



COMPLAINTS POLICY

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The Policy and Procedures set out below are for use by parents/carers of children in the Nursery, Pre-School Class, Kidzone (wrap around care), Beech House (Infants' School), Hesketh House (Girls' Junior School), Park Road (Boys' Junior School), Girls' Senior School & Boys' Senior School. Kidzone Holiday Club and BSSL Leisure Services have separate complaints policies which can be obtained from the Kidzone or BSSL website whichever is relevant.

The Bolton School Foundation aims to be a listening and responsive community in which positive relationships exist between all its members and where pupils (and children in the EYFS settings) receive the highest quality of teaching and pastoral care. If our provision falls short of these aims, we encourage children, pupils, parents and carers to inform us of their concerns whilst these are still at a minor level and can more easily be resolved by dialogue and mutual understanding. We are committed to taking concerns seriously and to dealing with them fairly, openly and honestly so that we are able to come to a quick resolution through informal means (Stage 1a and Stage 1b, below).

In some cases, however, it may not be possible to reach a resolution through informal means. In such instances, Stages 2 and 3 may follow.

The number of *working days* within which we aim to resolve a complaint is given below at each stage of the process. If the complaint concerns a term-time setting, please be aware that 'working days' do not include school holidays, as staff may not be available to process complaints and carry out investigations during holiday periods.

Scope of this Policy- Definition of a Complaint:

Any matter about which a parent or carer is unhappy and seeks action by the school is defined as a complaint and is therefore to be dealt with under the terms of this policy.

The purpose of any wording in this policy is to provide helpful clarification to parents/carers about the most appropriate dispute resolution process within the school procedures, rather than to limit the availability of the statutory complaints process to parents/carers. The intention underpinning this policy is for concerns and complaints to be dealt with swiftly, judiciously and fairly by the person/method most appropriate at each Stage.

The complaints procedures outlined below do not apply to parents/carers of prospective pupils. They apply to past pupils only if the complaint was initially raised when the pupil was still registered.

In some cases, parents/carers of pupils within the Foundation may wish to bring a complaint or concern about an issue concerning a pupil and Bolton School Services Limited (BSSL). If the complaint is about a matter which arises during a commercial booking, a separate BSSL complaints procedure exists; for example, this would be used if a parent wanted to complain, having hired out the school's facilities for a private party.

Please note that the complaints process for permanent exclusions from one of the schools is not considered in this policy but is outlined in the Terms and Conditions which all parents receive on joining the School and in the 'Expulsion, Removal and Review Policy'. A copy of both the Terms and Conditions and/or the Expulsion, Removal and Review Policy can be obtained from the Head of Compliance at any time.

Stage 1a: Informal Resolution of initial concern or complaint by someone who works closely with your child in school or in the relevant setting:

If you are concerned about anything to do with the education or care provision you should, in the first instance, discuss the matter (preferably on the telephone or in person, rather than by email) with someone who works closely with your child in school or in the relevant setting. (It is normally best if this is done as soon as the concern arises.) Most matters of concern can be dealt with in this way. All staff work very hard to ensure that each child is happy at school and is making good progress: they always want to know if there is a problem, so that they can take action before the problem seriously affects the child's education or welfare.

- In the Nursery this person would be: the child's key worker or the room leader (or you may wish to approach a member of the Nursery Management Team informally at this stage);
- In Kidzone this person would be the Kidzone Manager;
- In Beech House, this person would be: your child's class teacher (or you may wish to approach the Head of Beech House (or a Senior Teacher) informally at this stage);
- In Hesketh House, this person would be: your child's class teacher (or you may wish to approach the Head of Hesketh House (or Deputy) informally at this stage);
- In Park Road, this person would be: your child's class/form teacher (or you may wish to approach the Deputy Head of Park Road informally at this stage);
- In the Girls' Senior School, this person would be: the Head of School section
- In the Boys' Senior School, this person would be: the pupil's Head of Year or you may wish to approach a Deputy informally at this stage;
- If the matter concerns financial arrangements or coach travel arrangements and as such does not directly relate to your child's welfare or education, then it may be appropriate to initially raise your concern or complaint informally with the Clerk to the Governors.

