

Complaints Procedure

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Version History

Version	Date	Amended By	Description	Filename
1.0	20/06/2015	F Weston	Initial draft for review of format and content.	WPS Draft Complaints Procedure 20150628 v1
2.0	07/07/2015	F Weston	Amend. Taken advice from NAHT & NGA	As above
3.0	13/07/2015	F Weston	For review	As above
3.1	15/07/2015	D Storey	For approval.	TWPS Complaints Policy 20150715 v3.1.doc
3.2	22/07/2015	D Storey	Following FGB review, addition of point 4 to the section <i>Stage 3 - Making a Complaint to the Governing Body.</i>	TWPS Complaints Policy 20150722 v3.2.doc

The Willows Primary School Complaints Policy

Governors of The Willows Primary School have adopted the following procedure to deal with formal complaints from members of the school community or general public.

It is in everyone's interest that complaints are resolved at the earliest possible stage with as few people involved as possible. The experience of the first contact between the complainant and the school can be crucial in determining whether the complaint will escalate. To this end all staff and governors are aware of the procedure to be followed if a complaint is raised. Also, whilst not wishing to encourage complaints, complainants should note that they have a duty to raise a matter as soon as conveniently possible and within 1 month of the event taking place. It can then be investigated more effectively whilst information is fresh in the minds of all parties.

The school expects anyone who wishes to raise concerns with the school to:

- Treat all members of the school community with courtesy and respect
- Respect the needs of pupils and staff within the school
- Avoid the use of violence, threats of violence towards people or property, bad language and inappropriate behaviour
- Recognise the time constraints under which members of staff in schools work
- Follow the school complaints procedure

The school operates a 3-stage complaints procedure. If the complaint concerns the conduct of the Headteacher it will be dealt with in accordance with Stage 2 and directed to the Chair of Governors. Any references to the Headteacher in that case will be replaced with the Chair of Governors.

Stage 1: Initial Concern or Complaint

In the first instance, it is hoped that the complainant will be able to discuss the issue with the member of staff concerned.

The school will respect the views of a complainant who indicates that he/she would have difficulty discussing the complaint with a particular member of staff. In these cases, the complainant should refer the complaint to the Headteacher, who may refer it to another member of staff to investigate.

Similarly, if the member of staff directly involved feels too compromised to deal with the complaint, the complaint will be referred to another member of staff via the Headteacher. The member of staff will consider the complaint objectively and impartially.

If the first approach is made to a governor, they will refer the issue and the complainant to the appropriate person and advise the complainant of the procedure. Governors will not act unilaterally outside the formal procedure or be involved at the early stages in case they are needed to sit on a panel at a later stage of the process.

The complainant will receive a verbal or written response to the concern or complaint raised from the member of staff involved within 10 school days unless further investigation time is required.

Stage 2: Complaint heard by the Headteacher

The complainant may be dissatisfied with the way the complaint was handled at Stage 1, and/or wish to pursue their initial complaint. If so, the complainant should submit the complaint in writing, to the Headteacher, within 10 school days of Stage 1 being concluded. A copy of the complaint form is attached to this procedure.

If the complaint was dealt with by the Headteacher at stage 1 then the complainant should submit a formal complaint to the Chair of Governors within 10 school days of receiving the outcome from stage 1.

If Stage 1 was handled by another member of staff, at Stage 2 the Headteacher may delegate the task of collating information concerning the complaint to another staff member, but not the decision, nor the action to be taken.

The Headteacher will meet with the complainant, hear the complaint, investigate and make every effort to resolve the issue. If the invitation to a meeting is accepted, the complainant is entitled to bring one other person to assist in the explanation of the situation. If appropriate, the Headteacher may be accompanied by another member of staff at this meeting.

Subsequent to this meeting the Headteacher will write to or email the complainant summarising the outcome reached and any next steps.

Stage 3 - Making a Complaint to the Governing Body

Where attempts at Stages 1 and 2 have been unsuccessful in resolving a complaint, the complainant should write to the Chair of Governors via the Clerk to the Governors, either via Clerk's email or by post to the school, marked for the attention of the Clerk and noted FOR IMMEDIATE ACTION – PRIVATE AND CONFIDENTIAL. Staff in the school office should ensure all post is forwarded to the Clerk and an email sent to ensure the Clerk is aware of it.

The complainant should complete a Complaint Form (App 1), if they have not already done so.

On receipt of the complaint, the Chair of Governors will:

1. Clarify the nature of the complaint and which issues remain unsolved
2. Contact the complainant if necessary
3. Clarify what the complainant would like to see as a resolution
4. If appropriate, appoint an independent investigator to look into the complaint and recommend any course of action to be taken to the Governing Body

Following the outcome of the above actions, the Chair of Governors will decide whether a Governors' Panel should be convened or whether the matter should be dealt with under a confidential school procedure.

The complainant will be notified in writing of the Chair of Governor's intended decision.

Establishing a Governor Complaint Panel

The Governors will convene a Panel once the Chair has made a decision at the earliest opportunity. Relevant paperwork will be sent to complainant and Panel before the hearing (where this is possible).

