

Woodchurch High School

A Church of England Academy



COMPLAINTS POLICY DOCUMENT

Approved by the Finance & Personnel Committee: Spring 2024
Approved by Full Governors: Spring 2024

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Introduction

In accordance with Section 29 of the Education Act, 2002, school has adopted the following as policy.

The Difference between a Concern and a Complaint

A 'concern' may be defined as '*an expression of worry or doubt over an issue considered to be important for which reassurances are sought*'. A complaint may be generally defined as '*an expression of dissatisfaction, however made, about actions taken or lack of action*'.

It is in everyone's interest that complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to invoke formal procedures. As a school, we take informal concerns seriously and make every effort to resolve the matter as quickly as possible.

There are occasions when complainants would like to raise their concerns formally. In those cases, our formal procedure will be invoked through the stages outlined within this document.

Who can make a Complaint?

Any person, including members of the general public, may make a complaint about any provision of facilities or services that the school provides, unless separate statutory procedures apply (see below). As a school, we do not limit complaints to parents or carers of children that are registered at the school.

Complaints not in the scope of the Procedure

This complaints procedure covers all complaints about any provision of facilities or services that the school provides, with the exception of those listed below, for which there are separate (statutory) procedures:

- Admissions to school
- Statutory assessments of Special Educational Needs (SEN)
- School re-organisational proposals
- Matters likely to require a Child Protection Investigation
- Exclusion of children from school
- Whistleblowing
- Staff grievances and disciplinary procedures*
- Complaints about services provided by other providers who may use school premises or facilities

Details of these procedures and whom to contact, in the case of a complaint, are available from the school upon request.

* If the complaint amounts to or includes an allegation against a member of staff, this may need to be considered under the school's disciplinary procedure for employees, rather than the complaint procedure. The complainant will be advised if these procedures are to be used in dealing with the complaint.

Aims of the Complaints Procedure

The aims of the Complaints Procedure are to ensure:

- An impartial approach to dealing with the complaint
- A non-adversarial approach to the complaint
- A full and fair investigation, by an independent person, where necessary
- That we respects people's desire for confidentiality
- That we address all the points at issue and provide an effective response and appropriate redress, where necessary
- That we provide information that can then be used by the school's Senior Leadership Team to further develop and improve our current practice and procedures

Timeline

It is an aim that complaints will be considered and resolved as quickly and efficiently as possible. Timescales are set out below, under the different stages under which the complaint will be dealt with.

It is the view of the school that these time limits are both realistic and reasonable. However, where further investigation is necessary, new time limits may need to be set. In this case, the complainant will be notified of the revised deadlines and given an explanation for the delay.

Although it is usual for complaints to be lodged almost as soon as an incident or situation has occurred, most complaints to the school should be lodged within a three-month time frame. Where this is not the case, the complainant will be asked for a reason why the complaint has taken so long to lodge. It is not the school policy to refuse to investigate complaints made outside of this three-month time frame.

The Staged Approach to Concerns and Complaints

When dealing with concerns and complaints, the school will use the staged approach as outlined below. Regardless of whether the school feels the concern or complaint is 'justified' or not, a complainant can always complete the complaints procedure in full, should they wish to do so.

Stage 1

- Any problem or concern should be raised promptly with the class teacher/form tutor or member of staff responsible for the area or action you are concerned about
- If you believe the concern is more serious you can make an appointment to discuss it with a more senior member of staff, such as a Pupil Progress Leader, Curriculum Leader or the School Business Manager
- As part of this stage of the process, the school will ask the complainant what action they feel may resolve the issue
- An acknowledgement that the school could have handled a situation or dealt with an issue better, is not the same as an admission of unlawful or negligent conduct or action
- It is an aim that all concerns or complaints would be resolved at this stage within 15 working school days

Where the concern or complaint relates directly to the Headteacher, and the complainant feels it has not been resolved to their satisfaction at the 'informal' Stage 1 of the process, then the complaint will be escalated to Stage 3. In these instances, the complainant should always put the concern or complaint in writing, as well as indicating what action they feel may resolve the issue. The complainant may wish to use the 'Complaints Form' (see appendix) for this purpose.

