BURY
GRAMMAR SCHOOL

Complaints Policy

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Author: SLT
This policy is for Bury Grammar School

Introduction

Throughout this policy, please note that we will refer to parents, but this covers parents, guardians and carers.

Bury Grammar School ('the School') is 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. This policy applies to parents of all current pupils from EYFS (Cygnets/Reception 3-5 years) to the Sixth Form (Years 12 and 13).

The School makes its Complaints Procedure available to all parents of pupils and of prospective pupils on the School's website and in the School office during the School day, and will ensure that parents of pupils and of prospective pupils who request it are made aware that this document is published or available and of the form in which it is published or available, and of the number of complaints registered under the formal procedure during the preceding School year.

Although this Procedure is made available to parents of prospective pupils, it is not available for use by them. Complaints by parents of former pupils will be dealt with under this Complaints Procedure only if the complaint was initially raised when the pupil to which the complaint relates was still registered as a pupil at the School. The only exception to this is if the complaint is a review of a decision taken by the Principal to exclude or require the removal of a pupil under clause 7 of the School's Terms and Conditions in which case such a review must be requested by no later than seven working days from the date of the decision to exclude or require the removal of a pupil.

In accordance with paragraph 32(1) of Schedule 1 to the Education (Independent School Standards) Regulations 2014, the school will also make available, on request, to Ofsted, the Department for Education (DfE) or the Independent Schools Inspectorate (ISI), details of this Complaints Procedure and the number of complaints registered under the formal procedure during the preceding School year.

The School will be mindful of its obligations under the Equality Act 2010 in the application of this policy.

Although the School endeavours to manage complaints in an open and transparent manner, parents should be aware that there may be circumstances which mean the School is unable to share complete details about how a complaint has been handled by the School, the evidence collated, steps taken in response or other related matters. This could be the case even when a complaint is upheld. For example, this may be because such information constitutes sensitive third-party data (for example belonging to a staff member, pupil or other parent), legal or regulatory requirements prohibit disclosure, or withholding information is in accordance with specific instructions from a statutory agency. This list is not exhaustive.

"Parent(s)" means the holder(s) of parental responsibility for a current pupil about whom the complaint relates.

The number of formal complaints during the previous academic year is available on the School's website and also on request from the Principal's PA, Mrs A Cloke, who can be contacted at acloke@burygrammar.com.

This policy has regard for the School's Data Protection Policy and all associated policies. For reasons of data protection and confidentiality, parents are not entitled to have details of any sanctions or measures the School imposes on staff, other pupils or other parents.

Please note that if your complaint relates to the School's use of your data, then you should use the form which exists in our separate Data Protection Policy. You can also contact dataprotection@burygrammar.com for further information.

What Constitutes a Complaint?

A complaint is an expression of dissatisfaction with a real or perceived problem. It may be made about the School as a whole, about a specific department or about an individual member of staff, and any matter about which a parent is unhappy and seeks action by the School is within the scope of this procedure. A complaint is likely to arise if a parent believes that the School has done something wrong, failed to do something that it should have done or has acted unfairly.

Correspondence, statements and records relating to individual complaints are to be kept confidential except where the Secretary of State or a body conducting an inspection under section 109 of the Education and Skills Act 2008 requests access to them. There may also be other circumstances in which the School is required to share information relating to a concern or a complaint in order to comply with its legal or regulatory obligations.

The School is here for your child and you can be assured that your child will not be penalised for a complaint that you raise in good faith.

Timescales

All complaints will be handled seriously, sensitively and within clear and reasonable timescales.

It is in everyone's interest to resolve concerns and complaints quickly. Complaints are often more difficult to resolve with the passage of time, so complaints should normally be raised within three months of the incident. In exceptional circumstances, complaints will be considered outside this timeframe, but the School recognises that the task facing investigators becomes more difficult.

It is in everyone's interest to resolve a complaint as speedily as possible: the School's target is to complete the first two stages of the procedure **within 31 working days**. Stage 3, the Appeal Panel Hearing, will be completed **within a further 30 working days**.

Please note that, for the purposes of this procedure, **working days** refers to weekdays (Monday to Friday) during term time, excluding bank holidays and half term. This means that during School holidays it may take longer to resolve a complaint although the School will do what is reasonably practicable to avoid undue delay. It may also take longer to resolve a complaint during periods of significant disruption to School life or as a consequence of unavoidable staff absence, however deviation from the normal timescale for resolving a complaint during term time will only occur on an exceptional basis, and the School will take all reasonable steps to limit any such delay. The School expects parents to engage in the process in a reasonable, constructive and responsive manner to help ensure matters can be dealt with in a timely way and in line with the targets set out in this Procedure.

