

## School Complaints Policy and Procedure

**School Name:** *Wilson Primary School*

School governing bodies are required, under Section 29 of the Education Act 2002 (for Academies and Free Schools, Education (Independent School Standards) Regulations 2014) , to have a procedure in place for dealing with complaints.

This procedure applies to any person, including a Governor, with a specific complaint concerning a pupil or member of staff.

### **Introduction:**

We recognise the importance of establishing and maintaining good relationships with parents, carers and the wider community. We are aware that there may be occasions where people have concerns or complaints and the following procedure sets out the steps that should be followed in order to resolve these as fairly, quickly and informally as possible.

**Individual complaints will not be discussed at Governing Body meetings.**

### **Aims of the policy:**

- To maintain good communication and relationships between the School and persons who wish to express a concern or pursue a complaint
- To support the well-being of students, staff and everyone else who has legitimate interest in the work of the School, including governors and parents
- To provide a clear and fair procedure for the resolution of concerns or complaints

**Date of governor approval** *10<sup>th</sup> May 2018*

**Review arrangements including date of review:** *FGB - March 2019*

**Background Information**

**1. This procedure applies to:**

- a) parental concerns and complaints
- b) where a decision is made to discipline a pupil or staff member as a result of a complaint, this decision and the detail of any subsequent procedures would be confidential and not shared with the complainant as a resolution to their concern
- c) notwithstanding point b), the instigation of any other procedure should not prevent the complaint from being resolved

**2. Concerns relating to child protection**

If, at any stage, a complaint raises a concern that the member of staff isn't suitable to work with children, the person dealing with the complaint should immediately notify the Local Authority Designated Officer, via the number below.

Access & Assessment (Referral Manager, 0118 9373641)

**3. Advice for parents making a complaint can be obtained from:**

- a. Coram Children's Legal Centre
- b. Reading Borough Council's parent helpline. Tel: 0118 937 2265
- c. Parent Partnership (For parents of children with Special Educational Needs). Tel: 0118 9399821
- d. Translation & Interpretation Services (0118 937 2033)

4. If, after exhausting all stages of the complaints procedure, the complainant feels the school has acted unreasonably they may make a complaint to the Secretary of State for Education at the Department for Education, using the online complaints form:

<https://www.education.gov.uk/form/school-complaints-form>

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## **PART A: General complaints concerning a pupil or member of staff**

### **1. STAGE 1 - Informal Resolution**

#### **Informal Step 1**

Any complaint should first be raised in discussion with the class teacher concerned to clarify the situation and to try to reach an early mutually acceptable resolution.

#### **Informal Step 2**

If the complaint is unresolved at step 1 the complainant should ask for a meeting with the Headteacher (or, in larger schools, the appropriate SLT member) to try to reach an early mutually acceptable resolution.

A complainant should receive a response to a complaint within five working days of receipt of the complaint at either step in stage 1.

### **2. STAGE 2 - Headteacher Investigation - Formal**

Should the complainant be dissatisfied with the resolution proposed at stage 1 they may ask for a Headteacher Investigation of their complaint. The Head or another senior member of staff would normally conduct the investigation.

The complainant should write to the Headteacher giving details of the complaint and the reasons why they are dissatisfied with the Stage 1 resolution. The written complaint may be in the form of a letter, e-mail or on the form provided in Appendix 1.

A complainant should receive an acknowledgement of their request for an escalation to stage 2 within 5 working days giving an indication of when the investigation will be complete and when the complainant should receive a full response. In any case the complainant should have a full response within 15 working days. In circumstances where the case is so complex that the investigation is going to take longer the complainant should be kept fully informed of progress in the case.

### **3. STAGE 3 - Review by the Governing Body - Formal**

Should the complainant remain dissatisfied with the outcome of stage 2 they have the right to request a review by a panel of Governors.

To escalate to this stage the complainant must write to the Chair of the Governing Body at the school address requesting the review and giving their reasons for being dissatisfied with the outcome at Stage 2. The written complaint may be in the form of a letter, e-mail or on the form provided on page 10.

The process for resolving the complaint will be shared with the complainant and a time scale no longer than 20 working days will be agreed to bring the complaint before the Governing Body complaints panel.

On receiving a review request the Chair or Vice Chair will call a meeting of the Governing Body complaints panel comprising of no fewer than two governors to hear the complaint.

The panel will:

- dismiss the complaint in whole or in part;
- uphold the complaint in whole or in part;
- or, decide there is insufficient evidence to make a decision

The panel may also:

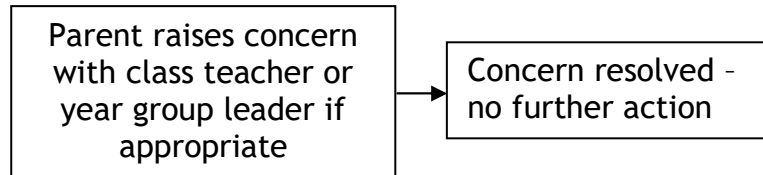
- recommend appropriate action to be taken to resolve the complaint;
- recommend a review of the relevant school systems or procedures to ensure that problems of a similar nature do not recur.

The decision of the Governing Body complaints panel will be final in most cases. The main exceptions are exclusions and statutory admissions where separate procedures are available.

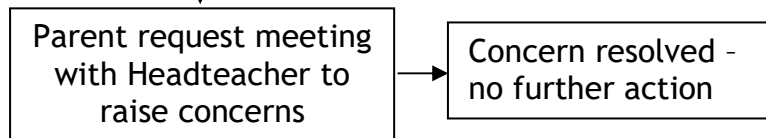
## Flowchart of procedure for handling general complaints concerning a pupil or member of staff

### Stage 1 - Informal

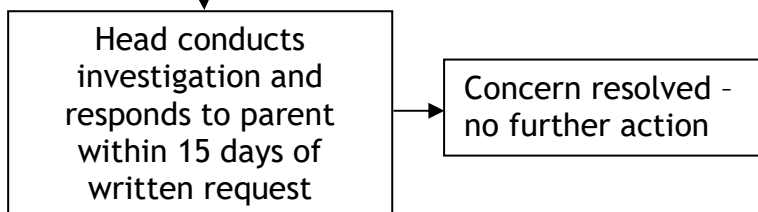
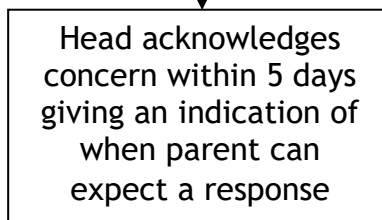
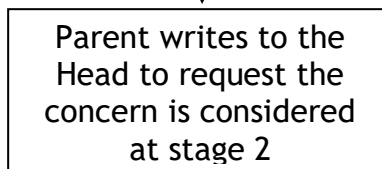
#### Step 1



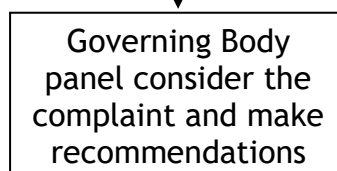
#### Step 2



### Stage 2 (Headteacher Investigation)



### Stage 3 (Review by Governing Body)

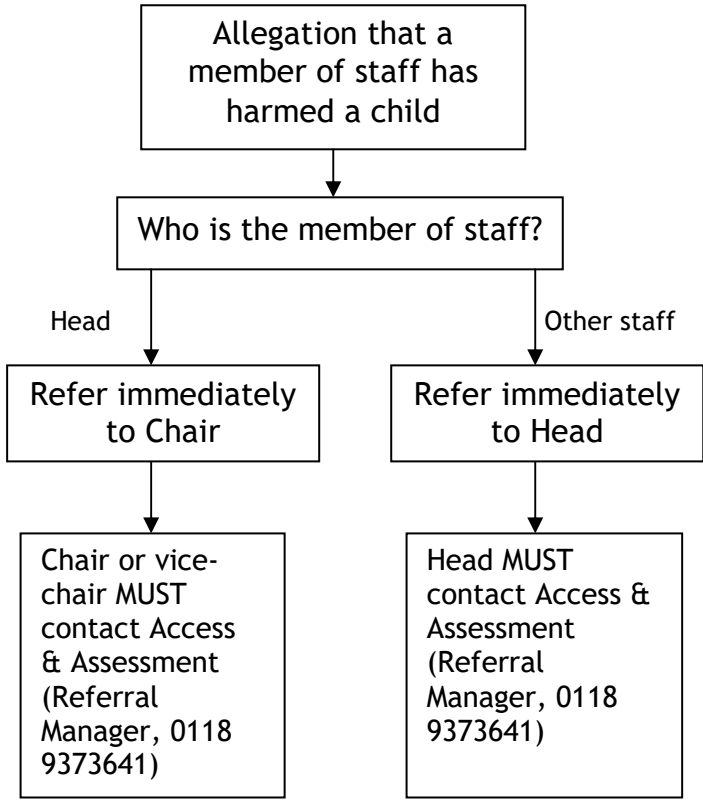


**PART B: Child Protection Allegations against members of staff (including the Head)**

If a child or parent makes an allegation that a member of staff has abused or harmed the child, the matter must be referred immediately to the Head. The Head must then without delay contact Access & Assessment (Referral Manager, 0118 9373641).

1. If a child or parent makes an allegation that a Head has abused or harmed their child, the matter must be referred immediately to the Chair of Governors. The Chair of Governors must then without delay contact Access & Assessment (Referral Manager, 0118 9373641)

**Flowchart of actions for Child Protection Allegations against members of staff (including the Head)**



## **PART C: Complaints concerning the Head or a governor**

1. Any complaint concerning the Head or a governor should be referred to the Chair of Governors, unless the Chair is involved or unavailable in which case the complaint should be dealt with by the Vice Chair.
2. (Other than for Child Protection allegations against the Head Teacher) the Chair or Vice Chair should arrange a meeting to relay the details of the complaint. Care must be taken not to give a judgement about the complaint or potential outcome but simply to explain the complaint and the procedure that will be followed. This needs to be done sensitively and quickly. Information may need to be repeated or updated by email, but this should not be a substitute for a meeting.

### **Stage 1 (Informal)**

3. The Chair of Governors should seek to convene a meeting with the complainant and the Head or governor to secure an informal resolution to the complaint, which may take the form of a mediated meeting. Both the complainant and the Head/governor is entitled to have another person as support at the meeting.

### **Stage 2 (Formal)**

4. Should either the Head/governor or the complainant be unwilling to participate in a meeting or this meeting fails to resolve the complaint, the Chair of Governors may appoint an investigator from outside the Governing Body to investigate the complaint and prepare a report for the Complaints Panel. The decision as to whether to appoint an independent investigator will depend on a number of factors; Chairs should seek advice from Governor Services if they are unsure. LA Maintained schools should inform the Local Authority of any complaint against the Head that has reached this stage; Voluntary Aided and Controlled schools should also inform the Diocese.

### **Procedure for investigating complaints concerning the Head or Governing Body**

1. The Chair of the Governing Body may appoint an investigating officer. (The investigating officer then works as an independent adviser to the Governing Body)
2. On receipt of the complaint the investigating officer will write to the complainant and arrange a meeting to clarify and agree the exact nature of the complaint. The process for resolving the complaint will be shared with the complainant and a time scale no longer than 20 working days will be agreed to bring the complaint before the Governing Body complaints panel. (This is an important stage for the avoidance of doubt at subsequent stages.)
3. The investigating officer will then make appointments to speak with the Head/governor and any other relevant person. (The purpose of this stage is to enable the complaint to be put, answers to be given and evidence to be collected.)
4. When the investigating officer is satisfied that he/she is in receipt of all the relevant evidence he/she will prepare a report. The report will consider the complaint in detail, in the light of all the evidence, draw conclusions as to whether the complaint is upheld, not upheld, unproven or partially upheld and make recommendations.

5. When the draft report is complete it will be shared in the first instance with the Head and the complainant, who will be invited to make comments on points of factual accuracy. The report will then be sent to the Chair of Governors for distribution to panel members.
6. The investigating officer may be invited to attend the panel meeting to answer any questions and make any points of clarification required by the committee.
7. The Complaints Panel should consider the report of the professional investigator, representations from the Head/governor and the complainant in coming to their decision. To this end the Complaints Panel may choose to invite written representations or invite the Head/governor and the complainant to attend the meeting to make oral representations. It is important that both parties are given the opportunity to make representations to the Complaints Panel.

When the Chair has taken the decision not to appoint an independent investigator, the Complaints Panel must rely on any written evidence submitted by each party, and should carefully consider the value of inviting the parties to attend the Panel hearing.

8. The panel's decision is final.

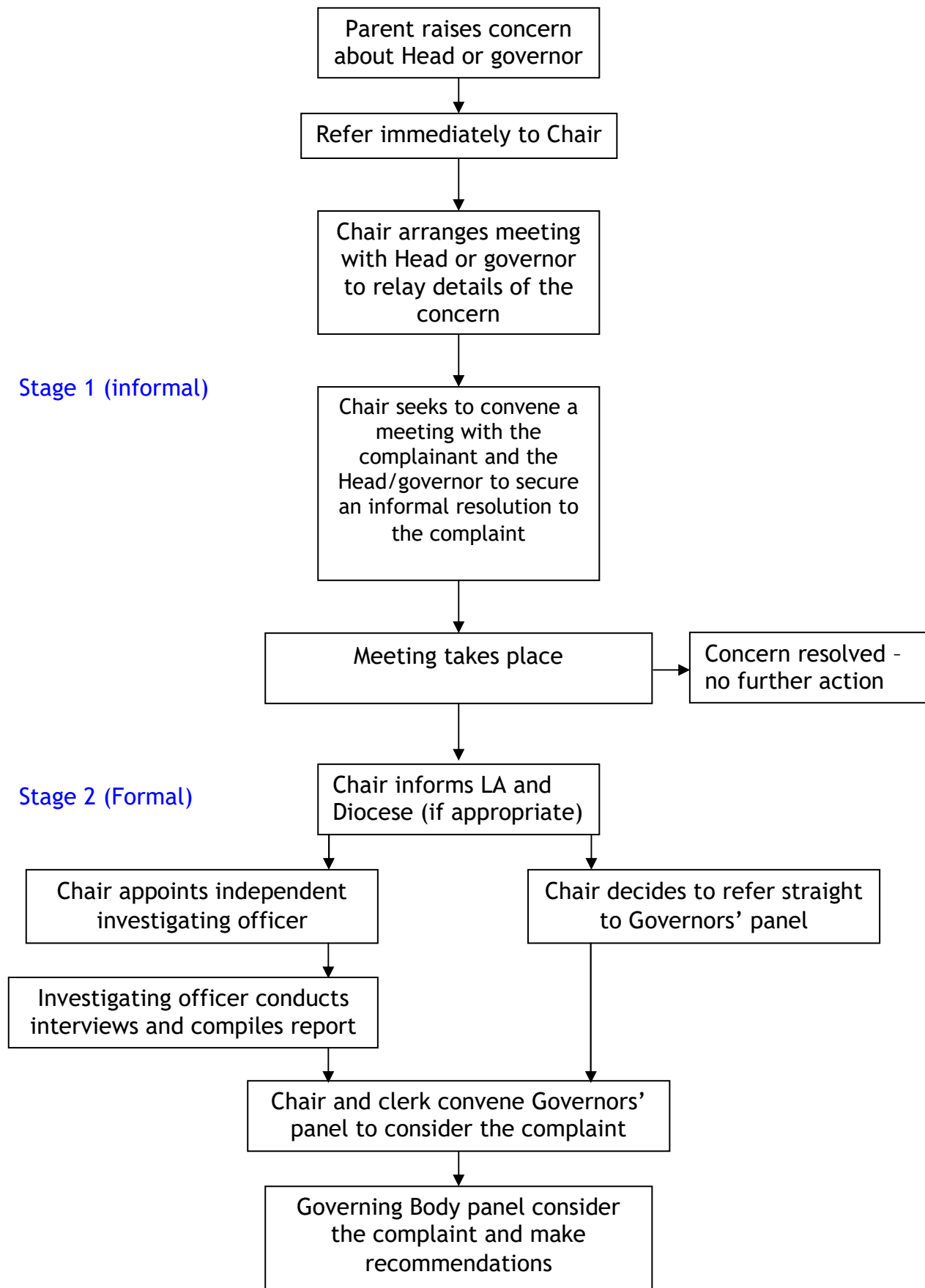
**NOTE:** The investigation report to a governor panel or the findings from a complaint do NOT form part of any staff HR procedure. If, as a result of the investigation or complaint hearing, an HR procedure needs to be followed, the situation will have to be investigated again under the remit of the HR procedure.

