



School Complaints Policy



COMPLAINTS PROCEDURE

At Willingdon Community School, we aim to create a safe, friendly and happy environment for all children, so they can achieve their potential, both academically and socially. We welcome feedback from parents – both positive and negative about how the school is doing. We acknowledge that we may not always get everything right.

The vast majority of concerns and complaints can be resolved informally. There are many occasions where concerns are resolved straight away through the class teacher, form tutor, Director of Student Progress, Head of Department, other member of staff or Headteacher, depending on whom the parent first approached, without the need to resort to a formal complaints procedure, and this is preferable for all concerned.

Although this stage involves dealing with the issue informally it may prove helpful later, although not essential at this stage, for the person responding to make a basic record of the issue or complaint raised, which may include brief notes of conversations (face to face or over the telephone), and the responses made.

The person who raised the issue will be informed of the action to be taken to resolve the issue. It is helpful to confirm undertakings given about future action or monitoring in writing.

If the person is dissatisfied with the response they have been given, they will be provided with a copy of the school's complaints procedure and informed about how to take their complaint to Stage I, by referring it to the Headteacher, in writing.

The policy refers to 'parents/carers' but is regarded as referring equally to a member of the public who makes a complaint. Willingdon Community School will make every effort to conduct this policy in line with a 'working day' meaning 195 days of the academic year. In the event that a complaint is made in holiday time, the complaint will be addressed as soon as practicable.

This policy is available on request to parents of students and prospective students as well as to members of the public. It is also available on the website.

Date adopted by the Governing Body: 6th December 2018

To be reviewed: December 2019

Staff Responsible: Headteacher

Link Governor: Clive Hale



School Complaints Policy



STAGE 1: Referral to the Headteacher

- 1) The issue is referred to the Headteacher for investigation, by the complainant writing to the Headteacher. In the communication to the Headteacher, it is important that the person clarifies what the issues are and what they hope to achieve to agree an acceptable outcome. It is generally at this or the previous stage that it will become clear whether it is appropriate for the complaint to be dealt with under these procedures or whether there are statutory processes. If the latter is the case, the Headteacher will need to inform the complainant of this and the way in which the complaint will be handled.
- 2) At this stage it has become clear that the concern is a definite complaint. Any complaint received by the Headteacher under this process, will be acknowledged within 5 school days with a full written response within 15 school days. However, the school may need longer to investigate and will notify the complainant if this is the case. The complaint will be dealt with in a reasonable time frame. Complainants will also be given the opportunity to meet with the Headteacher, accompanied by a relative or friend if they so wish, to discuss their complaint. Written records of interviews with complainants and with staff or witnesses carried out in the course of the investigation should be kept by the Headteacher.
- 3) In the letter conveying the outcome, the complainant will be informed of the process for referral to the Chair of Governors if they wish to take their complaint further. Any such referral should be made within 10 school days after receipt of the Headteacher's letter.
- 4) If the Headteacher is the subject of the complaint, the complaint will go straight to the Chair of Governors and miss out this stage.

STAGE 2: Review by the Chair of Governors

- 1) The complainant requests a review of their complaint by writing to the Chair of Governors care of the school, making it clear why they are complaining, who they have already spoken to and what they want to happen as a result of their complaint. The envelope should be marked 'For Immediate Action' and 'Private and Confidential'. Staff in the school office must ensure that the letter is forwarded without delay. Complaints received by the Chair will be acknowledged within 5 school days with a substantive response within 15 school days. It may be that more time is needed to complete the investigation and if this is the case, it will be explained to the complainant. The Chair may need to hold interviews with the Headteacher and possibly other members of staff and notes will be kept of those meetings. Chairs may also wish to take advice on particular issues from the relevant officer of the local authority. At this stage the local authority's governor support team will be informed that the governing body is dealing with a complaint at this level.
- 2) Again, the letter conveying the Chair's findings will include details of the next stage of the procedure.
- 3) In acknowledging any complaint, the Chair may need to explain the powers of the governing body in the matter in question and the extent to which it may or may not be possible to achieve the outcome desired by the complainant. For example, a parent may be unhappy with their child's class placement. Whilst the governors can look at whether the decision about the class placement was made in a fair, reasonable and consistent way, they do not have the powers to change the placement. In such instances it is important that the complainant is made aware at the outset of the scope of the investigation. However, where it is not within the remit of a governing body to change a decision, it may make a recommendation for the Headteacher to consider.



School Complaints Policy



STAGE 3: Review by Governing Body Complaints Committee

- 1) Complaints only rarely reach this formal level. Where the clerk to the governors receives a complaint under these procedures, he or she will arrange for a complaints committee to meet where possible between 12 and 20 school days from receipt of the letter. (The governing body should have nominated three members to serve on the committee and reserves to ensure that sufficient governors are available to hold a meeting within the specified time period. The Chair of Governors should not be a member of the committee as they will have been involved at the previous stage).
- 2) The Headteacher should also be informed immediately that a complaint has been received and consulted about the proposed date of the hearing. At this stage the local authority's governor support team should be informed that a hearing is taking place.
- 3) On issuing notification of the date and time of the hearing, the clerk will need to advise the complainant and the Headteacher that any written documentation they wish the committee to consider will need to be submitted in time to be circulated to committee members 5 days prior to the hearing. The complainant should be advised that they may be accompanied by a relative or friend.
- 4) Notification of the hearing should also include details of the way in which the hearing will be conducted. The hearing should be minuted and copies of all relevant correspondence and notes should be kept on file by the clerk. The conduct of the hearing is set out in Appendix I.
- 5) The findings of the committee should be notified to the complainant and the Headteacher in writing within 5 school days of the hearing.
- 6) When considering the membership of the complaints committee, the governing body should have regard to whether it would be advisable to include governors who are employed at the school. If this were the case, it may be perceived by the complainant that those governors would be unlikely to amend or overturn a decision taken by the Headteacher.
- 7) If the whole governing body is aware of the substance of a complaint before the final stage has been completed, the school will arrange for an independent panel to hear the complaint. The school may directly approach another school or seek support from the Local Authority Governor Services team. Complainants have the right to request an independent panel if they believe there is likely to be bias in the proceedings. The school will consider such requests on a case by case basis and the final decision will be made by the Governing Body.
- 8) If a complaint has completed the formal procedures and the complainant remains dissatisfied, they have the right to refer their complaint to the Secretary of State or the Local Government Ombudsman:

The Secretary of State for Education

Complainants have a right of appeal to the Secretary of State for Education, School Complaints Unit who would examine if the complaints policy and any other relevant policies were followed in accordance with the provisions set out. The SCU also examines policies to determine if they adhere to education legislation. However, the department will not re-investigate the substance of the complaint. This remains the responsibility of the school.



School Complaints Policy



The Local Government Ombudsman

If a complainant feels that there has been maladministration in the manner in which a complaint has been dealt with, they can take this to the Local Government Ombudsman. The Ombudsman can investigate complaints about how something has been done but he cannot question what has been done simply because someone does not agree with it. The Ombudsman cannot investigate the internal management of schools and colleges.

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

Serial and Persistent Complainants

There will be occasions when, despite all stages of the complaint procedure having been followed, the complainant remains dissatisfied. It is important for the school to recognise when they really have done everything they can in response to a complaint. It is a poor use of the 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.

Unreasonable Complainants

Willingdon Community School 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.

Willingdon Community School 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;



School Complaints Policy



- 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 including referral to the Department for Education;
- 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.

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 Willingdon 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 Willingdon School.

Barring from the School Premises

Although fulfilling a public function, schools are private places. The public has no automatic right of entry. Willingdon Community School will therefore act to ensure they remain a safe place for pupils, staff and other members of their community.

If a parent's behaviour is a cause for concern, Willingdon Community School can ask him/her to leave school premises. In serious cases, the Headteacher or the local authority can notify them in writing that their implied licence to be on school premises has been temporarily revoked subject to any representations that the parent may wish to make.



School Complaints Policy



Anyone wishing to complain about being barred can do so, by letter or email, to the Headteacher or Chair of Governors. However, complaints about barring cannot be escalated to the Department for Education. Once the school's own complaints procedure has been completed, the only remaining avenue of appeal is through the Courts; independent legal advice must therefore be sought.



School Complaints Policy



SUMMARY OF THE COMPLAINTS PROCEDURE

Concern or complaint received

INFORMAL PROCEDURE

<i>Informal Stage</i>	<i>Action Required</i>
Informal discussion with the class teacher or other relevant member of staff (possibly the Headteacher) usually resulting in resolution of the issue.	The person is informed of the action to be taken to resolve the issue. If they are not satisfied they should be provided with a copy of the school's complaints procedures and information on how to proceed to the Formal Stage with their complaint.

FORMAL PROCEDURE

<i>Stage 1</i>	<i>If the complaint is not resolved</i>
The complaint is submitted in writing, to the Headteacher.	The Headteacher acknowledges receipt with 5 school days and provides a full written response within approximately 15 school days. If necessary the complainant should be informed of how to proceed to Stage 2.

<i>Stage 2:</i>	<i>If the complaint is not resolved</i>
A written complaint is submitted to the Chair Governors addressed 'For Immediate Action' and 'Private and Confidential'.	The Chair acknowledges receipt within 5 school days. Chair of Governors provides full written response within approximately 15 school days. Information is provided to complainant if required on how to progress complaint to Stage 3.

<i>Stage 3:</i>	<i>If the complaint is not resolved</i>
Complainant writes to the Clerk to Governors requesting that the complaint be heard by a complaints committee of governors.	Clerk arranges for complaints committee to meet between 12 and 20 school days from receipt of letter and informs complainant of findings within 5 school days of hearing. School notifies Governor Services. Information is provided to the complainant on how to progress the complaint to the Secretary for Children, Schools and Families and Local Government Ombudsman.

FURTHER RECOURSE	<i>If the complainant is not satisfied that the complaint has been dealt with properly and fairly</i>
Complainant writes to the Secretary of State for Education and Skills, or the Local Government Ombudsman.	The Secretary of State may intervene if a governing body has acted unreasonably. The Ombudsman only investigates issues of maladministration.



School Complaints Policy



Appendix I

OUTLINE PROCEDURES FOR COMPLAINTS COMMITTEE HEARINGS

Before the hearing

1. The complainant and the Headteacher will be provided with details of the way in which the hearing will be conducted.
2. If necessary support for the complainant will be arranged, for example, translation of any of the papers provided by the school, provision of an interpreter or any arrangements necessary to give the complainant full access to the proceedings, for example if the complainant has a disability.
3. The members of the committee will elect one of their members to act as Chair of the committee for the hearing.

The hearing

4. The complainant and the Headteacher should simultaneously be invited into the room where the hearing is being held. At this point the Chair may wish to reiterate the scope of the governing body's powers and clarify the aims of the hearing, i.e. to resolve the complaint, reconcile differences between the complainant and the school and to help identify the way forward.
5. The Chair should introduce all those present and ensure that all parties have been advised of the way in which the hearing will be conducted.
6. The complainant to begin by explaining the basis of their complaint and the Headteacher to respond by stating the reasons for the school's response.
7. The Headteacher to ask the complainant any questions regarding their complaint and the complainant to raise questions with the Headteacher about the school's response.
8. Members of the committee to have the opportunity to ask questions of either the complainant or the Headteacher.
9. The complainant and the Headteacher to be given the opportunity to make any final statement.
10. The Chair to confirm that a decision will be issued within 5 school days.
11. The complainant and the Headteacher should then leave the hearing.

The decision making process

12. The committee should then consider a decision based on the information and evidence presented to them. It should decide whether or not to uphold the complaint, suggest any actions which may be taken to resolve the complaint and consider whether it would be appropriate to suggest a review of any school policies in the light of issues raised in the course of the complaint. The committee should reach a majority decision on the complaint.

Communicating the decision

13. The findings of the committee should be notified to the complainant and the Headteacher in writing within 5 school days of the hearing.