The Three-Stage Complaints Procedure

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. This may be in person, over the phone, in writing or by email. 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, Principal or other Senior Leader will usually be referred to the relevant Form Tutor/Class Teacher unless the Head of Department, Head of Year, Deputy Head, Principal or other Senior Leader deems it appropriate for them to deal with the matter personally.
- An informal complaint provided in writing will be acknowledged by telephone, email or letter within **two working days** of receipt. 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 **ten 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.
- In the event that a complaint is raised relating to the Principal, this should be considered as a Stage 2 complaint, with the matter being referred to the Chair of Governors.

Stage 2 – Formal Resolution

- If the complainant is not satisfied with the outcome of Stage 1, they may, within **ten working days** of receipt of the decision at Stage 1, put their complaint in writing to the Principal making it clear what outcome they are seeking.

- The complaint will be acknowledged within **two working days.** The Principal will decide, after considering the complaint, the appropriate course of action to take. The Principal may require further information from the parents to help clarify the scope and nature of their concerns. The Principal may in some circumstances deem it appropriate to nominate a staff member to hear the complaint and manage the Stage 2 complaint process – in practice this is likely to be the Deputy Principal or one of the Deputy Heads (but could also be, for example, a governor or third party where appropriate).

- In most cases, the Principal (or their nominee) will communicate with the parents concerned, within **ten working days** of receiving the complaint, to discuss the matter. If possible, a resolution will be reached at this stage.

- It may be necessary for the Principal (or their nominee) to carry out further investigations and the Principal (or their nominee) will determine who should carry out any investigation and this may be someone external to the school.

- Written records will be kept of all formal meetings and interviews held in relation to the complaint.

- Once the Principal (or their nominee) is satisfied that, so far as is practicable, all of the relevant facts have been established, the Principal will consider the findings of fact and make a decision. Parents will be informed of this decision in writing not more than **twenty one working days** after the Principal's receipt of the written complaint (or following the provision of any further clarificatory information about the complaint to the Principal). The Principal will give reasons for the decision.
- In the event that a Stage 2 complaint is raised against the Principal, parents should direct their complaint to the Chair of Governors (who may be contacted via the Clerk to the Governors). The Chair of Governors will nominate someone to determine the complaint. The Stage 2 process described above will then be followed as if the references to the Principal (or their nominee) is to the individual nominated by the Chair of Governors to determine the complaint against the Principal.
- If parents are still not satisfied with the decision, they should proceed to Stage 3 of this Procedure.

Stage 3 – Panel Hearing

- If parents seek to invoke Stage 3 (following a failure to reach an earlier resolution) they should do so in writing to the Clerk to the Governors within 10 days of receiving the decision at Stage 2, setting out their grounds of appeal. Any supporting evidence which the parents wish to rely on should also be provided with their grounds of appeal.

- In the event the parents are unable to provide their complaint within the time period stipulated (including to the extent applicable any extensions if agreed) the School reserves the right to conclude the complaint process and not progress the matter to Stage 3.

- The Clerk to the Governors, who has been appointed by the Governors to call hearings of the Complaints Panel, will then refer the appeal to the Complaints Panel for consideration. The Panel will consist of 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.

- The Complaints Panel will appoint one of the Panel members to act as the Chair of the Panel. The Clerk, on behalf of the Panel, will then acknowledge the complaint within 5 working days and schedule a hearing to take place within 20 working days.

- If the Panel or Clerk to the Governors deems it necessary, they may require that further particulars of the complaint or any related matter be supplied in advance of the hearing or further investigation be carried out. Copies of such particulars shall be supplied to all parties not later than 5 working days prior to the hearing.

- The parents may attend the hearing and be accompanied to the hearing by one other person if they wish. The Stage 2 decision-taker shall also be entitled to be accompanied to the hearing by one other person if they wish. This may be a relative, teacher or friend. Legal representation will not be appropriate and the companion should not be a lawyer. The identity of the companions should be confirmed to the Clerk to the Governors as soon as possible and by no later than 2 working days before the hearing. The Panel will decide whether it would be helpful for witnesses to attend.

- A note-taker will attend the hearing to take a note. This will not be a verbatim note but an accurate reflection of what was discussed. Notes of the hearing will be shared with attendees as soon as practicable after the hearing. To the extent there is any disagreement about the content of those notes or further comments from the parties, these will be considered by and,

where possible, resolved by the Chair. A copy of any comments on the notes will be appended to the notes.

- The remit of the Panel shall be at the discretion of the Chair of Governors and the manner in which the hearing is conducted shall be at the discretion of the Panel.

- If possible, the Panel will resolve the parents' complaint without the need for further investigation. Where further investigation is required, the Panel will decide how it should be carried out.

