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British School of Gran Canaria **Concerns and Complaints** Policy Document



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THE BRITISH SCHOOL OF GRAN CANARIA

CONCERNS AND COMPLAINTS POLICY

1. Context

To clarify the expectations and processes for school members and the local community to air grievances with the school so that they can be provided with timely and considered responses.

2. Scope

The policy relates to daily school issues, concerns about sanctions, unacceptable behaviours and unfair treatment within the school. The school also follows these procedures for complaints involving compensation and staff misconduct.

Issues directly related to Child Protection are not addressed within this policy but should be referred directly to the related school policy (see school website).

The school has a Whistle Blowing Policy for community members to share concerns or an unease when they feel it would be inappropriate or problematic to do this through the Concerns and Complaints Policy.

Those using the Concerns and Complaints Policy should endeavour to understand the difference between a concern and a complaint (see definitions) and follow the appropriate procedure in pursuit of a satisfactory outcome.

3. Rationale

BSGC aims to ensure that community members, and the general public, are able to share concerns and complaints and receive appropriate responses and explanations through a timely and clear process. Only serious issues that are directly related to education, welfare and safety should result in a complaint being submitted to the school. The school seeks to ensure that the open and supportive school environment will enable most issues to be resolved prior to recourse to the Concerns and Complaints Policy.

The school has used the DfE 'Best Practice Advice' (January 2016) to guide and support the latest review of this policy (May-July 2016).

4. Definitions

Throughout this document the following words, terms and phrases have the following meanings:

Concern – an expression of a worry or doubt over an issue considered to be important, for which reassurances are sought.

Complaint – an expression of dissatisfaction however made, about actions taken or lack of action.

BSGC – The British School of Gran Canaria.

Staff – includes all employees, i.e. teachers, administrators, canteen workers and ancillary personnel.

Governors – members of the school's governing body.

Chair of Governors – the designated chairperson of the school's governing body.

Vice Chair of Governors – the Governors elected by the Board of Governors to assume overall responsibility of the Board of Governors in the absence of the Chair.

Pupils – synonymous with students.

Primary – the sector of the school that includes Nursery, Reception and Years 1 to 6.

Secondary – the sector of the school that includes Years 7-13.

Tutor – an identified teacher in secondary who is usually the initial contact for concerns from students and parents. These teachers meet the students each morning and are central in care and guidance of students in secondary.

Senior Teacher – Head, Heads of Primary, Senior Teachers in Secondary and Coordinators in Primary.

Line Manager – the identified member of staff with responsibility for an area of the school.

School Day – a school day when both staff and students are present.

DfE – Department for Education, UK Government Office.

5. Procedures for Sharing a Concern

Any expression of doubt or worry which is considered important, and for which reassurances are sought, can be shared with the school in the following ways:

- To report a concern contact should be made with the appropriate member of staff (in most cases, in Primary this will be the class teacher and in Secondary the tutor or, in exceptional circumstances, a senior teacher). Uncertainty as to who to contact can be clarified by the school office, without needing to share precise details of the concern.
- The initial contact with the member of staff must clearly identify the concern, although extensive details are not required at this stage.
- An acknowledgement of receipt of the initial contact will be sent within three days containing;
 - a clear response to the concern,
 - asking for further information or
 - seeking to organise a meeting.

The school will also normally ask for the concerned party's preferred outcome to this concern at this stage.

- If a concern cannot be resolved immediately, or requires investigation, a response will be provided within five school days (or five days following an initial meeting, if one is organised). If this deadline is not achievable then contact will be made by the school clarifying when a response will be made and stating the reason for the delay.
- Within the timeframe established, the school will respond to the concern by;
 - clarifying the concerns,
 - supporting actions taken,
 - acknowledging poor practice or
 - informing that the concern will be shared with others in the school.

Information on further steps that can be taken by the concerned party will also be provided, as outlined below in this policy.

- If a concerned party is not satisfied with the school's response they can share their concern with the line manager of the person they initially contacted in school or can follow the Complaints Procedure.

Exceptions

- A concern about the Head or a Governor should be made in writing to the Chair of Governors or, using the following email address chairofgovernors@bs-gc.net or in the case that the concern or complaint involves the Chair of Governors, to the Vice Chair via letter in sealed envelope delivered to the school.

6. Procedures for Sharing a Complaint

A complaint is made if a concern is not resolved in a satisfactory fashion for the concerned party or, in exceptional cases, due to the seriousness of the issue. These steps will also be followed for complaints involving compensation and staff misconduct.