Where the concern or complaint relates directly to the Chair of the Governing Body, and the complainant feels it has not been resolved to their satisfaction at the 'informal' Stage 1 of the process, then the complaint will be escalated to Stage 4. In these instances, the complainant should always put the concern or complaint in writing, as well as indicating what action they feel may resolve the issue. The complainant may wish to use the 'Complaints Form' (see appendix) for this purpose.

Stage 2

- Complaints can be escalated to this stage by either the school or the complainant
- If the initial contact with the school referred to the issue or situation as a concern, at this stage it becomes a complaint
- At this stage, complaints are usually referred directly to the Headteacher or another designated member of the Senior Leadership Team, such as a Deputy or Assistant Headteacher
- The Headteacher will however be made fully aware of the complaint and relevant action(s) at this stage
- It is usual for the complainant to put the complaint in writing at this stage if they have not done so already. A form (see appendix), is attached for this purpose, but the complainant is not required to use this form
- Once the complaint has been investigated, a written response will be provided
- It is an aim that the written response will be received by the complainant within 15 working school days

Stage 3

- If the complainant is dissatisfied with the response received from school, they can escalate the complaint to this stage of process
- This is done by writing to the Chair of the Governing Body, ideally within ten working school days of receiving the written response from the Headteacher (or Deputy Headteacher, if applicable)
- Contact details for the Chair of the Governing Body is available from the school upon request
- The Chair of the Governing Body will investigate the complaint and, in most cases, seek to resolve the matter through discussion with the complainant and the Headteacher
- The Chair of the Governing Body will not share the complaint with the whole Governing Body, in case the complaint is escalated to the next stage of the process
- At the end of this stage the Chair of the Governing Body will provide the complainant with a written response
- It is an aim that the written response will be received by the complainant within 15 working school days

Stage 4

- If the complainant is dissatisfied with the response received from school, they can escalate the complaint to this stage of process
- At this stage, the complaint is referred to a 'Complaints Sub-Committee' of the Governing Body
- This can be done by writing to either the Chair of the Governing Body or the Clerk to the Governing Body
- Once the complaint has been received, the Governing Body will ask a small panel of Governors to meet and investigate the complaint
- This will normally be arranged within 20 working school days of the complaint being received, depending on the availability of all concerned
- The complainant has the right to attend this meeting and to be accompanied by a friend or representative
- The date, time and place of the meeting will be notified to the complainant at least 5 working school days in advance, along with any relevant documents for consideration by the Committee
- After the meeting the complainant will be advised of the outcome in writing. This will normally be within 15 working school days of the meeting

For most complaints the decision of the Governors is the last step in the school's procedures. However, where a complainant feels there is likely to be bias in the proceedings at this stage, they do have the right to request an independent panel, but the decision to grant this request is ultimately down to the Governing Body.

Right of Appeal

In general, internal school matters are the responsibility of the school's Governing Body. There is a right of appeal to the Secretary of State for Education. As Woodchurch High School is a Church of England Academy, there is also the right to appeal to the Diocesan Board of Education. The relevant contact details are available from the school upon request.

Additionally, the Local Authority and the Diocese can provide advice to complainants and the school on best practice and procedures for dealing with complaints. The Local Authority and/or Diocese will, where appropriate, check to make sure that the complaint has been reasonably dealt with. Where required, relevant external 'officers' may play a role in helping the school to investigate and resolve particular complaints.

Complainants also have the right to refer any issues to their local Member of Parliament (MP).