**It is important not to confuse complaints from parents with issues about staff discipline or capability, which are dealt with under HR policies and procedures.**

A complainant is entitled to know that their complaint has been investigated and that the Head has taken the action the Head deems to be appropriate within the procedures of the school.

A complainant is not entitled to become involved in the employment relationship between the school and the teacher and should not be given details about what an investigation may have discovered or how the Head intends to proceed if personnel procedures are to be embarked upon.

## Flowchart of actions for complaints concerning the Headteacher or governor





## **PART D: Dealing with unreasonably persistent complaints and unreasonable complainant behaviour**

1. The Headteacher and staff deal with specific complaints as part of their day-to-day management of the school in accordance with the **School's Complaints Procedure**.
2. We are committed to dealing with all complaints fairly and impartially and in the best interests of the child. We do not normally limit the contact complainants have with the School. The majority of complaints are handled in an informal manner and are resolved quickly, sensitively and to the satisfaction of the complainant.
3. However there are a small number of complainants who, because of the frequency, nature and quality of their contact with the School, hinder our consideration of theirs, or other people's, complaints. We refer to such complainants as 'unreasonably persistent complainants' and, exceptionally, we will take action to limit their contact with the School.
4. The decision to restrict contact with the School will only be taken in consultation with the Chair of Governors after taking legal advice and will normally follow a prior warning to the complainant. Any restrictions imposed will be appropriate and proportionate. The options we are most likely to consider are:
  - a) inform the complainant in writing that his/her behaviour is now considered by the School to be unreasonable/unacceptable and, therefore, to fall under the terms of this policy
  - b) inform the complainant that all meetings with a member of staff will be conducted with a second person present and that notes of meetings may be taken in the interests of all parties
  - c) inform the complainant that, except in emergencies, all routine communication with the complainant to the School should be by letter only
  - d) (in the case of physical or verbal aggression) refer to the guidance for schools, on dealing with abuse, threats and violence towards school staff", and consider warning the complainant about being banned from the School site; (Advice is available from the Local Authority Legal Team)
  - e) consider taking advice from the Local Authority on pursuing a case under Anti-Harassment legislation
5. In all cases where we decide to treat someone as an unreasonably persistent complainant, we will write to tell the complainant why we believe their behaviour falls into that category, what action we are taking and the duration of that action.
6. Where a complainant, whose case is closed, persists in communicating with us about it, we may decide to terminate contact with that complainant about the matter. In such cases, we will read all correspondence from that complainant, but unless there is fresh evidence which affects our decision on the complaint we will simply acknowledge it or place it on the file with no acknowledgement.
7. New complaints from people who have come under the unreasonably persistent complainant's policy will be treated on their merits.

APPENDIX 1

Wilson Primary School COMPLAINT FORM (Formal)

Please complete and return to the Headteacher who will acknowledge receipt and explain what action will be taken.

<b>Your name:</b>	
<b>Pupil's name:</b>	<b>Year group/class:</b>
<b>Your relationship to the pupil:</b>	
<b>Address:</b>	
<b>Postcode:</b>	
<b>Day time telephone number:</b>	

<p><b>Please give details of your complaint:</b></p>
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**What action, if any, have you already taken to try and resolve your complaint.  
(Who did you speak to and what did they say/do)?**

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

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

**Signature:**

**Date:**