



## **Bourne Education Trust - School Complaints Policy**

### **School: Brookwood Primary School**

#### **Introduction**

Brookwood Primary School endeavours to provide the best education possible for all its pupils in an open and transparent environment. We welcome any feedback that we receive from parents, pupils and third parties, and we accept that not all of this will be positive. Where concerns are raised the school intends for these to be dealt with:

- Fairly
- Openly
- Promptly
- Without Prejudice.

In order to do so, Bourne Education Trust has approved the following procedure which explains what you should do if you have any concerns about the school. All members of staff will be familiar with the procedure and will be able to assist you.

#### **Raising concerns**

The majority of concerns can be dealt with without resorting to this procedure. Where you have a concern about educational matters or your child's wellbeing, we encourage you to raise this with your child's class teacher via telephone, email or in person. They may be able to address your concerns straight away or arrange a meeting with you to discuss the issue.

If you have a concern about disciplinary matters, please raise this with a member of the school leadership team. If your concern is about financial or administration matters, please raise it with the school business manager. Alternatively, if your concern is about a member of staff's conduct, please approach them directly or, where this is thought inappropriate or does not resolve the situation, approach their line manager.

The school's contact details can be found in Appendix A.

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

At this informal stage, your issues will be considered carefully and, where any further information is needed, an investigation will be carried out.

All concerns will be dealt with confidentially, although the staff member may need to take notes if they feel that the matter may need to be taken further or it may arise again in the



future. Any such notes will be kept in accordance with the principles of the Data Protection Act 2018. However, such notes would be able to be used to as evidence if further investigation was required, or if the concern became a formal complaint.

If your issue remains unresolved, the next step is to make a formal complaint.

### **Which procedure do I need?**

Some complaints will be dealt with through different policies or procedures, particularly those that link to other statutory procedures – please refer to Appendix B.

For complaints regarding discrimination and harassment based on protected characteristics as defined in the Equality Act 2010, the complaints procedure applies but the complainant has a further right of appeal to SENDIST (Special Educational Needs and Disability First Tier Tribunal) for complaints about disability discrimination or to the county court for all other unresolved disputes regarding protected characteristics.

### **Complaints Procedure**

When you raise an issue with your child's teacher or Headteacher in the first instance, they will work with you, conduct an investigation where appropriate and seek a resolution. Most issues and concerns can be resolved through this informal step. If the issue remains unresolved, the next step is to make a formal complaint.

For ease of use, a stage 1 complaint form is included in Appendix C. If you require any help in completing the form, please contact the school office.

Please do not approach individual governors to raise concerns or complaints. They have no power to act on an individual basis and it may also stop them from being able to consider complaints at stage 2 of the procedure.

We would not normally investigate anonymous complaints. However, the Headteacher or chair of governors, if appropriate, will decide whether to investigate an anonymous complaint.

### **Timescales**

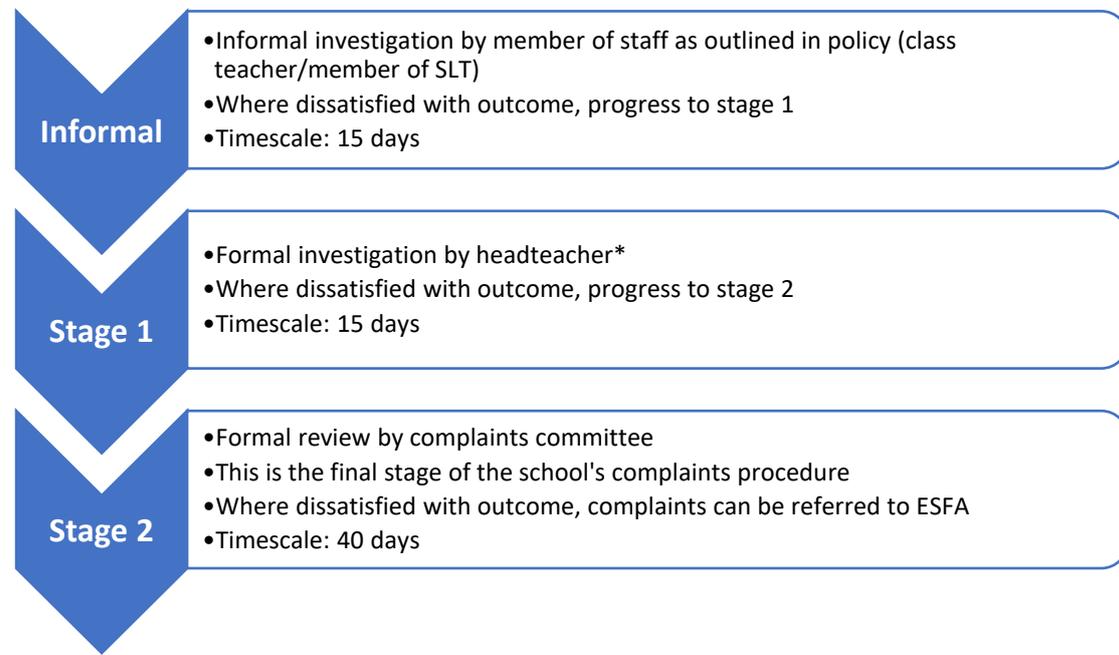
You must raise your complaint within three months of the incident or, where a series of linked incidents have taken place, within three months of the last of these. We will consider complaints made outside of this timeframe if exceptional circumstances apply. Exceptional circumstances means where new evidence has come to light, where the complaint is especially serious or where there is reasonable justification for why you have been unable to raise the complaint before this time. In such circumstances the Headteacher will review the situation and decide whether to enact the complaints procedure.