This Panel should consist of 3 Governors, who have had no prior involvement in the complaint or have any reason why they cannot be impartial. The aim of the hearing is to resolve the complaint and achieve reconciliation between the school and the complainant.

The Chair of the Panel will be nominated by the Chair of Governors and is responsible for ensuring both the complainant and Headteacher are given a fair hearing.

The Complaints Panel can:

1. Dismiss the complaint in whole or in part
2. Uphold the complaint in whole or in part
3. Decide on the appropriate actions to be taken to resolve the complaint
4. Recommend changes to the school systems or procedures to ensure problems of a similar nature do not recur.

Format of the Hearing

1. Complainant and representative(s) and Headteacher and other members of staff, should enter the room where the complaint is being heard, together
2. The Chair will introduce the Panel members and the Clerk and outline the process.
3. The complainant is invited to explain the complaint
4. The Headteacher may question the complainant
5. The Panel will question the complainant
6. The Headteacher is invited to explain the school's actions
7. The complainant may then question the Headteacher
8. The Panel will question the Headteacher
9. The complainant is invited to sum up the complaint
10. The Headteacher is invited to sum up the school's actions and response to the complaint
11. The Chair explains that both parties will hear from the Panel within 10 school days.
12. Both parties leave together while the Panel decides on the issues.
13. The Clerk will remain with the Panel to clarify any issues and record the conversation

Exceptional Circumstances

If the Chair of the Governors is unable to find 3 Governors with no prior knowledge of the complaint, then the Panel should be made up of 3 Governors who know the least about the complaint. If this is not possible, it may be that a representative of the LA will stand in the Governor's place.

If the complaint is against a Governor, the Headteacher would be replaced by the Governor and the same procedure as above followed.

Vexatious Complaints

Vexatious complaints include, but are not limited to, the following:

- Complaints which are obsessive, persistent, harassing, prolific, repetitious;
- Insistence upon pursuing complaints and/or unrealistic outcomes beyond all reason;
- Insistence upon pursuing complaints in an unreasonable manner;
- Complaints which are designed to cause disruption or annoyance;
- Demands for redress which lack any serious purpose or value.

The school may judge a complaint to be pursued in an 'unreasonable manner' where the frequency of contact of the complainant with the school hinders the consideration of the complaint and/or impedes the ability of the Headteacher and school to meet the needs of all pupils equitably.

Where the Headteacher, and/or Chair of Governors, or other nominated governor judges a complaint to be frivolous or vexatious, having considered all the relevant circumstances, s/he will take such actions as they consider appropriate which may include rejecting the complaint and/or restricting contact between the complainant and the school.

Any such decision shall be communicated to the complainant in writing with the reasons for the decision.

Where a complainant seeks to reopen a matter the same as, or similar to, a matter previously considered under the procedure the Chair of Governors has the right to inform the claimant that the procedure has been exhausted and the matter is closed.

If the complainant writes again on the same issue, then the correspondence may be recognised as vexatious and there will be no obligation on the part of the school to respond.

If a complainant wishes to raise an entirely new and separate complaint, it will be responded to in accordance with the complaints procedure.

Physical & Verbal Aggression

The Willows Primary School wishes to resolve any complaint amicably. The Governing Body will not tolerate any form of physical or verbal aggression against members of the school community and if it is felt that there is

evidence of any such aggression the school may take steps to prevent members of the school community being exposed to such behaviour. Legitimate new complaints will always be considered even if the complainant is or has been subject to such preventative measures related to physical and verbal aggression. The school reserves the right not to respond to communications from individuals subject to this clause.

Unreasonably Persistent Complaints or Harassment

The school will always seek to work with parents, carers and others with a legitimate complaint to resolve a difficulty.

However, in cases of unreasonably persistent complaints or harassment the school may take some or all of the following steps (as appropriate):

- Inform the complainant informally that his/her behaviour is now considered by the school to be unreasonable or unacceptable, and request a changed approach
- Inform the complainant in writing that the school considers his/her behaviour to fall under the terms of the Unreasonably Persistent Complaints or Harassment clause
- Require all future meetings with a member of staff to be conducted with additional person/people present. In the interests of all parties, notes of these meetings may be taken
- Inform the complainant that, except in emergencies, the school will respond only to written communication and these may be channelled through a third party of the school's choice.

Taking a Complaint Further

Parents cannot take their appeal further than the Governing Body. The LA cannot investigate school matters on a parent's behalf nor can it review how the school has dealt with the complaint. If a parent feels that the school has not followed the correct procedure, they can write to:

Ministerial and Public Communications Division
Department for Education
Piccadilly Gate
Store Street
Manchester
M1 2WD

This Policy is reviewed in discussion with staff and governors.

Effective from: 22 July 2015

Approved by: Full Governing Body

Review date: Annual and from time to time as appropriate

Appendix I – Formal Complaints Form

This template will be emailed to the complainant upon request

Name	
Name of pupil, year group and your relationship to them (where applicable)	
Contact Address	
Telephone	
Mobile	
Email address	

Details of Complaint
Action taken so far (including staff member who has dealt with it so far) or solutions offered
The reason that this was not a satisfactory resolution for you
What action would you like to be taken to resolve the problem?

Signed:

Date:

Official Use

Date received:

Signed: