent of the management and running of the School. Each of the Panel members shall be appointed by the Governing Body and the Panel members will choose one of themselves to be the Chair of the Panel.
- The request will usually only be considered if the procedures at Stages 1 and 2 have been completed and the Panel will not consider any new areas of complaint which have not been previously raised as part of the complaints procedure.
- If parents seek to invoke Stage 3, following a failure to reach an earlier resolution, they must follow the procedure below:
  1. Put their request in writing to the Principal and to the Clerk to the Governors. This request must be received within 7 term time days of the date of the letter written to parents by the Principal that concluded Stage 2 of the complaints process. In addition, the letter must specify the complaint

and reasons why parents do not accept the decision made at Stage 2 of the complaints process. There is no need for parents to put forward documentation as evidence at this point, but this will be required 7 term time working days before the panel hearing, see point 3 below.

2. The Clerk will acknowledge the request for a hearing within 5 term time days of receipt and will convene the Panel and will schedule a hearing to take place as soon as practicable and normally within 20 term time working days of receipt of the request but the Panel shall have the absolute discretion as to the timing and manner of determination of a Complaint, including the determination of the same on the basis of documentation only provided by either party and/or in either party's absence.
  3. Parents should provide a pack of information to be given to The Clerk to the Governors at least 7 term time working days prior to the panel hearing. The pack should include copies of all relevant documents, details of the grounds of complaint and the desired outcome and any documents which the parents believe to be in the School's possession and wish the Panel to see.
  4. If the Panel deems it necessary, it may require that further particulars of the complaint or any related matter be supplied in advance of the hearing. The Clerk to the Governors will circulate a copy of the documents to be considered by the Panel to all parties normally not later than 7 term time days prior to the hearing.
- The parents may be accompanied to the hearing by one other person if they wish. This may be a relative or friend. The Panel is not legal proceedings and so legal representation is not necessary. The Clerk to the Governors must be given 7 term time days' notice if the parents wish to be accompanied by a friend or relation and parents must disclose if the accompanying person is legally qualified. Parents should note that the Panel will wish to speak to the parents directly. This accompanying person will not be permitted to act as an advocate or to address the Hearing unless invited to do so by the Chair of the Panel.
  - The Hearing will be conducted in an informal manner. The parties shall have the opportunity to ask questions and make comments in an appropriate manner. The hearing is not legal proceedings and the Panel shall be under no obligation to hear oral evidence from witnesses but may do so and / or may take written statements into account.
  - A clerk appointed by the Panel will take a handwritten minute of the proceedings. No recording of the proceedings will be permitted.
  - All those attending the Hearing are expected to show courtesy, restraint and good manners or, after due warning, the Hearing may be adjourned or terminated at the discretion of the Chair. If terminated, the original decision will stand. Any person who is

dissatisfied with any aspect of the way the Hearing is conducted must say so before the proceedings go any further and his / her comment will be minuted.

- Where further investigation is required, the Panel will decide how this should be carried out. The Chair may, at his / her discretion, adjourn the hearing for further investigation of any relevant issue, which may include an adjournment to take legal advice.
- When the Chair of the Panel considers that all the issues have been sufficiently discussed, he / she will conclude the Hearing. After due consideration of all facts they consider relevant, the Panel will reach a decision on a balance of probabilities, unless there is an agreed position, and make findings and recommendations, which it shall complete within 21 term time working days of the hearing. A copy of those findings and recommendations will be sent by electronic mail or otherwise given to the complainant and, where relevant, the person complained about. A copy will also be made available for inspection on the School premises by the Governing Body and the Headmaster/mistress.
- The completion of Stage 3 represents the conclusion of the School's complaints procedure.
- Parents can be assured that all complaints will be treated seriously and confidentially. The dates of terms are published on the School's website. The policy is to be used where parents wish to complain about pupil exclusion from School. Correspondence, statements and records relating to individual complaints will be kept confidential except where the Secretary of State or a body conducting an inspection under section 108 or 109 of the 2008 Education Act requests access to them. The Schools keep a written record for at least six years of all complaints at the formal stages detailing whether they were resolved at Stage 2 or proceeded to a panel hearing. The school also maintains a log of actions taken by the school as a result of a complaint, regardless of whether they are upheld. All information discussed and presented at a stage 3 hearing, including the minutes from the hearing, are confidential and can only be released to parties outside the panel, School and complainants on the written approval of the Chair of governors. This approval will not unreasonably be withheld. Parents have the right to know the number of complaints registered under the formal procedure during the preceding school year. This information is available upon request from the Clerk to the Governors.
- In the case where a child has left the school, if the original issue was raised whilst their child was registered at the school, the school will follow its complaints procedure as far is necessary.

If parents will not engage with the complaints process or does not exercise their right to attend the panel hearing, then the School will still proceed to panel hearing, keeping careful records of all documents and communication and showing it has made all reasonable attempts to resolve the complaint and accommodate any changes of date and venue.

- The EYFS will use this written procedure for dealing with concerns and complaints from parents and/or carers, and will keep a written record of any complaints, the date on which a complaint is received and its outcome. The Head of EYFS will investigate written complaints relating to the fulfilment of the EYFS requirements and notify complainants of the outcome of the investigation within 28 term-time days of having received the complaint. The record of complaints will be made available to OFSTED and ISI on request. This record will be kept for at least three years. Should the matter not be resolved or in the event that the Head of EYFS and the parent fail to reach a satisfactory resolution then parents will be advised to proceed with their complaint in accordance with stage 3 of this procedure.
- Parents of children in the EYFS setting ie Fledglings, Cygnets or Reception are entitled to make a complaint to OFSTED and/or the Independent Schools Inspectorate should they so wish. Contact details are shown at the end of this document.

### **Contact Details**

Independent Schools Inspectorate (ISI)

Independent Schools Inspectorate  
CAP House  
9 - 12 Long Lane  
London  
EC1A 9HA

Email [concerns@isi.net](mailto:concerns@isi.net)

**Telephone 020 7600 0100**

OFSTED  
Piccadilly Gate  
Store Street  
Manchester  
M1 2WD

Telephone helpline: 0300 123 1231

Textphone: 0161 618 6524

email: [enquiries@ofsted.gov.uk](mailto:enquiries@ofsted.gov.uk)