

Wentworth Primary School

Complaints Procedure

**Date of Policy:
September 2015**

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September 2015**

**Reviewed: Summer 2022
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Achieving Happily



Complaints Procedure

Introduction

This document sets out the school's procedure for addressing complaints. It should be used only when informal attempts to resolve problems have been unsuccessful. If you have any concerns about the school or the education provided, you are encouraged to discuss the matter first with your child's Class Teacher, Assistant Headteacher, Deputy Headteacher or Headteacher at the earliest opportunity. The school considers any concerns very seriously and most problems can be resolved at this stage.

Please note that this procedure does not apply to issues concerning the curriculum, collective worship, admissions, exclusion appeals, decisions about your child's special educational needs or grievances by or against staff. These are the subject of separate procedures, copies of which can be obtained from the school.

All other complaints are handled by the school according to the arrangements set out below.

Aims and Objectives

The school will give careful consideration to all complaints and deal with them fairly and honestly. We will provide sufficient opportunity for any complaint to be fully discussed, and aim to resolve it through open dialogue and mutual understanding.

Our Procedure Aims to

- be easily accessible and publicised
- be simple to use and understand
- be impartial
- be non-adversarial
- allow swift handling with established time-limits for action and keeping people informed of the progress
- ensure a full and fair investigation by an independent person where necessary
- respect people's desire for confidentiality, wherever possible (some information sharing may be necessary to carry out a thorough investigation)
- address all points of issue, providing an effective response and appropriate redress, where necessary
- provide information to the school's senior management team so that services can be improved.

Formal Complaints Procedure

Stage 1

If you feel that a concern has not been addressed through informal discussion with the Class Teacher, Assistant Headteacher, Deputy Headteacher and Headteacher, and you wish to have the matter formally investigated, this process begins with the completion of a complaints form, which you will find at the end of this pack. If you would like help completing the form, the school will be happy to provide the assistance of someone unconnected with the complaint. The completed form should be returned to (a) The Head Teacher if the concern/complaint is under the Head teacher's responsibility or (b) The Chair of Governors if the concern/complaint is under the Governing Body's responsibility, (these are indicated below). The complaint form should be returned to the school office, marked Confidential, for the attention of either the Head Teacher or Chair of Governors as appropriate. The Head Teacher/Chair of Governors will acknowledge in writing receipt of the complaint form within three working days after receiving it and will enclose a copy of the school's complaints procedure with the acknowledgement.

If the matter is about:

- the day-to-day running of the school
- the interpretation of school policies
- the actions or inactions of staff at the school

These are concerns/complaints under the Head Teacher's responsibility and will be investigated by [*the Headteacher or a senior member of staff nominated by the Headteacher*]. See D1 for flowchart.

If the matter is about:

- school policies as determined by the Governing Body
- the actions or inactions of the Governing Body
- the Headteacher

These are concerns/complaints under the Governing Body's responsibility and will be investigated by [*the Chair of Governors or a governor nominated by the Chair*]. It may be necessary to appoint an independent investigator in certain circumstances.

See D2 for flowchart.

Stage 2

If the concern/complaint has been investigated by the Head teacher, Stage 2 of the formal procedure will begin with the complaint form being passed to the Chair or nominated complaints governor to review whether the complaint has been properly dealt with (see flow chart D1). If the concern/complaint has been investigated by the Chair, the complaint form passes to the Governing Body (see flow chart D2).

If the complaint is a staff disciplinary or capability issue, then the matter will be dealt with by following the appropriate procedure rather than the complaints procedure. You will be notified if this is the case with your complaint, but we will not be able to tell you which procedure or the final outcome.

Monitoring and Review

The Governing Body monitors the complaints procedure, in order to ensure that all complaints are handled properly. The Headteacher logs all formal complaints received by the school and records how they were resolved. Governors examine this log on an annual basis and consider the need for any changes to the procedure.

Availability

A copy of this procedure is available to all parents on request. It is also available on the school web site.

L Pollock
Headteacher
June 2022

D1 Complaint/Concern under Headteacher's Responsibility

Concern - Informal

Please raise your concerns with your child's classroom teacher, Key Stage Assistant Head of Year, who will try and resolve the issue.



Unresolved?



Resolved - No further action



No. Formal – Stage 1

Complete complaint form and offered support in completing the form and this should be addressed to the Headteacher.

Headteacher acknowledges the form and provides copies of complaint procedure within 3 days.



Formal – Stage 1

Form received by school

Is complaint about areas of Headteacher's responsibility or Governing Body's responsibility?



Headteacher's responsibility –

Headteacher deals with matter or designates senior member of staff and writes to you with the outcome of the process within 10 working days of receiving the complaint



Resolved?



