Willow Bank Infant School

Complaints Policy

Approved by	**School Development**
Review Period	**Four Yearly**
Approved	**September 2018**
Next Review	**November 2022**

MODEL COMPLAINTS POLICY – WOKINGHAM SCHOOLS
Not applicable to Academies or Free Schools

Legal context
From September 2003 governing bodies of all maintained schools and nursery schools in England are required, under Section 29 of the Education Act 2002, to have in place a clear and well communicated procedure to deal with complaints.

The School Standards and Framework Act 1998 provided an additional function of the governing body to establish and publish procedures for dealing with complaints relating to the school, other than those covered by legislation and formal procedures elsewhere.

Circumstances under which this procedure should not be used- See end of policy. Page 3 and 4

Who is allowed to complain?

This policy may be used by anyone who has a concern or complaint about any aspect of the school. In the main this will mean the parents and carers of the school's pupils, but may include parents and carers of pupils who are no longer at the school, neighbours of the school, or any other members of the local community. Every effort will be made to resolve all complaints received. Complaints will always be investigated so that the school can ensure that all statutory duties are being met and if not address the issues raised and learn from them- for example child protection issues may only come to light after the pupil has left the school.

Aims and objectives of the policy
This complaints policy aims to:

- Encourage the resolution of problems by informal means wherever possible;
- Ensure that concerns are dealt with quickly, fully and fairly and within clearly defined time limits;
- Provide effective responses and appropriate redress;
- Maintain good working relationships between all people involved with the school.

Circumstances under which stages of the procedure should be missed out
There are 3 stages outlined in the complaints procedure:
Stage 1 Referral to Head Teacher
Stage 2 Complaint referred to Chair of Governors
Stage 3 Review by governing body complaints panel

This policy sets out the most suitable and effective process for dealing with the majority of complaints which are not covered by alternative procedures (see page 3 and 4). In most cases any concern or complaint, regardless of whose attention it is initially brought to, should be discussed informally before being escalated to any of the following formal stages.

In some cases, it may be deemed inappropriate for individuals to discuss their concerns informally. In such cases, complainants may be directed to contact the headteacher directly (i.e. begin at stage 1). Complainants may choose to contact the headteacher directly of their own accord. In these cases it will be at the discretion of the headteacher as to whether or not it is appropriate for the complainant to discuss the matter informally before invoking the formal complaints procedure at Stage 1.

In all cases where the complaint concerns the school's headteacher directly, stage 1 will be missed out and the formal complaints procedure will begin at stage 2.

If and when complaints about the school are brought to the attention of Wokingham Borough Council, complainants will be advised to contact the school and to follow the procedures set out in the school's complaints policy.

Monitoring complaints
At all formal stages of the complaints procedure, the following information should be recorded:

- The name of the complainant;
- The date and time at which complaint was made;
- The details of the complaint;
- The desired outcome of the complainant;
- How the complaint is investigated (including written records of interviews held);
- Results and conclusions of investigations;
- Any action taken;
- The complainant's response (satisfaction or further pursuit of complaint).

The school may choose to appoint a member of staff as a 'complaints co-ordinator'. When this is the case, this individual will have the responsibility for the operation and management of the school complaints policy and will be responsible for monitoring complaints. Records should be retained within school for 6 years from the date of resolution and can then be destroyed.

Upholding or not upholding complaints
At each stage of the complaints procedure, the conclusion will be either:

1 That the complaint is upheld (in part or in full) and, where appropriate, some form of action is taken.

It may be appropriate to offer one or more of the following:

- an apology;
- an explanation;
- an admission that the situation could have been handled differently or better;
- an assurance that the event complained of will not recur;
- an explanation of the steps that have been taken to ensure that it will not happen again;
- an undertaking to review school policies in light of the complaint.

Or

2 That the complaint is not upheld and reasons for this are clearly given.

The complainant may either choose to take no further action or will be advised of how to take the complaint to the next relevant stage of the complaints policy.