In all of the above cases, if the concern is about the person you have been asked to raise the concern or complaint with and you do not wish to do so, then you may skip Stage 1a and start at Stage 1b of the process instead.

Stage 1b: Informal Resolution of initial concern or complaint by the Head of Division:

Parents or carers, whose complaint has not been resolved on an informal basis by the process(es) in Stage 1a, and wish to invoke Stage 1b, should then informally discuss the matter (preferably on the telephone or in person, rather than by email) with the Head of Division relevant to their child's setting:

The Head of Primary Division is Mrs Faulkner, the Head of Girls' Division is Mrs Kyle and the Head of Boys' Division is Mr Ford.

In the case of both Stages 1a and 1b, the person dealing with the concern or complaint will aim to establish what has happened so far and who has been involved. S/he will clarify the nature of your concern and what remains unresolved. S/he may be able to deal with your concern immediately. Alternatively, s/he may need to investigate the matter which you have raised and/ or discuss it with others.

S/he will provide you with ***an informal but informed response, normally within three working days*** of your initial approach ***or s/he will tell you that his/ her investigations are still ongoing and will require a further, stated amount of time, no longer than ten working days.*** In some cases, s/he will tell you

that s/he has passed the concern on to somebody more senior.

The person contacted will keep a record of any concern which you raise with him/her and the date on which this happened. S/he will make a note of any discussions/ investigations which occurred as a result and of how s/he resolved the matter. S/he will inform his/her line manager that s/he has dealt with the issue. S/he will tell you, as the parent or carer, the broad manner in which the matter has been investigated and how s/he has resolved the concern, either orally or in writing/ by email. (Where s/he tells you orally what s/he has done, she will note down that the conversation took place).

If you are unhappy with the way in which the complaint has been handled and/or with the resolution of the matter, you may then wish to proceed with your complaint in accordance with Stage 2 of this procedure.

Stage 2: Formal Resolution by the Head of Foundation

Parents or carers, whose complaint has not been resolved on an informal basis by the process(es) in Stages 1a and 1b, should put their complaint **in writing** to the Head of Foundation, Mr Britton.

If your concern is about the Head of Foundation, you should put your complaint in writing to the Chairman of Governors, care of the Clerk to the Governors. In such cases the Chairman of Governors will nominate a Governor to investigate. (The Governor nominated at this stage in the complaints process will not be involved in the panel hearing should the investigation proceed to that stage.)

Stage 2 complaints are to be made in writing, the School acknowledges that the complainant may prefer not to write due to a disability, learning difficulties or because English is not their first language. In such cases, please inform the person who will receive the complaint of the difficulty and discuss with him/her the best way of proceeding.

As far as term-time settings are concerned, the person receiving the written complaint will **acknowledge receipt within three working days** and, thereafter, will consider the matter and decide upon the most appropriate course of action to take once all the relevant facts so far have been confirmed. In most cases, the person resolving the written complaint will meet/ speak to the parents concerned, **normally within 14 working days** of receiving the letter of complaint. If possible, a resolution will be reached at this stage. Otherwise, the Head of Foundation or Governor will carry out any necessary further investigations. Written records of all meetings and interviews held in relation to the complaint will be maintained throughout.

All meetings may be held either in person or virtually by such mediums as 'zoom' or 'Microsoft teams', whichever the meeting organiser deems to be the most appropriate given the situation and circumstances.

Once the Head of Foundation or Governor is satisfied that, so far as is practicable, all of the relevant facts have been established, a decision will be made and **parents/carers will be informed of this decision in writing, within 28 working days of receipt of the formal complaint**. They will ensure reasons for the decision are given.

As far as all-year round settings are concerned (the Nursery), the **formal complaint will be dealt with within 28 working days of its receipt**. Parents will be told the outcome of the internal investigation, and any action taken or planned, as an outcome of their complaint. Parents may ask to have the outcome of the investigation in writing. If parents are not satisfied with their response, or their concern relates to a matter they do not feel that they can discuss they can contact Ofsted. (See 'After the Panel Hearing-Registered Settings', below for contact details)

A written record will be kept of all Stage 2 complaints, including whether they are resolved following the Stage 2 procedure or whether they proceed to a Panel Hearing. In addition, the action taken by the School/setting as a result of these complaints (regardless of whether or not they are upheld) will be recorded.

If parents/carers are still not satisfied with the decision, they should proceed to Stage 3 of this procedure.

Stage 3: Panel Hearing

If parents/carers seek to invoke Stage 3 (following a failure to reach an earlier resolution), they should contact the Clerk to the Governors (Mrs Cathy Fox; CLFox@BoltonSchool.org.uk) who will refer the matter to the Chairman of Governors who will nominate one of the three Vice Chairs of either the Primary Division, the Senior Girls' Division or the Senior Boys' Division to call a hearing of the Complaints Panel. This will not usually be the Vice Chair of the Divisional setting in which the child belongs.

If the concern is about the Clerk to the Governors, then you should contact the Head of Foundation, Mr Philip Britton, if you wish to invoke Stage 3. He will refer the matter to the Chairman of Governors who will appoint a Panel. In this instance, this process will be supported by somebody other than the Clerk to the Governors.

When a matter is referred to the Complaints Panel for consideration, 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. (The sort of person suitable to take part in such a Panel would be someone who has held a position of responsibility and who is used to analysing evidence and putting forward balanced arguments/points. Examples of persons likely to be suitable are serving or retired business people, civil servants, heads or senior members of staff at other schools, people with a legal background and retired members of the Police Force.)

The Clerk to the Governors, on behalf of the Governing Body, will then acknowledge the complaint and schedule a hearing to take place as soon as practicable and normally **within 14 working days during term time** notwithstanding that it may take some time to gather a governors' panel with an independent member. The Panel will be supported by the Clerk to the Governors. If the complaint is about the Clerk to the Governors, somebody else will undertake this role.

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. Copies of such particulars shall be supplied to all parties **not later than 7 working days during term time** prior to the hearing.

The parents may be accompanied to the hearing by one other person. This may be a relative, teacher or

friend. Legal representation will not normally be appropriate.

If possible, the Panel will resolve the complaint immediately 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 all the facts they consider relevant, the Panel will reach a decision and may make recommendations, which they shall complete **within 14 working days of the Hearing during term time**. The decision of the Panel will be final. The Panel's findings and, if any, recommendations will be sent in writing to the complainant(s) and, where relevant, the person complained about. It will be available for inspection on the school premises by the Governors, the Head of Foundation, the Divisional Heads, the Heads of School and the Clerk to the Governors.

After the Panel Hearing (non-Registered Settings)

Following the Stage 3 panel hearing, if matters remain unresolved, a letter will be sent to the parents/carers explaining the outcome. The Alternative Dispute Resolution for Consumer Disputes (Competent Authorities and Information) Regulations 2015 requires the School to provide the name and address of an alternative dispute resolution provider who has been certified by the Chartered Trading Standards Institute as competent to resolve consumer disputes. However, the School is **not** obliged to enter into alternative dispute resolution and each matter will be dealt with on a case by case basis at the conclusion of Stage 3. Parents/carers are advised that the name and address of such a certified competent authority is:

ADR Group, 160 Fleet Street, London EC4A 2DQ; Telephone: 020 3600 5050

After the Panel Hearing (Registered EYFS Settings)

Additional requirements apply for EYFS settings beyond those which apply to the other parts of the Foundation. Written complaints about the fulfilment of the EYFS requirements must be investigated and the complainant notified of the outcome of the investigation within 28 days. The record of complaints must be made available to Ofsted and ISI on request.

Parents/carers may contact Ofsted and/or ISI should they wish to; the relevant contact details are:

ISI - CAP House, 9-12 Long Lane, London EC1A 9HA; Telephone 0207 600 0100 <http://www.isi.net>;

Ofsted - Piccadilly Gate, Store Street, Manchester, M1 2WD

Telephone 0300 123 1231 / 0161 618 8524 www.ofsted.gov.uk

Further Notes on the Complaints Policy and Procedure:

Complaints about matters concerning Visiting Music Teachers (VMT's): VMT's are not employed by the School, nevertheless, any initial complaint concerning a VMT should be made through School using the above procedures in the first instance. The School will directly investigate and manage any complaints that involve safeguarding concerns and will usually pass those that do not to the VMT to investigate and manage under their own self-employed procedures.