- After due consideration of the merits of the complaint and all facts they consider relevant, the Panel will make findings as to whether or not the Stage 2 decision was a reasonable one and decide whether to:

    - dismiss the complaint(s) in whole or in part;

    - uphold the complaint(s) in whole or in part; and

    - make recommendations for the School to consider. Stage 3 Panels cannot require that any financial compensation is paid to parents or otherwise obligate the School to take particular steps.

- The Panel will write to the parents informing them of its decision and the reasons for it, within 5 working days of the hearing (although additional time may be required if it is necessary to carry out further investigations following the hearing). The decision of the Panel will be final. A copy of the Panel's findings and recommendations (if any) will be sent by electronic mail or otherwise given to the parents, and, where relevant, the person complained about as well as the Chair of Governors and the Stage 2 decision-taker. A copy of the Panel's findings and recommendations (if any) will also be available for inspection on the School premises by the Chair of Governors and the Principal.

- Any complaint about a decision taken by the Principal to exclude or require the removal of the pupil under clause 7 of the School's Terms and Conditions will be governed by this Stage 3 of the School's Complaints Procedure. There may be circumstances in which the School consider it necessary and appropriate to deviate from the Stage 3 procedure in the context of appeals for exclusion and required removal, and the School will inform the parents of this. In such circumstances, the Panel may only uphold the complaint and ask the Stage 2 decision-taker to reconsider their decision if they consider, having regard to the process followed by the Principal, that the Principal's decision to exclude / require the removal of the pupil was not a reasonable decision for the Principal to have taken.

Persistent correspondence and/or anonymous correspondence

Bury Grammar 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.

Behaviour that Bury Grammar School will consider to be unreasonable includes:

- refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance
- 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 Complaint Procedure has been fully and properly implemented
- insists on the complaint being dealt with in ways which are incompatible with the Complaints Procedure or with good practice
- 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.

Correspondence that the School considers to be vexatious and/or persistent and/or unreasonable will fall outside the scope of this procedure.

The School's policy on anonymous letters and communications is not to act upon the contents, unless

- There are grounds to believe the communications may constitute 'malicious communications' as defined under the Malicious Communications Act 1988; or
- There are grounds to believe a child/children may be at risk; or
- There are grounds to believe a crime may have been committed.

If there are grounds to believe the communications may be malicious, the School will refer to the police. If there are grounds to believe a child may be at risk, the School will refer to the DSL and the LADO. If there are grounds to believe a crime may have been committed, the School will refer to the police.

Recording Complaints and Use of Personal Data

Following resolution of a complaint, the School will keep a written record of all complaints, whether they are resolved at the Stage 1 (informal stage), the formal stage (Stage 2) or proceed to a Panel hearing (Stage 3) and any action taken by the School as a result of the complaint (regardless of whether the complaint is upheld).

The School processes data in accordance with its Privacy Notice. When dealing with complaints the School (including any Panel member appointed under the Stage 3 process) may process a range of information, which is likely to include the following:

- Date when the issue was raised
- Name of parent
- Name of pupil
- Description of the issue
- Records of all the investigations (if appropriate)
- Witness statements (if appropriate)
- Name and contact details of member (s) of staff handling the issue at each stage
- Copies of all correspondence on the issue (including emails and records of phone conversations)

- Notes/minutes of the hearing, and
- The Panel's written decision

This may include 'special category personal data' (as further detailed in the School's Data Protection Policy, but potentially including, for instance, information relating to physical or mental health) where this is necessary owing to the nature of the complaint. This data will be processed in accordance with the School's Data Protection Policy.

The School will keep records of formal complaints and Complaints Panel hearings, as required by regulation. It will do so in accordance with its Privacy Notices and/or Data Protection Policy. All records relating to complaints shall be treated as confidential. In addition to where requested by the Secretary of State or an inspector (see above), there may be other circumstances where disclosure of the substance of a complaint or particular confidential records relating to it is required, for example, where there is a legal, regulatory, safeguarding or data protection obligation (eg, in response to a subject access request) which prevails over the requirement to maintain the records as confidential.

Primary Division including Early Years Foundations Stage (EYFS)

- The EYFS will use this written procedure for dealing with concerns and complaints from parents and will keep a written record of any complaints, the date on which a complaint is received and its outcome. The Head of Infants will investigate written complaints relating to the fulfilment of the EYFS requirements and notify complainants of the outcome of the investigation in line with the above timescales, and in any event within 28 term-time days of having received the complaint.
- The record of complaints will be made available to Ofsted and/or ISI on request. This record will be kept for at least three years and in accordance with its Privacy Notice and Data Protection Policy. Should the matter not be resolved or in the event that the Head of Infants 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.

- If parents remain dissatisfied and their complaint is about the School's fulfilment of the EYFS requirements, parents of children in the EYFS setting i.e. 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)
CAP House
9 - 12 Long Lane
London
EC1A 9HA
Email: info@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