Yes. No further action



No. Complainant wishes to move to Stage 2 of the procedure and notifies the school in writing within 10 working days.



Formal – Stage 2

Complaint form passes to the Chair or nominated complaints governor to review whether the complaint has been properly dealt with



Resolved?



Yes. No further action



No. Complainant is given copy of Procedure for Governing Body Complaints Panel Hearing. A governor complaints panel is set up to consider the complaint within 10 working days of the complaint being passed to the Governing Body. It consists of 2 governors, with no prior knowledge of the complaint and 1 independent member who has no connection with the management of the school, who will consider written and verbal submissions from the complainant and the Headteacher



The panel meets to consider the complaint and make a final decision on behalf of the Governing Body.



Panel writes to complainant with its conclusion within 5 working days of the meeting



Resolved?



Yes. No further action



No. The complainant may decide to write to the Secretary of State for Education, if they feel the school has acted unreasonably or not followed the correct procedures

D2 Complaint/Concern under Governing Body's Responsibility

Informal

Complaint at school level – complainant should try and resolve the problem with the school



Resolved?



Yes. No further action



No.

Formal – Stage 1

You will be given copies of the complaints procedure and complaint form and offered support in completing the form. You will have 3 days to complete and return the form.

No. Complainant is given copy of the complaint form and offer of support in completing it (See Appendix Two)



Formal – Stage 1

Form received by school

Is complaint about areas of Head Teacher's responsibility or Governing Body's responsibility?



Governing Body's responsibility -

Chairman deals with matter or designates a governor and writes to you with the outcome of the process within 10 working days of receiving the complaint



Resolved?



Yes. No further action



No. Complainant wishes to move to Stage 2 of the procedure and notifies the school in writing within with 10 working days. Complainant is given copy of Procedure for Governing Body Complaints Panel Hearing.



Formal – Stage 2

Complaint form passes to the Governing Body



A governor complaints panel is set up to consider the complaint within 10 working days of the complaint being passed to the Governing Body. (See Procedure for a Governing Body Complaints Panel hearing). It consists of 2 governors, with no prior knowledge of the complaint and 1 independent member who has no connection with the management of the school, who will consider written and verbal submissions from the complainant and Chairman of Governors (or designated governor)



The panel meets to consider the complaint and make a final decision on behalf of the Governing Body.



Panel writes to complainant with its conclusion within 5 working days of the meeting



Resolved?



Yes. No further action



No. The complainant may decide to write to the Secretary of State for Education, if they feel the school has acted unreasonably or not followed the correct procedures

Complaint Form

Please complete and return to the School Office, marked for the **confidential attention** of the Head Teacher/Chair of Governors.

Your name:	
Pupil's name:	
Your relationship to the pupil:	
Address:	Postcode:
Day time telephone number:	Evening telephone number:
Please give details of you complaint:	
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	
Are you attaching paperwork? If so, please give details	
Signature	Date
Official use	
Date acknowledgement	By whom:
Complaint referred to:	Date:

Model Procedure for conducting a Governing Body Complaints Panel Hearing

The Governing Body Complaints Panel operates according to the following formal procedures:

1. The Chair of the Governing Body Complaints Panel will aim to arrange for the panel meeting to take place within **10 working days**.
2. The Chair of the Governing Body Complaints Panel will ask you whether you wish to provide any further written documentation in support of your complaint. You can include witness statements, or ask witnesses to give evidence in person, if you wish.
3. The Headteacher will be asked to prepare a written report for the panel. Other members of staff directly involved in matters raised in your complaint will also be asked to prepare reports or statements.
4. The Chair of the Governing Body Complaints Panel will inform you, the Headteacher, any relevant witnesses and members of the panel by letter, at least **five working days** in advance, of the date, time and place of the meeting.
5. With the letter, the Chair of the Panel will send you all relevant correspondence, reports and documentation about the complaint and ask whether you wish to submit further written evidence to the panel.
6. The letter from the Chair of the Panel will also inform you that you are entitled to be accompanied to the meeting. The choice of person to accompany you is your own, but it is usually best to involve someone in whom you have confidence but who is not directly connected with the school. They are there to give you support but also to witness the proceedings and to speak on your behalf if you wish.
7. With the agreement of the chair of the panel, the Headteacher may invite members of staff directly involved in matters raised by you to attend the meeting.
8. Witnesses will be invited to the hearing and give statements but withdraw once they have done so.
9. The chair of the panel will bear in mind that the formal nature of the meeting can be intimidating for you and will do his or her best to put you at your ease.
10. As a general rule, no evidence or witnesses previously undisclosed should be introduced into the meeting by any of the participants. If either party wishes to do so, the meeting will be adjourned so that the other party has a fair opportunity to consider and respond to the new evidence.
11. The chair of the panel will ensure that the meeting is properly minuted. Please understand that any decision to share the minutes with you, the complainant, is a matter for the panel's discretion and you do not have an automatic right to see or receive a copy. Since such minutes usually name individuals, they are understandably of a sensitive and, therefore, confidential nature.
12. Normally, the written outcome of the panel meeting, which will be sent to you, should give you all the information you require. If, however, you feel that you would like to have a copy of the minutes it would be helpful if you could indicate this in advance. If the panel is happy for the minutes to be copied to you, the clerk can then be asked maintain confidentiality in the minutes.