Publicity and communication
There is a legal requirement for schools to publicise their complaints procedures. This policy will be included on the school's website or available through the school office. Schools may make reference to the complaints policy in other school documentation.

Confidentiality
All conversations and correspondence will be treated confidentially. Personal information will only be shared between staff and governors on a 'need to know' basis. Confidentiality will be

maintained within the Governing Body to ensure sufficient governors have no prior knowledge of the complaint to enable a complaints panel to be convened, if required, at stage 3.

The school processes any personal data collected during the complaints process in accordance with its data protection policy. Further details can be found in the Privacy Notice on the school's website.

Accompaniment

It is an expectation that equal respect will be granted to each person involved within the process and that differences between people will be respected and understood. This includes the complainant's right to be accompanied by a friend or relative at discussions and hearings and/or to submit formal complaints which have been written by another individual on their behalf.

Support offered by Wokingham Borough Council

Wokingham Borough Council Children's Services offer advice and guidance to headteachers and governing bodies who request this additional support when dealing with a complaint.

It is the responsibility of the Local Authority to ensure that schools are implementing their agreed policies. It is not the role of the LA to become involved in setting policy or to intervene in individual cases, but to ensure that agreed policies have been applied appropriately. The responsibility for managing complaints lies with the governing body.

Where there is a serious allegation against the headteacher, it is recommended that the governing body seek advice from Governor Services at Wokingham Borough Council from the outset.

Time between stages

After each stage, the complainant and the individual who is dealing with their complaint at that time should allow 15 school days to decide an appropriate time limit within which the next stage should be accessed, if at all. If the complaint is not submitted to the next stage within this agreed time limit it should be considered as closed.

Changes to time limits and deadlines

In general, the time limits and deadlines contained within this policy should be adhered to by the school. However, in certain circumstances it may be inappropriate or impractical, for example, if an investigation cannot be conducted due to school holidays or illness.

Where a complaint leads to criminal proceedings this will always be the case.

If and when it becomes necessary to alter the time limits and deadlines set out within this policy, the complainant should be told and given an explanation as to why this has been the case.

Circumstances under which this procedure should not be used-

This guidance does not refer to areas where Wokingham Borough Council (WBC), as the Local Authority (LA), has the lead role or for which separate appeal arrangements are provided. These include:

- Pupil admissions
- Pupil exclusions
- Statutory Assessment of Special Educational Needs

Issues related to child protection, criminal investigations and employee grievances must also all be dealt with separately from this policy.

This complaints policy is distinct from formal staff disciplinary proceedings and this should be made clear to all concerned. There may be occasions where a complaint gives rise to disciplinary procedures which put the complaints process on hold. If and when this occurs, the complainant should be informed. Any non-disciplinary aspects of the complaint should continue to be dealt with through the usual complaints procedures.

This policy does not cover complaints made against Wokingham Borough Council. Any complaint of this sort should be dealt with in accordance with the Council's '*Corporate Complaints Procedure*'.

PROCEDURES FOR HANDLING COMPLAINTS

Informal discussion

Introduction
The vast majority of concerns can be dealt with informally. There are many occasions where concerns are resolved straight away without the need to submit a formal complaint. Indeed, many concerns raised at this level might not be classified as complaints.

Who to speak to informally
Individuals may decide to raise their concerns with a member of school administrative staff, class teacher, senior teacher, governor or headteacher depending on their wishes and the type of issues they want to discuss.

Monitoring
It is not necessary to record or monitor concerns at this level.

Time scales
There are no specific time scales for dealing with concerns at this stage. However, as at all stages, issues should be considered and dealt with as quickly and effectively as possible.

Response
The individual who raised the issue should be informed of any action to be taken to resolve the issue. If appropriate, this might be confirmed in writing.

Options for complainant
If the individual is dissatisfied with the response they have been given and would like to take their concerns further, they should be referred to the school's complaints procedure.

STAGE 1: Referral to the Headteacher

Introduction
This is the first stage of the formal complaints process and, as a result, all communications between parties need to be carefully recorded and monitored as set out in the 'monitoring complaints' section of this document.

