



**The Winstanley School**

Widening Horizons | Enabling Excellence

# Complaints Policy & Procedure

**Status: Statutory**

**Date adopted by governing body: June 2015.**

**Date for review: 2020**

# ***Policy for Hearing and Dealing with Complaints***

Winstanley is committed to working in close partnership with all members of the school community. We place great value on the role which parents and carers can play in supporting children's learning. Staff and governors actively encourage a positive relationship between the school and the families of children who attend the school.

If, at any time, a member of the school community or public has a concern about an aspect of life at the school, the concern will be dealt with by the school as quickly, sympathetically and effectively as possible. It is hoped that most concerns will be settled amicably at this stage.

However, if there is a continuing concern, this can be directed through the formal stages as outlined in the school's complaints procedure, detailed on the following pages.

To enable a proper investigation, concerns or complaints must be brought to the attention of the school within four weeks of an incident occurring. Complaints brought after this time will not be considered unless there are good reasons to do so (eg. You were gathering further information to support your complaint or you were not fully aware of the implications of an incident until a later date). Should you be submitting a late complaint, you should also explain the good reasons for it to be considered.

## ***What a complainant can expect from the school***

- for this policy to be followed;
- to be listened to;
- to be treated with respect;
- to be provided with the outcome of any concern or complaint. Eg:
  - resolved to the satisfaction of the complainant;
  - complaint upheld in full or in part;
  - complaint not upheld in full or in part;
  - any recognition that the matter could have been dealt with differently;
  - any lessons that have been learned;
  - any expression of regret or apology;
  - information about systems or procedures that have been reviewed following an investigation;
  - assurances that systems have been reviewed with a view to minimising the risk of further issues;
  - information regarding whether training needs have been identified.

## ***What the school can expect from the complainant***

- to be listened to;
- to be treated with respect;
- recognise the time constraints by which school staff are bounded. This means:
  - there should be no expectation to see a member of staff without an appointment;
  - complainants must not move beyond reception onto the school site without prior authorisation. Such action is deemed as threatening behaviour.

In the unlikely event that a complainant is either abusive, harassing, vexatious or does not follow the expectations listed above, the school reserves the right to seek remedy, both legal and otherwise, including but not limited to:

- banning the complainant from the site;
- communicating in writing only;
- meetings being held with additional adults present;
- liaison with the police;
- prosecution.

## ***School Complaints Procedure***

It is in everyone's interest that complaints are resolved at the earliest possible stage. The experience of the first contact between the complainant and the school can be crucial in determining whether the complaint will escalate. To this end all staff and governors are aware of the procedure to be followed if a complaint is raised. Also, whilst not wishing to encourage complaints, complainants should note that they have a duty to raise a matter as soon as conveniently possible. It can then be investigated more effectively whilst information is fresh in the minds of all parties.

The school operates a 4 stage complaints procedure. If the complaint concerns the conduct of the Principal or a governor, it will be dealt with by the Chair of Governors. If the complaint concerns the Chair of Governors, it will be dealt with by a Governors' panel and complaints should be addressed to the Clerk of Governors.

Should the complaint be an allegation against a member of staff concerning, for example, sexual misconduct or assault, the matter should be referred immediately to the Principal; such allegations are not dealt with by this policy but by the safeguarding policy.

Similarly, should child protection issues arise, the matter may be dealt with under the safeguarding policy. Admissions and exclusions are also dealt with under different procedures.

If there is an issue that may be a potential concern but not a complaint, the parent/member of the public may wish to discuss the matter informally with the relevant person.

If a complaint is made, the following stages apply:

### **Stage 1: Complaint heard by a manager**

Should a complaint be about a member of staff, the complainant should ask to speak to the person's line manager. If the complaint concerns an issue within the academic curriculum, this will often be the Head of Department. Should it be a pastoral issue, it will often be the Head of Year. A complaint regarding the school but not necessarily about a person will be referred to an appropriate manager.

If the first approach is made to a governor, they will refer the issue and the complainant to the appropriate person and advise the complainant of the procedure. Governors will not act unilaterally outside the formal procedure or be involved at the early stages in case they are needed to sit on a panel at a later stage of the process.

### **Stage 2: Complaint heard by the Principal**

The complainant may be dissatisfied with the way the complaint was handled at Stage 1, and/or wish to pursue their initial complaint. If so, the complainant should submit the complaint in writing, to the Principal, within 10 school days of Stage 1 being concluded. The complaint form attached to this policy must be completed.