13. During the meeting, you can expect there to be opportunity:
 - for you to explain fully your complaint to the panel who will have an initial listening brief;
 - for you to be questioned by the panel on any points that may need clarification;
 - for any witnesses that you may wish to call (subject to the chairs prior knowledge and approval);
 - you will be asked to make a final statement in summing up. You will then be free to leave;
 - following your submission the Headteacher will submit a reply on behalf of the school and call witnesses if required (subject to the chairs prior knowledge and approval);
 - the Headteacher will be questioned by the panel on any points that need clarification;
 - the Headteacher will make a final statement on behalf of the school;
14. At the end of each presentation, the chair will explain that the panel will consider its decision and that written notice of the decision will be sent to the headteacher and yourself **within five working days**.
15. The panel will then consider the complaint and all the evidence presented in order to:
 - reach a majority, decision on the complaint;
 - decide on the appropriate action to be taken to resolve the complaint;
 - recommend, where appropriate, to the Governing Body changes to the school's systems, policies or procedures to address the issues raised.
16. The Chair of the Panel will send you and the headteacher a written statement outlining the decision of the panel **within five working days**. If you are not satisfied with the outcome you may appeal to the Secretary of State, details of which should be provided in the letter.
17. We will keep a copy of all correspondence and notes on file in the school's records but separate from pupils' personal records.

Vexatious and Persistent Complaints Policy

This policy is designed to support schools when the Complaints Procedure does not meet the needs of the school because the complaint that they are dealing with is unreasonable and/or abusive and/or persistent.

This policy applies to all complainants, either individually or as part of a group who might be considered to be 'habitual, unreasonably persistent or vexatious'.

The term 'complainant' in this policy includes those who make requests under the Freedom of Information Act 2000 and the Data Protection Act 1998. Reference to the complaints procedure relates, where relevant, to requests under those Acts.

Unreasonably persistent and vexatious complainants are a problem for school staff and governors. Managing these complaints place a strain on time and resources. The school will always try to respond sympathetically to anyone with a concern or issue regarding the school, but there will be times when nothing further can be reasonably done to resolve matters.

Examples of unreasonable behaviour liable to invoke this policy are: making excessive demands on time and resources e.g. excessive telephone calls; sending excessive emails; writing complex and lengthy letters – to which a quick response is expected; threatening behaviour/conduct and physical violence; not allowing adequate time to manage an initial complaint; demonstrating non-acceptance of a final decision by continuing to demand further responses to the same or similar issues. This policy will ensure that all complainants are dealt with fairly, honestly and consistently. However, the governors recognise that some complaints may not be settled to the complainant's satisfaction. In such cases, the governors have a right to expect that they will not receive further discussion/written responses to complaints that have been closed.

Aggressive/abusive behaviour – the expectation is that staff/students/visitors/volunteers feel safe whilst on our school site. The school recognises that under certain circumstances people can become angered or upset by a decision or action taken by the school. However, it is never acceptable for this to be escalated to verbal or physical abuse (this would include written threats of violence) if threats of violence/abuse/inflammatory statements/unsubstantiated allegations are made in person, the governing body can decide that any further communication between the complainant and school may only be in writing. The incidence of abuse may be reported to the Police.

Unreasonable demands – complaints can cause stress and strain on the school by: the amount of information sought; unreasonable detail; unachievable timescales or the number of requests made. These demands could include continually: telephoning; sending letters; sending emails or making subtle changes to the nature of the requests previously made in the anticipation that the outcome may be more in line with the complainant's expectations. These demands will be deemed to be unreasonable if: they appear to be trivial or made without a serious purpose; they impact on the work of the school by taking up excessive amounts of staff time; they impact on the effective running of the school; cause stress and anxiety to the staff concerned in the issue.