- A complaint should be submitted to the Head using the school's Complaint Form (Appendix C). The Complaint Form requires the following details:
 - What do you think the school has done wrong or has not done?
 - What action, if any, have you already taken to try to resolve your complaint? (Who did you speak to and what was the response?).
 - What actions do you feel might resolve the problem at this stage?
- Receipt of the complaint will be acknowledged within five school days specifying how the complaint will be investigated, by whom and the timescale within which a full response will be made.
- The Head will ensure that a full response is made within 15 school days. If the timescale needs to be extended, the complainant will be informed with the new deadline and reasons for the delay.
- The Head will investigate the complaint or nominate a senior member of staff, who is not directly involved with the issue. (Appendix A – Role and Responsibilities of the Investigator)
- The complainant will be provided with the opportunity to meet the investigator to personally share their complaint. In this meeting they can be accompanied by another person to speak on their behalf or help them make their case. Minutes will be recorded at this meeting.

- During the investigation, other connected individuals may be interviewed to clarify details and provide information. Minutes will be recorded at all such meetings.
- If the complaint involves a pupil, they will be interviewed as part of the investigation. This interview will take place in the presence of a member of staff who is impartial and not directly involved. The pupil can identify a member of staff they feel comfortable with or, if they are unable or unwilling to do this, the investigator will appoint an appropriate member of staff.
- The investigator will keep a chronological record of all meetings and telephone conversations undertaken as part of the investigation, together with any other relevant documentation.
- After investigation, the investigator will present their findings and recommendations to a Complaints Panel comprised of staff not directly involved with the complaint. The panel will make decisions, based on the findings.
- A written response, stating the panel's decisions, will be provided for the complainant who will also be offered a meeting to explain how the investigation was conducted. Within the written response there will also be advice as to further actions that can be taken should the complainant be dissatisfied with the outcome of their complaint.
- The investigation and outcome will be recorded in the Complaints Central Register indicating whether the complaint was raised to the Procedural Review Panel stage. Minutes and chronology will be kept in the Central Register and will be confidential unless legal requirements permit access by local authorities. These records will be kept in the Head's office.
- The Board of Governors will be informed that a Complaint has been lodged and the general nature of the issue. Specific details will not be shared.

7. Procedural Review Panel

If the complainant is dissatisfied with the procedures followed during the investigation of their complaint they have the right to request a review of the process and procedures followed during the investigation to a specifically convened panel of Governors. The Procedural Review Panel will review the processes used to reach the final conclusions of the Complaints Panel, ensuring the stated procedures were followed and bias did not enter the proceeding. However, they will not review the conclusions and decision of the Complaints Panel.

In order to make an appeal to the Procedural Review Panel the following steps should be followed.

- A written request for a review of procedure should be submitted to the Chair of Governors, using the school form (Appendix D), specifically outlining;
 - the nature of your complaint,
 - which parts of the complaint investigation you think were not properly handled by the school,
 - which elements of the procedure were, in your opinion, not correctly applied?

- The Procedural Review Panel will meet within 20 school days of receiving the request, with the complainant and Head being informed of the date, time and venue of the hearing, with at least three school days' notice.
- The Procedural Review Panel will comprise at least three governors, not including teacher governors, and will not include anyone directly involved with the case. An independent member, not directly connected with the school's management or the Board of Governors will also be invited to join the panel. The panel will appoint its own chair, normally the Chair or Vice-Chair of Governors. The Chair of the panel will ensure that meetings are minuted.
- The complainant will be invited to attend the Procedural Review Panel meeting and can be accompanied by a friend or relative to speak on their behalf or help present their case.
- The Procedural Review Panel will normally meet and question the investigator and the complainant, although not necessarily both parties simultaneously or the same meeting, to ascertain how the complaint was investigated, specifically the application of school policy and procedures.
- The Procedural Review Panel will reach a decision and communicate this in writing to the complainant and school. This report will either support the procedures followed or identify procedural issues that may necessitate further investigation and/or recommendations for consideration by the complainant and school.
- The decision of the panel is final and the outcome and findings of the review will be recorded in the Central Register and all documentation kept in the Complaints Central File in the Head's office.
- The associated correspondence and statements to the appeal will be kept confidential, except in cases where legal requirements permit access by local authorities.