The Principal will acknowledge receipt of the complaint within 5 school days.

The Principal should meet with the complainant to clarify details of their concerns, the resolution that is being sought, and agree a timescale for response. The Principal will investigate the complaint further and make every effort to resolve the issue. On conclusion of the investigation the Principal will write to the complainant summarising the outcome reached and the process for appeal.

The Principal may delegate the task of collating information concerning the complaint to another staff member, but not the decision, nor the action to be taken.

If the complaint is wholly or mainly about the Principal the complaint will be considered in accordance with Stage 3 of the procedure described below.

### **Stage 3: Complaint heard by the Chair of Governors**

If the complaint cannot be resolved at Stage 2 or the complaint concerns the conduct of the Principal the complainant may take their complaint to the Chair of Governors.

The complainant will need to write to the Chair of Governors, care of the school, within 10 school days of the date of the letter notifying them of the outcome of Stage 2. The complainant should provide a copy of the written complaint, a copy of the Principal's letter concluding Stage 2 and give details in writing of why they are not satisfied with the outcome.

The Chair of Governors will acknowledge receipt of the complaint within 5 school days and provide a timescale for response.

The Chair will investigate the complaint and make every effort to resolve the issue, having met with the complainant (if necessary) and the Principal. On conclusion of the investigation the Chair of Governors will write to the complainant summarising the outcome reached and the process for appeal. The complaint will move on to Stage 4 if the complainant remains dissatisfied by the outcome.

### **Stage 4: Complaint heard by the governing body Complaints Appeal Panel**

The complainant needs to write to the Chair of Governors within 10 school days of the date of the letter notifying them of the outcome of Stage 3, notifying that they wish their complaint to be heard by the complaints appeal panel. The chair, or a nominated governor, will convene a governing body complaints appeal panel.

The governors' appeal panel hearing is the last school based stage of the complaints process and is not convened to merely rubber stamp previous decisions. Individual complaints will not be heard by the whole governing body at any stage as this could compromise the impartiality of any panel set up for a disciplinary hearing against a member of staff following a serious complaint.

The governing body will nominate 3 governors to have delegated powers to hear the complaint at this stage. These governors should have no previous knowledge of the complaint. The panel will choose their own chair.

The remit of the Complaints Appeal Panel is to:

- dismiss the complaint in whole or in part;
- uphold the complaint in whole or in part;
- decide on the appropriate action to be taken to resolve the complaint;
- recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not recur.

The complainant will be notified in writing of the panel's decision, usually within 5 days. The letter will confirm the end of the school's and governing body's involvement with the complaint and explain any further rights of appeal. The complainant should be advised that the local authority has no role unless the complaint relates to a service provided by the local authority.

The Education Funding Agency states on its website (via [www.gov.uk](http://www.gov.uk)):

*The EFA can support academies to achieve a compliant procedure but it is the responsibility of academy trusts to make sure that their complaints procedure is fully compliant. Our responsibility is to ensure academies comply with their funding agreements.*

*If a complaint comes to us we will check whether the complaint has been dealt with properly by the academy. We will consider complaints about academies that fall into any of the following three areas:*

*where there is undue delay or the academy did not comply with its own complaints procedure when considering a complaint*

*where the academy is in breach of its funding agreement with the Secretary of State*

*where an academy has failed to comply with any other legal obligation*

*We will not overturn an academy's decision about a complaint. However, if we find an academy did not deal with a complaint properly we will request the complaint is looked at again and procedures meet the requirements set out in the Regulations.*

## **Vexatious Complaints**

If properly followed, a good complaints procedure will limit the number of complaints that become protracted. However, there will be occasions when, despite all stages of the procedures having been followed, the complainant remains dissatisfied. If the complainant tries to reopen the same issue, the chair of the Governing Body is able to inform them in writing that the procedure has been exhausted and that the matter is now closed.

Further information can be requested regarding the definition of a persistent complainant.

# **Complaint Form for Winstanley Community College**

Complainant's Name:	
Pupil's Name:	
Complainant's Relationship to pupil:	
Address of Complainant:	
Post Code:	Daytime Tel:
Mobile:	E-mail:
<b>Please give details of your complaint:</b>	

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

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

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

**Signed:**

**Date:**

**Official Use:**

**Date acknowledgement sent:**

**By who:**

**Complaint referred to:**

**Date:**