Repetitive/persistent requests – the governors of the school recognise that complainants can, in some circumstances, fail to accept that the school is unable to help them further or provide additional information/support. They might continue to pursue the complaint if they do not agree with the outcome or the action that has been taken in writing, telephoning or sending emails without providing any new information. If the complainant continues to contact the school, repeating the same complaint that has already been responded to or which is still under investigation, the school may decide to only take telephone calls on a restricted basis e.g. only one nominated member of staff will respond. If the same written material/documents are sent to the school the Headteacher may decide to return these without response.

In the case where the school has agreed that the complainant is vexatious the governing body will have agreed that contact can be restricted. The decision to restrict communication will need to be agreed by the Headteacher and Chair of Governors. The complainant must be notified in writing and the letter will clearly identify: the reason why the decision to apply this policy has been taken; what impact this will have on their contact with the school; the duration of the restriction and how and to whom the complainant can appeal the decision.

The restrictions can include all or some of the following: placing time limits on telephone calls/personal contact; limiting the number of telephone calls/personal contacts; restricting the complainant to only one form of communication and with one named member of staff and refusing all communication regarding an identified subject.

The restriction would not include emergency contact regarding the complainant's child/children or information which would be essential to their child/children's learning and achievement.

Appendix 1

Examples of vexatious or unreasonable persistent complaints (this list is not exhaustive):

- ☒ Refusing to give school staff details of their complaint which would enable them to investigate and resolve the concern.
- ☒ Refusing to co-operate and comply with the school's complaints process.
- ☒ Continuing to pursue complaints about a member of the school community which are unsubstantiated and are, evidently, a personal vendetta.
- ☒ Making constant and excessive demands on staff which impacts on the school's time and resources.
- ☒ Inappropriately and subtly changing the complaint when an outcome has not met their expectations.
- ☒ Trying to 'swamp' the procedure with copious amounts of unnecessary and irrelevant paperwork, questions or data and overloading the school systems with emails, letters and telephone calls.
- ☒ Making a number of linked complaints across an extended period of time, which extends and muddles the investigation process.
- ☒ Demanding that the school makes judgements/decisions outside of the complaint policy's remit – e.g. overturning a court decision re contact with a child or a legislative requirement.
- ☒ Threatening or intimidation of staff/students/visitors/volunteers through written, oral or personal contact.
- ☒ Continually submitting the same complaint which has been investigated, considered and concluded.

Appendix 2

Model letter response to vexatious complaint

Dear

Thank you for your recent communication. After careful consideration, the Chair of Governors and I have agreed that the concerns you have raised cannot be dealt with under the school's Complaints Policy because:

(delete as necessary)

- There is no clear indication about what your complaint is.
- The concerns you have raised have already been dealt with and you have received a full response of the findings.
- The complaint is not an issue which the school or governing body is able to provide a response to.
- Your letter contains inflammatory/abusive/threatening language and has been referred to the police or our legal representatives.

If you wish to appeal against this decision you should write formally to the Clerk to the Governing Body within 7 working days of the date of this letter explaining why you think our decision is incorrect. **(or in the case of the final point, you may wish to offer the opportunity to the complainant to re-issue the letter in an acceptable format and with an apology)**

Yours sincerely

Our aim is for our school to be a safe and happy environment for our staff to work in and for our students to learn in. The Headteacher and governing body are absolutely committed to this statement.

We welcome constructive comments regarding our working practices, environment or policies and procedures, which we will always try to resolve quickly and positively through our policy: 'Complaints Procedure'

The school will not accept approaches which have a negative effect on the running of the school or place an unacceptable strain on the time and resources of school staff. The governing body will not accept threatening or abusive behaviour towards any members of the school community.

We would like to explain what we consider to be vexatious or abusive:

- ☒ Continuous communication despite the complaint having been considered and concluded through the school's policies.
- ☒ Harassing a member of staff either in person, by telephone constant emails or letters.
- ☒ Unreasonable expectations of the school - .e.g. to overturn a court decision or legislation.
- ☒ Pursuing complaints in an unreasonable manner including using abusive or threatening language. Targeting the complaint at one member of staff without good cause or evidence.
- ☒ Causing upset or distress to a member of staff.
- ☒ Having a disproportionate impact on the running of the school.

The school will always try to work with parents/carers but will take the following actions if the vexatious or abusive complaint does not cease:

- ☒ We will write to the complainant to inform them formally that their behaviour is considered to be unreasonable and unacceptable and to request a change to the behaviour.
- ☒ Restrict the complainant's ability to communicate with the school.
- ☒ Report the communication to the Police and/or our legal representatives.
- ☒ We will inform the complainant how they can appeal the decision.
- ☒ We will inform the complainant how long the restriction will be in place.