8. Complaint Against a Member of Staff (including Head) or a Governor

- A Complaint about a member of staff should be submitted to the Head and any complaint against the Head or a member of the Board of Governors should be addressed to the Chair of Governors, each using the appropriate school form (Appendix C).

The Complaint Form requires the following details;

- What do you think the individual has done wrong or failed to do?
- What action, if any, have you already taken to try and resolve your complaint? (Who did you speak to and what was the response?).
- What actions do you feel might resolve the problem at this stage?

The Chair of Governors can be contacted by leaving a sealed letter in the school reception or by email on chairofgovernors@bs-gc.net .

- Receipt of the complaint will be acknowledged by the Head or Chair of Governors within five school days specifying how the complaint will be investigated, by whom and the timescale within which a full response will be made.

- The Head or Chair of Governors will ensure that a full response is made within 15 school days. If the timescale needs to be extended the complainant will be informed with the new deadline and reasons for the delay.
- The Head or Chair of Governors will investigate the complaint or, respectively, nominate another member of staff or Governor not directly involved with the issue. (Appendix A – Role and Responsibilities of the Investigator).
- The investigation will follow all steps previously outlined for an investigation, with the finding being presented by the investigator to a Review Panel.
- The Head or Chair of Governors will appoint a Panel to hear the information and recommendations from the appointed investigator and decide the outcome of the complaint. The panel will consist, in the case of a member of staff (apart from the Head), of at least three members of staff not directly involved in the complaint. A complaint against the Head or a Governor will be adjudicated by a panel of three governors not directly involved in the case.
- The Panel's decision will find in one of the following outcomes;
 - **Substantiated:** there is sufficient evidence to prove the allegation;
 - **Malicious:** there is sufficient evidence to disprove the allegation and there has been a deliberate act to deceive;
 - **False:** there is sufficient evidence to disprove the allegation;
 - **Unsubstantiated:** there is insufficient evidence to either to prove or disprove the allegation. The term, therefore, does not imply guilt or innocence.

Depending on the severity of the case sanctions will be applied, always considering the current Spanish labour legislation.

- A written explanation of the panel's decisions will be provided for the member of staff or governor and the complainant; they will also be offered a meeting to explain how the investigation was conducted. Within the written response there will also be advice as to further actions that can be taken should there be dissatisfaction with the outcome of the complaint. The complainant can question the process and procedures used but not the outcome.

If the member of staff or governor is dissatisfied with the procedures, evidence considered or the outcomes they have the right to request a review by a specifically convened panel of Governors.

- The Review Panel will consider the reasons for dissatisfaction, review the outcome of the case and decide if further investigation is needed. This decision will be communicated to the member of staff or governor and, if necessary, an investigator appointed to review the case. In the case of a review investigation the findings will be presented to the Review Panel using the procedures outlined previously.
- The investigation and outcome will be recorded in the Complaints Central Register indicating whether the complaint had proceeded to the Procedural Review Panel stage. This record will be kept in the Head's office.
- The Board of Governors will be informed that a Complaint has been lodged and the general nature of the issue. Specific details will not be shared.

9. Complaint against Chair of the Board of Governors

- Should a Complaint be made against the Chair of Governors the same process as outlined in 8) above should be followed but the complaint should be submitted to the Vice Chair of Governors, who will be responsible for full implementation and compliance with the set procedures.

10. Complaint Upheld Against a Member of Staff, the Head or Governor

- In the case of a complaint being upheld against a member of staff, including the Head, the current Spanish labour legislation will guide decisions on the sanction imposed. In the case of a complaint against a Governor being upheld a verbal or written warning, suspension or removal from their position on the Board of Governors could be imposed. Any transgressions that break the law will be communicated to the appropriate authority.
- In the case where a complaint is upheld against a member of staff or governor they have the right to appeal. The appeal will be considered by a specially convened Appeal Panel, comprising Governors and specially appointed members of the community, who are not directly involved with the incident and, whose experience and expertise can assist the process.
- The Review Panel will consider the reasons for dissatisfaction, review the outcome of the case and decide if further investigation is needed. This decision will be communicated to the member of staff or governor and, if necessary, an investigator appointed to review the case. If a review of the investigation is conducted the findings will be represented to the Review Panel using the procedures outlined previously.
- The Appeal Panel's decision and recommendations will be given directly to the appellant and a written summary provided to the original complainant.
- The investigation and outcome will be recorded in the Complaints Central Register indicating whether the complaint had proceeded to the Procedural Review Panel stage. This record will be kept in the Head's office.
- The Board of Governors will be informed that a Complaint has been lodged and the general nature of the issue and this will be minuted in the Governors' Monthly Meeting Minutes. Specific details will not be shared.