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



## Timeline for formal complaints

The diagram below sets out the timeline for complaints. All timescales in this document refer to school working days which excludes weekends, school holidays and INSET days.



\*If a stage 1 complaint concerns the Headteacher or a governor it will be formally investigated by a designated member of the local governing committee (LGC). If the complaint concerns the chair or vice-chair of the LGC or the majority of the LGC it will be investigated by the CEO of the Trust.

If other organisations are investigating aspects of the complaint, such as the police, local authority safeguarding teams or tribunals, this may mean that we cannot meet these timescales or may result in the procedure being suspended until those public bodies have completed their investigations.

If you commence legal action against Brookwood Primary School in relation to your complaint, we will consider whether to suspend the complaints procedure until those legal proceedings have concluded.

We may also not be able to meet these timescales if the information needed to review a complaint is complex, if there are difficulties regarding an individual's availability to deal with the complaint, or because of issues that are outside of the school's control. If it becomes apparent that it is not possible to complete any stage of the complaints procedure within a given timeframe, the individual responsible for handling the complaint will contact you as soon as possible and come to an agreed timeframe that works for all parties involved.

## Resolving complaints



At each stage in the procedure, Brookwood Primary School wants to resolve the complaint. If appropriate, it will be acknowledged that the complaint is upheld in whole or in part. In addition, one or more of the following may be offered:

- An explanation
- An admission that the situation could have been handled differently or better
- An assurance that the school will try to ensure the event complained of will not recur
- An explanation of the steps that have been or will be taken to help ensure that it will not happen again and an indication of the timescales within which any changes will be made
- An undertaking to review school policies in light of the complaint
- An apology.

### **Withdrawal of a complaint**

If you wish to withdraw your complaint, you will be asked to confirm this in writing.

### **Formal stages of the complaint procedure**

#### **Stage 1**

In most circumstances formal complaints must be made to the Headteacher via the school office. This may be done in person, in writing (preferably on the stage 1 complaint form in Appendix C) or by telephone – for exceptions to this please see below. It is likely that you will be asked to complete a complaint form if you have not already done so.

The Headteacher will record the date that the complaint is received and will acknowledge receipt in writing (either by letter or email) within two school days. The Headteacher may delegate the investigation to another member of the school's senior leadership team, but not the decision to be taken.

It is likely that the Headteacher or designated member of the SLT will meet you face to face to discuss the matter, clarifying the nature of the complaint, what remains unresolved and what outcome you would like to see. At the meeting, your concerns will be discussed, and resolution will be sought.

If agreement can be reached at that point on a way forward which is satisfactory to all parties, this will be confirmed in writing following the meeting. If the issues are not resolved by the end of the meeting, the Headteacher/designated member of SLT will then commence a full investigation.

The Headteacher (or investigator) will consider all relevant evidence. This may include but is not limited to:

- A statement from the complainant



- Where relevant a meeting with/statement from those involved in the matter and/or those complained of, allowing them to be accompanied if they wish
- Any previous correspondence regarding the complaint
- Any supporting documents
- Interviews with/statements from anyone related to the complaint
- Any other applicable evidence.

At the conclusion of their investigation, the Headteacher will provide a formal written response within 15 days of the date of receipt of the complaint. A written record will be kept of any meetings/interviews in relation to their investigation.

If the Headteacher is unable to meet this deadline, they will provide you with an update and a revised response date.