Emailed Complaints: Stage 1 of the Complaints procedure strongly advises parents or carers to discuss matters of concern on the telephone or in person. This is because a dialogue enables each person to hear the other's opinion and often helps people to understand the nuances of a standpoint more effectively than do other forms of communication. Email is often a convenient way of reaching a member of staff but can be less effective at enabling the quick resolution of an issue. Whilst the policy above says that all formal complaints will be made in writing, this does not mean that the formal stage is automatically triggered whenever a concern is expressed in writing, for example if it is initially sent by email. Complaints will usually only progress to the formal stage after first being considered at the preliminary stage and only then if the complainant intends to escalate a matter to the formal stage.

Complaints not in scope: These include complaints concerning prospective pupils (this policy relates to current pupils), statutory assessment of special educational needs, matters likely to require child protection investigation (these should be handled under the child protection and safeguarding policies), and matters covered by Bolton School Services Limited's policies (the School's commercial trading company).

Serial and unreasonable complaints: On occasions when, despite all stages of the complaint procedure having been followed, the complainant tries to re-open the same issue, they will be informed that the matter is now closed. Further serial or persistent contact on the matter will then not be responded to.

Vexatious complaints: These are complaints which are obsessive, persistent, harassing, prolific and repetitious or designed to disrupt and annoy or lack any serious purpose or value. The Head of Foundation may decide it is time to stop responding in such circumstances. This will only be after all reasonable steps have been taken to address the complainant's legitimate concerns and the complainant has been given a clear statement of the School's position and of their options. In these cases measures may be taken such as restricting the individual to a single point of contact and restricting the number of times contact may be made each term.

Systemic issues: The School will look beyond the immediate complaint to ensure that it does not represent a deeper problem that needs to be remediated.

Confidentiality: Parents/carers can be assured that all concerns and complaints will be treated seriously and confidentially. 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 Act requests access to them, or where another legal obligation is deemed to exist. In the EYFS settings, the record of complaints must be made available to Ofsted on request.

Time scales: In the interest of fairness to all parties, and in order to enable a proper investigation to take place, the Foundation would normally expect complaints to be made as soon as possible after an incident arises. Similarly, if parents/carers do not consider that there has been a proper response to a

Complaint at either Stage 1a, Stage 1b or Stage 2 of the Complaints process, it is helpful if they can invoke the next Stage as soon as possible after they have heard the School's/setting's response.

Under ISI rules, the complaints policy should give clear timescales for each stage of the process, which include a firm indication of when it will be concluded, not just when the school will give an initial response. These should be realistic, particularly when it comes to Stage 3 as it may take some time to gather a governors' panel with an independent member. There is no set time scale, as long as it is reasonable. Schools may include the proviso 'normally' to allow for holiday periods in most cases, with one exception; all complaints about the delivery of the EYFS must be completed within the 28-day timescale.

On occasion, added flexibility on timing may be required because of business disruption, staff absence or parents' availability.

Virtual meetings and panel hearings: may take place on occasion when meeting in person is not possible or appropriate given the circumstances. Such virtual mediums as 'zoom' or 'Microsoft teams', whichever the meeting organiser deems to be the most appropriate given the situation and circumstances, may be used.

Retention: complaints which do not have safeguarding implications should be retained for a minimum of 7 years (a period determined by the 6-year inspection cycle with allowance for unforeseen circumstances). Where there is a safeguarding angle, records concerning allegations of abuse must be preserved for the term of the Independent inquiry into Child Sexual Abuse and at least until the accused has reached normal pension age or for 10 years from the date of the allegation if it is longer.

Record Keeping: Records of all formal complaints (i.e. those which reach Stage 2) are kept confidentially in a separate file by the Head of Foundation indicating whether they were resolved at the preliminary stage (2) or proceeded to a stage 3 panel hearing and including information about action taken by the school as a result of such complaints (regardless of whether or not the complaint was upheld). This file is reviewed on behalf of the Governing Body once a year by the Executive Committee. Individual Schools/settings in the Foundation each have a different procedure for ensuring that informal complaints are monitored so that patterns of concern are registered. The records must include the school's response, and any ensuing actions. Records of individual complaints will be made available as required to all parties involved.