11. Serial and Persistent Complaints

Occasionally the school will face a complainant who will not accept the investigations and decisions of the school at the various levels of the Concerns and Complaints Policy. After all avenues have been used the school may define the complaint as Serial and Persistent. The definition is used when;

- the school is contacted repeatedly by an individual making the same points, or who asks them to reconsider their position,

- a complainant tries to re-open the same issue after the Chair of Governors has informed them that the procedure has been completed and that the matter is now closed.

In such circumstances the following steps should be followed;

- The belief that a case has become Serial and Persistent should be referred by the Head to the Chair of Governors who will hear the case for this referral. The Head's referral will be based upon the belief that:
 - the school has taken every reasonable step to address the complainant's needs; and
 - the complainant has been given a clear statement of the school's position and their options (if any); and
 - they are contacting the school repeatedly but making substantially the same points each time.
- If after hearing the Head 's referral, the Chair of Governors understands that the complaint meets at least one of the criteria above, the Chair will assign a 'serial or persistent' marking against the subject or complaint. This marking is not made against the complainant. The Chair of Governors must be careful not to mark a complaint as 'serial' before the Head has completed procedural investigations.
- The Chair of Governors will inform the complainant of the school's position and the response from the school of further contacts on the specific complaint.
- The Chair of Governors will inform the Board of Governors of the decision, without specific details but outlining the time, number of investigations carried out and the number of complaints related to this decision.
- If the complainant contacts the school again on the same issue, the correspondence may be viewed as 'serial' or 'persistent' and the school may choose not to respond. The Head will inform the Chair of Governors of this further contact.

12. Unreasonable Complainants

Although BSGC is committed to dealing with all complaints fairly and impartially we do not expect our school or its staff to tolerate unacceptable behaviour and will take action to protect staff from unreasonable behaviour, including that which is abusive, offensive or threatening.

BSGC uses the DfE (Jan 2016) definition of unreasonable complainants as those who, because of the frequency or nature of their contacts with the school, hinder our consideration of their or other people's complaints. (See Appendix E - Outline of Unreasonable Behaviour).

A complaint may also be considered unreasonable if is the complainant is:

- malicious;
- aggressive;

- threatening, intimidating or violent;
- abusive, offensive or uses discriminatory language;
- knowingly makes false accusations;
- falsifies information;
- publishes unacceptable information in a variety of media such as in social media websites and newspapers.

The unreasonable behaviour can be face-to-face, by telephone, in writing or electronically.

If a member of staff believes that a complaint has reached an unreasonable level they should contact the Head outlining the reason for this evaluation.

- The Head, when faced with an unreasonable case will refer it to the Chair of Governors.
- The referral will outline the reasons, using the criteria above and from Appendix E, why the complaint is being identified for 'unreasonable' marking.
- If possible the Head or Chair of Governors will discuss any concerns with the complainant informally before applying an unreasonable marking.
- If the behaviour continues, the Head or Chair of Governors will write to the complainant explaining that their behaviour is unreasonable and ask them to change it. For complainants who repeatedly contact the school, causing significant levels of disruption, the school can specify methods of communication and limit the number of contacts with the school. This will be reviewed after 6 months.
- In response to repeated and persistent unreasonable behaviour the offender may be referred to the Board of Governors for consideration of their continuance within the school.
- 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 banning an individual from our school.

Appendix A – Roles and Responsibilities of the Investigator

The Investigator

The Head (Chair of Governors involving a concern or complaint against the Head or a Governor) will investigate a complaint or nominate a member of staff (Governor in concern or complaint against Head or Governor) who has no prior involvement with the complaint, to investigate the issue.

The Investigator will:

- provide 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 liaise with the complainant to clarify what they feel would put things right;
- identify solutions and recommend courses of action to resolve problems;
- be mindful of the timescales to respond;
- respond to the complainant in plain and clear language.

The Investigator will 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 note taker to record minutes of the meeting.
- Maintain a chronological log of telephone conversations and meetings of the investigation.

Appendix B – Guidelines on conducting interviews during the investigation of a complaint

[“Best practice advice for school complaints procedures 2016”. DfE. January 2016, page 19.]