The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions Brookwood Primary School will take to resolve the complaint.

The Headteacher will provide you with details of how to escalate your complaint if you remain dissatisfied with the outcome of stage 1.

### **Complaints about the Headteacher or the governors**

If your complaint concerns the Headteacher, you should first directly approach the Headteacher in an attempt to resolve the issue informally. If you are not satisfied with the outcome, or you have good reason to feel it is inappropriate to approach the Headteacher in the first instance, you should use the template stage 1 complaint form found in Appendix C to contact the chair of governors via the school office. Please mark the envelope as Private and Confidential. A stage 1 formal investigation will be undertaken, led by a nominated governor as set out below.

If your complaint concerns a governor, you should use the template stage 1 complaint form found in Appendix C to approach the clerk to the local governing committee via the school office. Please mark the envelope as Private and Confidential. An informal resolution will be sought, but where this fails, a stage 1 formal investigation will be undertaken led by the chair of governors or a nominated governor.

If your complaint concerns the chair of governors, the chair and vice-chair jointly, the entire local governing committee or the majority of the local governing committee the matter will be escalated to the CEO of the Trust. A stage 1 formal investigation will be undertaken led by the CEO of the Trust who may, in turn, appoint an independent investigator.

If your complaint is not resolved to your satisfaction, then you may progress to stage 2 of this procedure, using the template stage 2 complaints form found in Appendix D of this procedure.



## Stage 2

If you are dissatisfied with the outcome at stage 1 and wish to take the matter further, you can escalate the complaint to stage 2 – a meeting of members of the local governing committee’s complaints committee. This is the final stage of the complaints procedure.

Your request to escalate to stage 2 must be made to the clerk using the stage 2 formal complaints form (Appendix D), via the school office, within 10 days of you receiving the school’s response to the stage 1 complaint. Requests received outside of this timeframe will only be considered if exceptional circumstances apply.

The complaints committee will consist of two governors and an independent member with no prior involvement or knowledge of the complaint. The independent member will be a governor from another school outside Bourne Education Trust or another qualified person. They will be suitably skilled and able to demonstrate their independence.

Prior to the meeting, the committee will decide amongst themselves who will act as the chair of the complaints committee. If there are fewer than two governors from Brookwood Primary School available, the clerk will source any additional governors through another Trust school.

The following steps will be taken:

1. The clerk to the complaints committee will write to you within five days to confirm receipt of the stage 2 formal complaints form and detail further action to be taken. The clerk will request copies of any further written material to be submitted to the committee.
2. The complaints committee will meet within 30 days of receipt of the request for the stage 2 complaint review. If the first identified date is not convenient for you, they will offer up to two further dates. If these all fail to be suitable or you cancel the meeting at the last minute for whatever reason, then the committee may opt to conduct the complaint review meeting in private, without either the school or the complainant being represented. Their considerations will be based on the documentary evidence previously provided by both parties to ensure that the matter is resolved as soon as possible in the best interests of all parties.
3. The complaints committee will invite the following parties, where applicable:
  - You
  - The Headteacher
  - Relevant witnesses
  - A representative from, or appointed by, Bourne Education Trust for procedural advice only.



You may ask to bring someone along to the meeting with you to provide support. This can be a friend or relative. It is inadvisable for this person to be a member of the school community for reasons of confidentiality and to avoid conflict of interest. You should let the clerk know the name and role of this supportive companion prior to the hearing, and the clerk will seek agreement from the chair of the committee. The supportive companion is not there as a witness, so does not address the complaints committee except with the prior agreement of the chair.

Generally, neither you nor the school would bring legal representatives to the meeting. However, there may be occasions when legal representation is appropriate, for example, if a school employee is called as a witness in a complaint meeting, they may wish to be supported by union and/or legal representation.

If the attendance of any pupils is required at the hearing, parental permission will be sought if the pupil is under the age of 18. Extra care will be taken to consider the vulnerability of children where they are present at a complaints hearing.

Representatives from the media are not permitted to attend.

All relevant documentation to be considered by the committee will be distributed to both parties five days in advance of the meeting.

4. The complaints committee can make the following decisions:
  - Dismiss the complaint in whole or in part
  - Uphold the complaint in whole or in part.

If the complaint is upheld in whole or part, the committee will:

- Decide on the appropriate action to be taken to resolve the complaint
  - Recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not reoccur.
5. The chair of committee will provide you and the school with a full explanation of their decision and the reason(s) for it in writing within 10 school days. This letter will include details of how to contact the Education and Skills Funding Agency if you are dissatisfied with the way your complaint has been handled by Brookwood Primary School. Where relevant, the findings and recommendations will also be sent to the person complained about.

The clerk to the complaints committee will record the proceedings in the form of notes and will circulate these and the outcome of the meeting. The notes are a summary of the discussion at the hearing and the decision of the complaints committee following the hearing but will not include the deliberations of the committee. The notes are the property of the Trust, delegated to the local governing committee.



This is the final stage at which the school will consider the complaint. If you remain dissatisfied and wish to take the complaint further, you must refer the matter to the Education and Skills Funding Agency.

### **Retention**

A copy of all relevant information relating to the complaint is kept at the school in a secure, confidential file, separate from staff and pupil records. This includes the findings and recommendations of a stage 2 complaints committee which are available for inspection on the school premises by the Trust and the headteacher. Correspondence, statements and records relating to individual complaints are kept confidential except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access to them.

A written record is kept of all formal complaints which are escalated to stage 1 or stage 2 of this policy.

Records relating to complaints made to and investigated by the governing body or headteacher will be retained in line with guidance from the Information and Records Management Society ([www.irms.org.uk](http://www.irms.org.uk)) and in accordance with the principles of the Data Protection Act 2018. For major complaints, records will be retained for the current year plus 6 years. If negligence is involved in the complaint, records will be retained for the current year plus 15 years. If child protection or safeguarding issues are involved, records will be retained for the current year plus 40 years.

### **Social media**

For complaints to be resolved as quickly and fairly as possible, Brookwood Primary School requests the complainants do not discuss complaints publicly or via social media such as Facebook and Twitter. Complaints will be dealt with confidentially for those involved, and we expect complainants to observe confidentiality also.

### **Complaints that result in staff capability or disciplinary**

If at any formal stage of the complaint it is determined that staff disciplinary or capability proceedings are necessary to resolve the issue, the details of this action will remain confidential to the Headteacher and/or the individual's line manager. The complainant is entitled to be informed that the matter is being dealt with appropriately, but they are not entitled to participate in the proceedings and will not receive any detail about them or the outcome.

### **Serial and persistent complaints**

Brookwood Primary School is committed to dealing with all complaints fairly and impartially, and to providing a high quality service to those who complain.



If, once all stages of the complaints procedure have been followed, a complainant tries to re-open the same issue, they will be informed that the procedure has been completed and that the matter is now closed.

If they then contact the school again on the same issue, the correspondence may be viewed as 'serial' or 'persistent' and the school may choose not to respond.

Brookwood Primary School will take the decision to stop responding when:

- Every reasonable step has been taken to address the complainant's concerns
- They have been given a clear statement of Brookwood Primary School's position and their options
- They contact Brookwood Primary School repeatedly, making substantially the same points each time.

This decision will be made more easily if:

- The complainant's letters, emails or telephone calls are abusive or aggressive
- They make insulting personal comments about or threats towards staff
- Brookwood Primary School believes that the complainant is making contact with the intention of causing disruption or inconvenience.

If the behaviour continues the Headteacher will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact Brookwood Primary School causing a significant level of disruption, methods of communication may be specified and the number of contacts limited in a communication plan. This will usually be reviewed after six months.

If an individual persists to the point that may constitute harassment, Brookwood Primary School will seek legal advice.

In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. This may include barring an individual from Brookwood Primary School.

### **Barring from the school premises**

Although fulfilling a public function, schools are private places. The public has no automatic right of entry. The local governing committee has a responsibility to ensure the wellbeing of pupils and staff and will therefore act to ensure that Brookwood Primary School remains a safe place.

If an individual's behaviour is a cause for concern, the Headteacher can ask them to leave school premises. In some cases, individuals can be barred from entering school. They will be given the opportunity to express their views on the decision to bar in writing.



The decision to bar will then be reviewed by the chair of governors or a committee of governors, taking into account any representations made by the individual. The decision to bar will either be confirmed or lifted.

If the decision is confirmed the individual will be notified in writing, explaining how long the bar will be in place and when the decision will be reviewed.

Anyone wishing to complain about being barred can do so, by letter or email, to the Headteacher or chair of governors. Once the school's appeal process has been completed, the only remaining avenue of appeal is through the courts; independent legal advice must therefore be sought.

