



Complaints Policy

Review date: Spring 2019
To be reviewed: Spring 2022



Article 40

You have the right to legal help and fair treatment in the justice system that respects your rights.

Summary

This document has been produced in line with updated non-statutory guidance from the Department of Education, *Best Practice Guidance for School Complaints Procedures 2019*, issued January 2019 for maintained schools. It supports governing bodies in effectively discharging their duties and obligations in relation to Section 29 of the Education Act 2002.

The school's Governors and the Head Teacher are committed to providing the best educational experience they can for all pupils attending this school. They recognise the value to all concerned of dealing fairly, speedily and effectively with any complaint against their decisions, actions or omissions, which a pupil or parent or other aggrieved person may have. To this end, they have adopted the underlying principles and procedures set out in this document.

Framework of Principles

Our complaints procedure:

- encourages resolution of problems by **informal** means wherever possible;
- is easily **accessible** and **publicised**
- is **simple** to understand and use
- is **impartial**
- is **non-adversarial**
- allows **swift** handling with established **time-limits** for action and keeping people informed of the progress
- ensures a full and **fair** investigation by an independent person where necessary
- respects people's desire for **confidentiality**
- addresses all the issues and provide an **effective** response and **appropriate** redress, where necessary
- provides **information** to the school's senior management team so that services can be improved

Definition of concerns and complaints

A 'concern' may be treated 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 a lack of action*'.

Who can make a complaint?

Any person, including members of the general public, can make a complaint against the school; they are not limited to parents or carers of children who are registered at the school.

Definition of a complainant

A complainant is someone:

- who allegedly has been wronged
- whose child (or children) has been wronged (i.e. parent or carers or other person with parental responsibility)
- a person representing someone in one of the above groups, for example a Councillor.

Where a complainant is a pupil under the age of 18 years, the complaint may be pursued only by, or on behalf of, the child's parent or carer. Where someone other than a pupil or a parent/carer is pursuing a complaint on his or her behalf, this can be done only with the express consent of the pupil or parent concerned.

Note

The following information is displayed around the school on all floors and in the office reception area:

'The Education Authority and School Governors shall not accept liability for any loss or damage whatever, occurring to personal property brought onto these premises. Please ensure that personal property is not, at any time, left unattended.'

Types of complaints

Statutory/established procedures

Where there are established or statutory or other procedures for dealing with complaints, those will be followed. Areas to which this applies include:

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

Complaints not covered by established or statutory procedures

These stages are a best-practice methodology only. The complainant has a right to escalate to any stage as they see fit.

Stage 1 - Informal Stage - school contact number 020 8743 5073, email head@wormholtpark.lbhf.sch.uk

All complaints, however received, should be reported to the Head Teacher. The Head Teacher may refer the complaint to an appropriate member of staff to resolve the matter. That member of staff will have a duty to inform the Head Teacher if any issue is not resolved after discussion with the complainant. The complainant can, if they so wish, contact the Education department with their concern at this informal stage. Parents should be encouraged to settle the matter with the Head Teacher, class teacher or designated staff member. The majority of straightforward complaints and problems are likely to be resolved at this point.

Stage 2 - Chair of Governors, email info@wormholtpark.lbhf.sch.uk; or write to Mahua Nandi, Chair of Governors, care of the school.

The second stage is where the parent/carer is not satisfied with the informal response or feels it is not appropriate to contact the Head Teacher. They should be advised to take up the matter in writing with the Chair of Governors. If the Chair of Governors undertakes the investigation at Stage 2, they will be exempt from sitting on any complaints committee convened to hear a complaint escalated to Stage 3. The outcome at this stage may be:

- no further action, with reasons given
- action within the Head Teacher's own powers
- refer to the appropriate committee of the governing body for consideration

The Chair of Governors can, if they wish to do so, ask the Education Department to undertake a formal investigation and provide a detailed report. This will be at cost to the school.

Stage 3 - The Governing Body

The third stage will be where the parent/carer is not satisfied with the outcome of the Stage 2 investigation or response. They should be advised to put their concerns in writing to the Clerk to the Governing Body care of the school for consideration by a governors' Complaints Committee. The Committee would meet within 10 working days of the complaint being received by the clerk.

A panel of three governors with delegated powers will convene to hear the complaint at

a meeting attended by the complainant, the Head Teacher and witnesses. Written evidence is submitted in advance to all parties and verbal evidence given at the hearing. The committee's decision is final will be notified to all parties as soon as possible after the meeting. The outcome will be one of the following:

- 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

Complaints against the Head Teacher or members of the Governing Body

- Complaints against the head teacher will be dealt with by a suitably skilled member of the governing body, by writing to the governing body care of the school info@wormholtpark.lbhf.sch.uk
- Complaints against the chair of governors should be made to the clerk to the governing body, by writing care of the school
- A complaint against the entire governing body or complaints involving both the chair and vice chair should also be sent to the clerk, who should then determine the most appropriate course of action. This will depend on the nature of the complaint

Timescales

The following limits should apply to all complaints handled under the schools complaints procedure:

- Stage 1:** It is reasonable that parents/carers seeking to resolve matters of concern to them should receive a response within **15 working days** of making initial contact, unless there is a good reason not to do so. The response should offer the complainant a full explanation or set out the steps that are proposed to resolve the complaint.
- Stage 2:** Will be responded to within **15 working days** from receipt of complaint escalation.
- Stage 3:** Will be responded to within **20 working days** from receipt of complaint escalation.

The longer time limit for Stage 3 reflects the fact that these complaints may be complex and therefore likely to take longer to resolve. Where it is not possible to respond to complaints within these timescales, the complainant should be informed in writing of the reason for the delay and given an anticipated response date.

Further Stages

If your complaint remains unresolved after Stage 3, and you feel that the School has behaved unreasonably about your concerns, you can complain to the Department for Education. Information can be found on the Department's website at www.education.gov.uk/schoolcomplaints

Governing Body Review

Complaints should not be shared with the whole governing body, except in very general terms, in case an appeal panel needs to be organised. 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 can approach the Governor Services team of the Local Authority, or can approach a different school.

Records of Complaints

The Head Teacher will maintain full records of the progress of any complaint, which will be held centrally. Any complainant has a right to copies of these records under the Freedom of Information and Data Protection Acts.

Serial Complaints

If the school has taken every reasonable step to address the complainant's needs, the complainant has been given a clear statement of the school's position and their options (if any) and the complainant is contacting the school repeatedly but making substantially the same complaints each time, then the school will consider not responding to the subject matter – not the complainant. Procedures will be followed in line with the school's Policy for Unreasonable Complainants (*appendix 1*).

Appendix 1

Policy for Unreasonable Complainants

Wormholt Park Primary 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.

Wormholt Park Primary 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 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 newspaper.

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 Head Teacher or Chair of Governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

If the behaviour continues the Head Teacher will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact Wormholt Park Primary 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 Wormholt Park Primary School.

January 2019