When does a Stage 1 concern become a Stage 2 complaint? This is an important distinction as Stage 2 complaints must be formally recorded, along with the School's response. This will depend on the circumstances, but if the parents seek a formal meeting with the Head, 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. Also, if a concern about a more minor matter is repeated and the parent is clearly not satisfied with the School's original response, it should be regarded as a complaint. No matter how communicated, if it is clear a parent is dissatisfied with the School's response to a particular situation, the matter will be regarded as a complaint.

Stage 3 Panel hearings: There is sometimes an understandable response from Schools to not involve governors or proprietors, due to the time and resources needed to convene a panel. However, if a panel is requested, it must be provided. Great care must be taken to avoid introducing an additional stage, for example a 'clear the air' meeting with one or two governors, as this could be construed as obstructing the parent's right to a full panel hearing.

The panel should be properly constituted with an independent member; an employee of a wider group or anyone who has a financial relationship with the school, such as a consultant, may well be regarded as lacking the required objectivity.

What happens if the pupil has subsequently left, or the parents will not engage with the process?

If the original issue is raised whilst their child is registered at the school, the school should follow its complaints procedure as far as is necessary. If parents will not engage with the complaints process, unless they are clearly satisfied with the response, schools are advised to proceed with a panel hearing, keeping careful records of all documents and communication, showing they have made a reasonable attempt to accommodate any changes of date and venue.

Complaints raised with ISI, Ofsted, DfE and third parties: Parents/carers will sometimes seek to bypass the school's complaints procedure by contacting third parties, including the DfE, ISI or Ofsted. In such cases, they are normally advised to pursue their concerns through the school's own procedures in the first instance. It is unusual for financial and contractual issues to be followed up by outside bodies, as long as the school has followed its published complaints policy. Where there is potential non-compliance, the DfE (or Ofsted in the case of EYFS settings) may commission an inspection visit to follow up the concerns. If schools have reason to believe that such an approach has been made, ISI are happy to receive any evidence from the school, which is then logged, shared with the DfE and taken into consideration when planning any further action.

Information for Parents/carers: Schools must make available to parents/carers the complaints policy and the number of complaints in the previous academic year. The complaints policy is published on the School's website and the number of complaints made in the previous academic year is available on request from the Head of Compliance.

Allegations of Abuse: Allegations of abuse against a member of staff must be reported in accordance with that policy immediately. Allegations of abuse against the Head of Foundation must be reported to the Chairman of Governors or, in his absence to one of the Vice Chairs, immediately. There is a separate 'Allegations of Abuse' Policy which can be seen on the website or is available on request from the Head of Compliance's office at no cost.

Reminders: Parents/carers in the five schools and the Nursery and Kidzone will be reminded each year by the Head of each part of the Foundation that the Complaints Policy exists and can be viewed on the website or obtained on request from the Head of Compliance at no cost.

Information: If the Head teacher/ Manager of any part of the Foundation sends out the Complaints Policy on request to any parent, s/he will inform the Head of Foundation.

Review: The Executive Committee (which includes Governing Body representation) will review this policy at least every year and assess its implementation and effectiveness.

External Examinations: If a complaint is regarding the management of external examinations such as GCSEs or A levels the following should be noted:

JCQ regulations apply across thousands of centres. The head of centre is responsible for ensuring that all centre staff adhere to JCQ regulations in order to maintain the integrity and security of the examination system within it. The head of centre/exams officer does not set the examination regulations, but they do sign an annual declaration which states that they will follow the regulations as set out by the Joint Council for Qualifications (JCQ) on behalf of its member awarding bodies. Failure to adhere to these regulations may be defined as malpractice or maladministration and lead to sanctions

which may include a centre being barred from delivering qualifications and examinations. Any requests made to the centre can only be considered in line with the regulations. Additionally, failure to comply with JCQ regulations has the potential to constitute malpractice which may also impact on the candidate's results'