### **Next steps**

If you feel that Brookwood Primary School did not handle your complaint in accordance with the published complaints procedure or acted unlawfully or unreasonably in the exercise of duties under educational law, you can complain to the Education and Skills Funding Agency (ESFA) after the complaints procedure has been exhausted. Please note that unreasonable is used in a legal sense and means acting in a way that no reasonable school or authority would act in the same circumstances. The complainant can refer their complaint to the ESFA online at: [www.education.gov.uk/contactus](http://www.education.gov.uk/contactus), by telephone on: 0370 000 2288 or by writing to:

Academy Complaints and Customer Insight Unit  
Education and Skills Funding Agency  
Cheylesmore House  
5 Quinton Road  
Coventry  
CV1 2WT

### **Relevant legislation and guidance**

The Equality Act 2010 <http://www.legislation.gov.uk/ukpga/2010/15/contents>

The Data Protection Act 2018 <http://www.legislation.gov.uk/ukpga/2018/12/contents>

The Education (Independent School Standards) Regulations 2014

<http://www.legislation.gov.uk/uksi/2014/3283/contents/made>

Education Act 2011 <http://www.legislation.gov.uk/ukpga/2011/21/contents>

The Department for Education *Best Practice advice for academies complaints procedures*

<https://www.gov.uk/government/publications/setting-up-an-academies-complaints-procedure>



## **Appendix A**

### **Contact details**

#### **School**

Brookwood Primary School  
Connaught Road  
Brookwood  
Woking  
Surrey  
GU24 0HF  
Tel: 01483 473315  
Email: [office@brookwood.surrey.sch.uk](mailto:office@brookwood.surrey.sch.uk)

#### **Chair of governors**

Cath McCormick  
Brookwood Primary School  
Connaught Road  
Brookwood  
Surrey  
GU24 0HF

#### **Clerk to the local governing committee**

Brookwood Primary School  
Connaught Road  
Brookwood  
Surrey  
GU24 0HF  
Email: [clerk@brookwood.surrey.sch.uk](mailto:clerk@brookwood.surrey.sch.uk)

#### **Chief Executive Officer – Bourne Education Trust**

Mr Alex Russell  
Contact through the clerk to the local governing committee.



## Appendix B

### Which procedure do I need?

Some complaints will be dealt with through different policies or procedures, particularly those that link to other statutory procedures. The list below contains some of these, with the contact information or policies to refer to. You may ask for a copy of any of the policies listed from the school office.

- Child protection/safeguarding - Wherever a complaint indicates that a child's wellbeing or safety is at risk, the school is under a duty to report this immediately to the local authority. Any action taken will be in accordance with the school's child protection and safeguarding policy which can be found on the school website or from the main office. If at any time a child protection concern becomes apparent, the child protection and safeguarding policy takes precedence over the complaints process, which will be halted until the child protection matter is resolved.

Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance.

Surrey Safeguarding Children Partnership procedures apply ([www.surreyscp.org.uk](http://www.surreyscp.org.uk))

If you have serious concerns, you may wish to contact the county council direct:

- Surrey County Council (SCC) Contact Centre (0300 200 1004)
- School admissions - Please refer to the school's admissions policy or contact:
  - Surrey County Council, Admissions Team,
  - <https://www.surreycc.gov.uk/schools-and-learning/schools/admissions>
- Statutory assessment of special educational needs. Please refer to the Surrey County Council Local Offer website (<https://www.surreylocaloffer.org.uk/kb5/surrey/localoffer/home.page>)

- Exclusion of children from school - Further information on raising concerns about exclusions can be found at: [www.gov.uk/school-discipline-exclusions/exclusions](http://www.gov.uk/school-discipline-exclusions/exclusions).

Complaints about the application of the behaviour policy can be made through this policy.

- Whistleblowing - Bourne Education Trust has a whistleblowing policy for all employees, including temporary staff and contractors ([www.bourne.education](http://www.bourne.education)).



The Secretary of State for Education is the prescribed person for matters relating to education for whistleblowers in education who do not want to raise matters directly with their employer. Referrals can be made at: [www.education.gov.uk/contactus](http://www.education.gov.uk/contactus).

- Staff grievance - Complaints from staff will be dealt with internally following Bourne Education Trust's grievance policy ([www.bourne.education](http://www.bourne.education)).
- Staff conduct - Complaints about staff will be dealt with, if appropriate, internally following Bourne Education Trust's disciplinary and appraisal and capability policies ([www.bourne.education](http://www.bourne.education)).
- Complaints about services provided by other providers who may use school premises or facilities - Providers should have their own complaints procedure to deal with complaints about service. Please contact them directly.
- Subject access requests and freedom of information requests - Please see Bourne Education Trust's data protection and freedom of information policies ([www.bourne.education](http://www.bourne.education)).