When a complaint is made directly against the school's headteacher, stage 1 is not required and the formal procedure begins at stage 2.

Submitting a formal complaint
By this stage it must be clear that the concern is a definite complaint which will be dealt with according to this policy and should be formally submitted in writing to the headteacher.

Acknowledgement and time scales
The headteacher should formally acknowledge the complaint within 3 school days of receiving it and begin an investigation.

The investigation
The headteacher will need to investigate the complaint and review any relevant documentation and information. If necessary, the headteacher will take statements from those involved.

Response
The headteacher will provide the complainant with a full written response within 10 school days of acknowledging it. This response will determine whether or not the complaint has been upheld, the reasons why, and what action (if any) will be taken. The response will provide details of how to move on to the next stage, if the complainant is not satisfied.

STAGE 2: Complaint referred to the Chair of Governors or Vice Chair, if more appropriate

Introduction
Upon receiving a formally submitted complaint at this stage the Chair of governors or his/her nominee will seek to resolve the issue with the complainant by other means without the need for a complaints committee review at stage 3

When a complaint is made directly against the school's headteacher, stage 1 is not required and the formal procedure begins at stage 2.

Submitting a formal complaint
The complainant must submit a written request to the Chair of governors who will investigate the complaint or arrange for his/her nominee to investigate it.

Acknowledgement and time scales
The Chair of Governors or his/her nominee should formally acknowledge the complaint within 3 school days of receiving it and begin an investigation.

The investigation
The Chair of Governors or his/her nominee will need to investigate the complaint and review any relevant documentation and information. If necessary, the Chair of Governors or his/her nominee will take statements from those involved.

Response
The Chair of Governors or his/her nominee will provide the complainant with a full written response within 10 school days of acknowledging it. This response will determine whether or not the complaint has been upheld, the reasons why, and what action (if any) will be taken. The response will provide details of how to move on to the next stage, if the complainant is not satisfied.

STAGE 3: Review by Governing Body Complaints Panel

Introduction
If the complainant remains unsatisfied following an investigation by the Chair of Governors they can ask for their complaint to be referred to a governor complaints panel.

The complaints panel will be clerked by a member of the school staff, the clerk to the governing body or another governor.

The Committee
The panel will generally consist of three governors who have not previously been involved with dealing with the complaint. If the Governing Body is unable to find 3 governors without prior involvement and has formal collaboration arrangements in place with another school's Governing Body, independent governors can be drawn from that governing body to sit on the panel. The panel should elect its own chair.

If required, WBC will offer support and guidance to the clerk, the Chair of governors and/or the members of the complaints panel on procedural issues but will not play any part in reviewing the details of the complaint itself which is the responsibility alone of the complaints panel.

Acknowledgement and time scales
The Chair of Governors should acknowledge receipt of the complainant's letter within 3 school days. This letter will inform them that their complaint will be heard by a complaints panel within 15 school days.

Governor Complaints Panel Arrangements
The Chair of Governors will contact the clerk and ask them to begin making preparatory arrangements.

The clerk should then formally write to the complainant, the headteacher and any other relevant staff or witnesses and inform them:

- Of the date, time and venue of the hearing;
- How it will be conducted;
- Request for any supporting documentation by either the complainant or the school which must be returned to the Clerk no later than 5 school days before the hearing takes place; this should include any request from supporting witnesses or representatives to attend with either party.
- Of the rights of accompaniment as outlined in this document.

The clerk will ensure that all parties receive all relevant documents at least 3 school days before the date of the hearing so as to allow individuals to familiarise themselves with them.

Governors Complaints Panel Meeting
The Chair should allow each party involved to explain their understanding or interpretation of events and for the Panel to question them for further clarification. Complainants do not have to attend the Panel meeting if they would prefer not to, and all written evidence will be considered.

Ultimately, the chair of the meeting has control over its proceedings.

After the Panel meeting
The panel will then consider the complaint and all the evidence presented and:

- Reach a majority decision, on the complaint;
- Decide or recommend upon the appropriate action (if any) to be taken;
- Where appropriate, suggest changes to, or request a review of, the school's systems or procedures to ensure that problems of a similar nature do not happen again.