Recording Complaints

School will at all times comply with their obligations under the Equalities Act 2010. Concerns and complaints, certainly from Stage 2 of the above procedures, will be made in writing, with some on the 'Complaints Form'. However, the school will allow the complainant alternative methods of contact in the case of disability or learning difficulty, such as:

- In person, by telephone or in writing
- Where a concern or complaint is not made in writing, notes will be made by the school, in order to prevent any later challenge or disagreement over what was said
- The school may wish to use a recording device, where communication difficulties exist, so the complainant is able to access and review the discussions at a later point
- All records of the complaint will be held centrally by the Headteacher or Headteacher's representative
- Complainants have the right to access all records pertaining to a complaint under the Freedom of Information Act and the Data Protection Act

Complaints between Estranged Parents over the Application of Parental Responsibility

The school must treat all parents equally, unless there is a court order limiting an individual's exercise of parental responsibility. Everyone who is a parent, as defined under education law (whether they are the resident parent or not, with or without parental responsibility), has a right to participate in decisions about a child's education and receive information about the child (even though, for day-to-day

purposes, the school's main contact is likely to be a parent with whom the child lives on school days).

Individuals who have parental responsibility for, or care of, a child have the same rights as natural parents; for example:

- to receive information, e.g. pupil reports;
- to participate in statutory activities; e.g. vote in elections for parent governors;
- to be asked to give consent; e.g. to the child taking part in school trips;
- to be informed about meetings involving the child; e.g. a governors' meeting on the child's exclusion.

All parents also have legal obligations; for example: to ensure that a child of compulsory school age receives a suitable full-time education.

Where a parent's action, or proposed action, conflicts with the school's ability to act in the child's best interests, the school should try to resolve the problem with that parent but avoid becoming involved in conflict. However, there may be occasions when the school needs to decline requests for action from one or more parents. In cases where the school cannot resolve the conflict between separated parents, they should advise the aggrieved parent to pursue the matter through the Family Court.

Further guidance can be sought from the school for complaints pertaining to parental responsibility, as not every aspect of the complaints procedure outlined in this policy apply.

Serial and Persistent Complainants

The 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.

The 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;
- 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 the Governing Body 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

Ultimately, if a complainant persists to the point that the school considers it to constitute harassment, legal advice should be sought as to the next steps. In some cases, injunctions and other court orders have been issued to complainants because of their behaviours.

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 site.

Barring from the School Premises

Although fulfilling a public function, the school site is a private place. The public has no automatic right of entry. The school will therefore act to ensure it remains a safe place for pupils, staff and other members of our community.

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

The school will, however, always give the individual concerned the opportunity to formally express their views on the decision to bar in writing.

The decision to bar will then be reviewed, taking into account any representations made by the individual, and either confirmed or lifted. If the decision is confirmed the individual will be notified in writing, explaining how long the bar will be in place. Anyone wishing to complain about being barred can do so, by letter or email, to the Headteacher or Chair of the Governing Body. However, complaints about barring cannot be escalated to the Local Authority, Diocese or Secretary of State / 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.

This policy document will be reviewed every three years, subject to any changes in relevant legislation or guidance.

Appendix 1: Complaint Form

Please complete and return to the Headteacher's PA / Complaints Co-ordinator at school, who will acknowledge receipt and explain the next stages.

| | |
|--|--|
| Your Name: | |
| Pupil's Name (where applicable): | |
| Your relationship to the pupil (where applicable): | |
| Address: | |
| Postcode: | |
| Daytime Telephone Number: | |
| Evening Telephone Number: | |
| Please give details of your complaint in the space below (continue on a separate sheet if necessary): | |
| | |
| What action, if any, have you already taken to try and resolve the complaint (who did you speak to and what was the response)? | |

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

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

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Signature:

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Date:

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School Use Only

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|-----------------------------------|--|
| Date acknowledgement sent: | |
| Acknowledgement sent by: | |
| Complaint referred to: | |
| Date: | |

Appendix 2: Roles & Responsibilities

The Complainant

The complainant or person who makes the complaint will receive a more effective response to the complaint if he/she:

- co-operates with the school in seeking a solution to the complaint;
- expresses the complaint in full as early as possible;
- responds promptly to requests for information or meetings or in agreeing the details of the complaint;
- asks for assistance as needed;
- treats all those involved in the complaint with respect.

The Complaints Co-ordinator (or Headteacher)

The complaints co-ordinator should:

- ensure that the complainant is fully updated at each stage of the procedure;
- ensure that all people involved in the complaint procedure will be aware of the legislation around complaints including the Equality Act 2010, Data Protection Act 1998 and Freedom of Information Act 2000;
- liaise with staff members, Headteacher, Chair of Governors and Clerk to ensure the smooth running of the complaints procedure;
- keep records;
- be aware of issues regarding:
 - sharing third party information;
 - additional support – this may be needed by complainants when making a complaint including interpretation support.

The Investigator

The Investigator is the person involved in Stages 1 and 2 of the procedure. The Investigator's role can include:

- providing a comprehensive, open, transparent and fair consideration of the complaint through:
 - sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved;
 - consideration of records and other relevant information;
 - interviewing staff and children/young people and other people relevant to the complaint;
 - analysing information;
- effectively liaising with the complainant and the complaints co-ordinator as appropriate to clarify what the complainant feels would put things right;
- identifying solutions and recommending courses of action to resolve problems;
- being mindful of the timescales to respond; and
- responding to the complainant in plain and clear language.

The person investigating the complaint should make sure that they:

- conduct interviews with an open mind and be prepared to persist in the questioning;
- keep notes of interviews or arrange for an independent note taker to record minutes of the meeting.

The Panel Clerk (this could be Clerk to the Governors or the Complaints Coordinator)

The Clerk is the contact point for the complainant for the panel meeting and is expected to:

- set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible;
- collate any written material and send it to the parties in advance of the hearing;
- meet and welcome the parties as they arrive at the hearing;
- record the proceedings;
- circulate the minutes of the panel hearing;
- notify all parties of the panel's decision;
- liaise with the complaints co-ordinator.

The Panel Chair

The Panel Chair has a key role in ensuring that:

- the meeting is minuted;
- the remit of the panel is explained to the complainant and both they and the school have the opportunity of putting their case without undue interruption;
- the issues are addressed;
- key findings of fact are made;
- parents/carers and others who may not be used to speaking at such a hearing are put at ease – this is particularly important if the complainant is a child/young person;
- the hearing is conducted in an informal manner with everyone treated with respect and courtesy;
- the layout of the room will set the tone –care is needed to ensure the setting is informal and not adversarial;
- the panel is open-minded and acts independently;
- no member of the panel has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure;
- both the complainant and the school are given the opportunity to state their case and seek clarity;
- written material is seen by everyone in attendance –if a new issue arises it would be useful to give everyone the opportunity to consider and comment upon it; this may require a short adjournment of the hearing;
- liaise with the Clerk and complaints co-ordinator.

Panel Member

Panellists will need to be aware that:

- it is important that the review panel hearing is independent and impartial, and that it is seen to be so – no governor may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it.
- the aim of the hearing, which will be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant; however, it must be recognised that the complainant might not be satisfied with the outcome if the hearing does not find in their favour. It may only be possible to establish the facts and make recommendations which will satisfy the complainant that his or her complaint has been taken seriously.
- many complainants will feel nervous and inhibited in a formal setting; parents/carers often feel emotional when discussing an issue that affects their child. The panel chair will ensure that the proceedings are as welcoming as possible.
- extra care needs to be taken when the complainant is a child/young person and present during all or part of the hearing; careful consideration of the atmosphere and proceedings will ensure that the child/young person does not feel intimidated. The panel should respect the views of the child/young person and give them equal consideration to those of adults. If the child/young person is the complainant, the panel should ask in advance if any support is needed to help them present their complaint. Where the child/young person's parent is the complainant, the panel should give the parent the opportunity to say which parts of the hearing, if any, the child/young person needs to attend. The parent should be advised however that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting which the panel considers not to be in the child/young person's best interests.
- The welfare of the child/young person is paramount.