For complaints regarding discrimination and harassment based on protected characteristics as defined in the Equality Act 2010, the complaints procedure applies but the complainant has a further right of appeal to SENDIST (Special Educational Needs and Disability First Tier Tribunal) for complaints about disability discrimination or to the county court for all other unresolved disputes regarding protected characteristics.





What actions do you feel might resolve the problem at this stage?

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Please give details of any paperwork you are attaching.

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Signed:

Date:

*Official use*

Date received:	Signed:
Date acknowledgement sent:	
By whom:	
Complaint referred to:	
Date:	



## Appendix D

### Brookwood Primary School Formal Complaints Form (Stage 2)

Please complete and return to the clerk to the local governing committee via the school office.

Name	
Name of pupil, year group and your relationship to them (where applicable)	
Address	
Telephone (Day)	
Telephone (Mobile)	
Email Address	
Please give details of why you wish to take your complaint further and escalate the complaint to stage 2. Please give:	
<ul style="list-style-type: none"><li>▪ Reasons why you feel your concerns have not been fully addressed</li><li>▪ Any evidence that you feel has not been fully considered, and,</li><li>▪ Which elements of your complaint remain unresolved from stage 1</li></ul>	



What actions do you feel might resolve the problem at this stage?

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Please give details of any paperwork you are attaching.

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Signed:

Date:

*Official use*

Date received:	Signed:
Date acknowledgement sent:	
By whom:	
Complaint referred to:	
Date:	



## Appendix E

### Roles and responsibilities

It is expected that all those involved in a complaint are treated respectfully.

### The complainant

The complainant will receive a more effective response to the complaint if they:

- Co-operate with the school in seeking a solution to the complaint
- Explain the complaint in full as early as possible
- Respond promptly to requests for information or meetings or in agreeing the details of the complaint
- Ask for assistance as needed
- Refrain from publicising the details of their complaint on social media and respect confidentiality.

### The complaint investigator

The investigator's role is to establish the facts relevant to the complaint by:

- Providing a comprehensive, open, transparent and fair consideration of the complaint through:
  - Sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved
  - Consideration of records and other relevant information
  - Interviewing staff and children/young people and other people relevant to the complaint
  - Analysing information
- Effectively liaising with the complainant to clarify what he/she feels would put things right
- Responding to the complainant in plain and clear language.

The investigator should make sure that they:

- Conduct interviews with an open mind and are prepared to persist in the questioning
- Keep notes of interviews or arrange for an independent notetaker to do so
- Prepare a comprehensive report for the Headteacher or complaints committee that sets out the facts, identifies solutions and recommends courses of action to resolve problems.

The Headteacher or complaints committee will then determine whether to uphold or dismiss the complaint and communicate that decision to the complainant, providing the appropriate escalation details.



### **The clerk to the complaints committee**

The clerk is the contact point for the complainant and the committee and should:

- Set the date, time and venue of the hearing, ensuring that the venue and proceedings are accessible (please see page 6 for more information)
- Collate any written material and send it to the parties in advance of the hearing
- Meet and welcome the parties as they arrive at the hearing
- Record the proceedings
- Notify all parties of the committee's decision.

### **The chair of the complaints committee**

The chair of the complaints committee has a key role in ensuring that:

- Both parties are asked (via the clerk) to provide any additional information relating to the complaint by a specified date in advance of the meeting
- The meeting is conducted in a manner whereby everyone is treated with respect and courtesy
- The procedure for the meeting is explained
- The role of the clerk to the complaints committee and the Bourne Education Trust representative is explained (including that they take no part in the decision-making but are there to record proceedings and provide procedural advice)
- The remit of the committee is explained to the complainant and both they and the school have the opportunity of putting their case without undue interruption
- The issues are addressed
- Key findings of fact are made
- The committee is open-minded and acts independently
- Notes of the meeting are taken
- No member of the committee has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure.

### **Bourne Education Trust representative**

The role of the representative from, or appointed by, Bourne Education Trust is to provide impartial advice and guidance to school staff, governors and complainants at all stages of the complaints process. This person may be from the Area Schools Support Service.



## Appendix F

### **Surrey County Council Area Schools Support Service contact details**

Area schools officers provide support, professional advice, guidance and signposting to headteachers, governors, school staff and other education stakeholders on the management and resolution of concerns and complaints about schools.

If you would like to contact the area schools officer, please call the contact centre on 0300 200 1004.