



**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 and **this pre-stage 1 phase is an informal process.**

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 (e.g. 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. E.g.:
  - 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 bound. 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 Head of School 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 Trust Directors' 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 Head of School; 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 Assistant Head of School (Student Support). 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.

This stage may be informal or formal determined by the nature of the approach. Written complaints or ones that raise serious concerns (such as safety) will always be treated formally and hence will receive a written reply

## **Stage 2: Complaint heard by the Head of School**

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 Head of School, within 10 school days of Stage 1 being concluded. The complaint form attached to this policy must be completed.

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

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

The Head of School 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 Head of School the complaint will be considered in accordance with Stage 3 of the procedure described below.

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

If the complaint cannot be resolved at Stage 2 or the complaint concerns the conduct of the Head of School the complainant may take their complaint to the Executive Headteacher or in exceptional circumstances the Chair of Governors. The Chair of governors would normally be used when the Executive Headteacher has had active involvement in the issue of the complaint. Where the complaint is actively about the actions of the Executive Headteacher, then the complaint will be referred to the Chair of the board of directors.

The complainant will need to write to the Executive Headteacher, 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 Head of School's letter concluding Stage 2 and give details in writing of why they are not satisfied with the outcome.

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

The Executive Headteacher will investigate the complaint and make every effort to resolve the issue, having met with the complainant (if necessary) and the Head of School. On conclusion of the investigation Executive Headteacher 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 2 governors to have delegated powers to hear the complaint at this stage. The governors will also seek an independent member who will normally be a trained governor from another local school. These governors should have no previous knowledge of the complaint. The panel will choose their own chair.

The complainant will be entitled to be accompanied at a panel hearing if they wish. The accompanying person must be over the age of 18 and be legally allowed to attend the school site.

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 outcome will be made available on the school premises, to the Head of School, Executive Headteacher and Chair of Governors. This outcome is logged in the schools complaints file along with all documents relating to the complaint.

### **The school complaints file**

This is a confidential file except where the secretary of state or body with delegated powers requests access. In school, only the Head of School, Executive Headteacher and the administrator responsible for the file's maintenance will have access. The file will record the stage of the process at which a resolution has been reached.

### **Unreasonable and/or Vexatious Complaints**

There will be occasions when, despite all stages of the complaint procedure having been followed, the complainant remains dissatisfied. It is important for schools to recognise when they really have done everything they can in response to a complaint. It is a poor use of schools' time and resources to reply to repeated letters, emails or telephone calls making substantially the same points. If a complainant tries to re-open the same issue, the Chair of Governors can inform them that the procedure has been completed and that the matter is now closed.

If the complainant contacts the school again on the same issue, then the correspondence may be viewed as 'serial' or 'persistent' and the school may choose not to respond.

Best practice advice for school complaints 2016: DfE

Policy for Handling Unreasonable Complainants

LiFE Multi Academies Trust 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 the 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.

The Trust defines 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’.

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 / or by telephone while the complaint is being dealt with

A complaint may also be considered unreasonable if the person making the complaint does so either face-to-face, by telephone or in writing or electronically:

- maliciously
- aggressively
- using threats, intimidation or violence
- using abusive, offensive or discriminatory language
- knowing it to be false
- using falsified information

□ publishing unacceptable information in a variety of media such as in social media websites and newspapers.

Complainants should limit the numbers of communications with a school while a 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.

Whenever possible, the headteacher or Chair of Governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

If the behaviour continues the headteacher will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact the school causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan.

This will usually be reviewed after 6 months.

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 the school.

# **Complaint Form for The Winstanley School**

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:**