



BURY
GRAMMAR SCHOOL

Complaints Policy

Date Approved: June 2021

Last Reviewed: November 2023

Review Date: August 2024

Author: SLT

This policy is for Bury Grammar School

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 658 to 684 of the Commentary on the Regulatory Standards September 2022.

Introduction

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

Bury Grammar 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.

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 all 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. For reasons of data protection and confidentiality, parents are not entitled to have details of any sanctions the School imposes on staff, pupils or other parents.

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.

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

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.

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, Principal or other Senior Leader 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 term time 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 **ten 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.
- 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 deferred to the Chair of Governors.

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

Stage 2 – Formal Resolution

- If the complainant is not satisfied with the outcome of Stage 1, they may, within **fifteen term time 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 term time working days**, and as soon as practicable during the holidays. The Principal will decide, after considering the complaint, the appropriate course of action to take. This course of action may include delegating authority to investigate the Stage 2 complaint to a nominated senior colleague – in practice this is likely to be the Vice Principal or one of the Deputy Heads (but could also be a governor or third party where appropriate).
- In most cases, the Principal/nominated senior colleague will communicate with the parents concerned, within **ten 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/nominated senior colleague to carry out further investigations or to ask a senior member of staff to act as investigator.
- The colleague in charge of the complaint will keep written records of all meetings and interviews held in relation to the matter.
- Once the colleague investigating the Stage 2 concern is satisfied that, so far as is practicable, all of the relevant facts have been established, the Principal will consider the findings of fact, usually set out in an investigation report, and to make a decision based on this. Parents will be informed of this decision in writing not more than **twenty one term time working days** after the Principal's receipt of the complaint. The Principal will also give reasons for her decision.
- In the event that a Stage 2 complaint is raised relating to 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 would then follow the steps and timeline above in acknowledging and investigating the complaint. The investigation of the matter could in this case be delegated to

another Governor or a third party, but the Chair of Governors will be responsible for considering the findings of facts, making a decision and communicating this to parents (with reasons).

- 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 to review the aspects of the Stage 2 complaint that remain in issue. 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. If the Stage 3 complaint relates to the Principal, the request should be made only to the Clerk of Governors. This request must be received within **seven term time working days** of the date of the letter written to parents 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 **seven term time working days** before the panel hearing, see point 3 below.
 2. The Clerk will acknowledge the request for a hearing within **five 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 **twenty term time working days** of receipt of the request. the Panel shall have the absolute discretion as to the timing and manner of determination of a complaint and will determine the complaint on the basis of relevant documents which all parties will have sight of in advance of the panel hearing.

3. Parents should provide a pack of information to be given to The Clerk to the Governors at least **seven 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 **seven term time working 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 a legal proceeding and so legal representation is not necessary. The Clerk to the Governors must be given **seven term time working 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 a legal proceeding 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 handwritten minutes 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 **twenty one term time working days** of the Hearing. A copy of those findings and recommendations will be sent by email 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 Principal.
 - 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 School keeps a written record of all formal complaints which do not have safeguarding implications for at a minimum of seven years detailing whether they were resolved at Stage 2 or proceeded to a Stage 3 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 on-roll at the School, the School will follow its Complaints Procedure as far is necessary.

Repeated attempts by a parent to raise the same complaint after it has been considered at all three stages may be regarded as vexatious and outside the scope of this policy.

If parents will not engage with the complaints process or do 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.

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 Primary Principal 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/or 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 Primary Principal 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 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)

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

Email: concerns@isi.net

Telephone: 020 7600 0100

OFSTED

OFSTED
Piccadilly Gate
Store Street
Manchester
M1 2WD

Telephone helpline: 0300 123 1231

Textphone: 0161 618 6524

Email: enquiries@ofsted.gov.uk

Appendix A: Vexatious, serial and unreasonable complaints

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.

Bury Grammar 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 Complaint Procedure has been fully and properly implemented
- 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.