This information will be included in letters to both the headteacher and the complainant. See Governors Complaints Panel Guidance notes for more detail.

Options for complainant
This is the end of the schools complaints process. If the complainant is not satisfied they can contact the Secretary of State or Ofsted.

The Secretary of State has the power to consider complaints that the governing body has acted unreasonably in the discharge of any of its statutory duties.

The Chief Inspector (Ofsted) has the power to investigate complaints about the school as a whole. (Standards of education, welfare of pupils and school management). Ofsted will not normally investigate cases to do with individual pupils.

Parents may seek advice from the Department for Education at www.dfe.gov.uk or from the Advisory Centre for Education at www.ace-ed.org.uk or on their helpline which is available on Monday - Thursday 10am -1pm on 0808 800 5793

Complaints about academies
Academies operate independently of local authorities. If you have a complaint about an academy which you have been unable to resolve, you should contact the Young People's Learning Agency http://thirdsector.lsc.gov.uk/transitionarrangements/ypla.

GOVERNOR COMPLAINTS PANEL GUIDANCE NOTES

1 Terms of Reference

The panel must be convened according to the complaints procedure published by the school as part of their complaints policy. All parties should have received a copy of the procedures.

2 Composition

The panel must consist of three governors previously unconnected with the case. This would usually exclude the Chairman of Governors if he/she has had prior involvement

The Chairman of the panel is agreed by the other members of the panel.

The meeting must be minuted by a nominated clerk who is usually the clerk to the governing body.

The minutes must be an accurate representation of what happens at the meeting.The minutes are confidential.

3 Chairman's Introduction

- Welcome and introduce everyone in the room and their role in the proceedings. Those present will be the panel members, the clerk, the headteacher (or the person representing the school), the complainant (both parties are entitled to be accompanied by a friend or relative)

- Witnesses in support of either the school or the complainant should wait outside the room until called.

- Explain the reason for the panel being held – to offer a fresh and fair look at the complaint from stage 2 as defined in the complaints procedures.

- Explain that the panel cannot consider new complaints at this stage.

- Explain the structure of the meeting.

- Explain that the panel will deliberate separately, in private, after the meeting and their conclusions will be sent out to all parties within 5 school days.

- Ensure that everyone has a copy of the papers including a copy of the complaints procedures.

- Check that everyone understands all of the above.

The Chairman must ensure that:

- There is a clear written statement of the complaint which is the same as the complaint previously investigated. It may be appropriate to clarify if any aspects of the complaint fall outside the remit of the panel.

- There is a clear statement of the outcomes desired.

4 Structure of the Meeting

a The complainant will be given the opportunity to explain their complaint.

b The panel and the Headteacher (or person representing the school) will be allowed to ask the complainant questions.

c The Headteacher (or person representing the school), will be given the opportunity to present the school's response, interpretation or view about the complaint.

d The panel and the complainant will be allowed to ask the Headteacher (or person representing the school) questions.

e At the panel's discretion, witnesses may be called and heard in support of either party's representations, and if so may be questioned by the panel and either party.

f The complainant will be given the opportunity to make a final statement.

g The Headteacher (or person representing the school) will be given the opportunity to make a final statement.

h The Chairman will confirm with both parties that they have had the opportunity to put their case.

i The Chairman will thank all for attending and explain that the panel will deliberate separately in private and a letter setting out the panel's conclusions will be sent out within 5 school days.

5 Deliberation and Conclusion

The main points of the complaint must all be addressed.

- For each point, the panel need to explain their findings based on fact where possible.
- The panel need to consider the outcomes requested and agree or disagree giving reasons.
- The panel can make recommendations to either the Headteacher or governing body.
- The concluding letter must be signed by the Chairman of the panel.
- It will be sent out promptly and within 5 schools days of the meeting.
- The letter should indicate that this is the final stage of the schools complaints procedure. Where relevant, it should refer the complaint to other available avenues if dissatisfied with the outcome.