Children/young people

- Children/young people should be interviewed in the presence of another member of staff, or in the case of serious complaints (e.g. where the possibility of criminal investigation exists) in the presence of their parents/carers.
- Care should be taken in these circumstances not to create an intimidating atmosphere.
- Children/young people should be told what the interview is about and that there will be someone else with them.

Staff/Witnesses

- Explain the complaint and your role clearly to the interviewee and confirm that they understand the complaints procedure and their role in it.
- Staff are allowed a colleague to support them at their interview if desired. The colleague must not be anyone likely to be interviewed themselves, including their line manager.

Questioning During Interviews

- Use open question.
- Do not use leading questions.
- Do not communicate your own opinion.
- Ask single not multiple questions, i.e. one question at a time.
- Try to separate ‘hearsay’ evidence from fact by asking interviewees how they know a particular fact.
- Persist with questions if necessary. Do not be afraid to ask the same question twice. Make notes of each answer given.
- Deal with conflicting evidence by seeking corroborative evidence. If this is not available, discuss with the Head (if the Head is the subject of the investigation with Chair of Governors) the option of a meeting between the conflicting witnesses.
- Make a formal record of the interview from the written notes as soon as possible while the memory is fresh. Show the interviewee the formal record, ask if s/he has anything to add, and to sign the record as accurate.

Appendix C – Complaint Form

Please complete and return to the Head.

A complaint about the conduct of the Head or a Governor should be made to the Chair of Governors (chairofgovernors@bs-gc.net). A complaint about the conduct of the Chair of Governors should be made to the Vice-Chair of the Board of Governors.

Receipt of your complaint will be acknowledged within 5 school days specifying how the complaint will be investigated, by whom and the timescale within which a response will be made.

A. YOUR DETAILS

Your name and surname:			
Pupil's name (if relevant):		Class:	
Your relationship to the pupil (if relevant):			
Your address:			
Daytime phone number:	Mobile phone number:	Email address:	
How would you prefer the school to contact you?			
<input type="checkbox"/> Post	<input type="checkbox"/> Daytime phone	<input type="checkbox"/> Mobile phone	<input type="checkbox"/> Email

B. ABOUT YOUR COMPLAINT

B1. What do you think the school has done wrong or has not done?

B2. What action, if any, have you already taken to try and resolve your complaint? (Who did you speak to and what was the response).

B3. What actions do you feel might resolve the problem at this stage?

B4. Are you attaching any paperwork? If so, please give details.

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Your signature:
Date:

Please send this form and any documents to support your complaint to the Head, or Chair of Governors should your complaint be against the Head or Governor.

OFFICIAL SCHOOL USE	
Date Complaint Form was received:	By whom:
Date acknowledgement sent:	By whom:
Complaint referred to:	Date:

Appendix D – Request for Procedural Review by the Board of Governors

Please complete and return to the Chair of the Board of Governors.

A review panel will be convened within 20 school days of receiving your request. You will be informed of the date, time and venue of the meeting of the review panel. The panel will consider the way in which the complaint has been investigated and handled by the school. This review will not entail a rehearing of the case.

A. YOUR DETAILS

Your name and surname:		
Pupil's name (if relevant):		Class:
Your relationship to the pupil (if relevant):		
Your address and postcode:		
Daytime phone number:	Mobile phone number:	Email address:
How would you prefer the school to contact you?		
<input type="checkbox"/> Post <input type="checkbox"/> Daytime phone <input type="checkbox"/> Mobile phone <input type="checkbox"/> Email		

B. ABOUT YOUR REQUEST

B1. Please briefly outline the nature of your complaint.

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B2. What parts of the complaint investigation process do you think were not properly handled by the school? What elements of the procedure were, in your opinion, not correctly applied?

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Your signature: Date:

Please send this form to the Chair of the Board of Governors of the school.

OFFICIAL SCHOOL USE	
Date request was received:	By whom:
Date Chair of Governors informed:	By whom:
Date complainant informed of date, time, venue of the review hearing:	By whom:

Appendix E – Behaviours and Attitudes Considered Unreasonable in Registering a Complaint

A complaint may be regarded as unreasonable when the person making the complaint:

- 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 while still wishing their complaint to be resolved;
- refuses to accept that certain issues are not within the scope of a complaints procedure;
- insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice;
- introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on, or 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 and completed;
- seeks an unrealistic outcome;
- makes excessive demands on school time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with.