Complaints Policy

Member(s) of staff responsible	Headteacher
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INTRODUCTION

At our school, our vision is "Unlocking the Potential of Every Child." We are committed to creating a successful, inclusive, and happy learning community where every child is valued, supported, and encouraged to thrive. We believe that everyone within our school community is an active learner, working together to achieve the very best outcomes for all.

We are proud of the positive relationships that exist between pupils, families, staff, and governors. However, we recognise that, on occasion, concerns or disagreements may arise. We view feedback and concerns as opportunities to strengthen our practice and ensure that we continue to provide the highest quality education and care for our pupils.

This policy sets out the school's procedures for addressing concerns and complaints fairly, consistently, and promptly. If you have any concerns about the school or the education provided, we encourage you to discuss the matter with your child's class teacher at the earliest opportunity. We take all concerns seriously and, in most cases, issues can be resolved quickly and informally through open communication.

In keeping with our commitment to partnership with families, we operate an open-door policy whenever possible and aim to work collaboratively with parents and carers to achieve positive outcomes for every child.

1) 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.

When responding to complaints, we aim to:

- Be impartial and non-adversarial
- Treat complainants with respect
- Ensure a full and fair investigation by an independent person or panel, where necessary
- Address all points at issue and provide an effective response and appropriate redress, where necessary
- Work within established time limits for action
- Keep complainants informed of the progress of the complaints process
- Respect complainants' desire for confidentiality (some information sharing may be necessary to carry out a thorough investigation)
- Ensure that any decisions we make are lawful, rational, reasonable, fair and proportionate, in line with the principles of administrative law
- Provide information to the school's senior management team which can then be fed into the school improvement evaluation processes

We try to resolve concerns or complaints by informal means wherever possible. Where this is not possible, formal procedures will be followed.

The school will aim to give the complainant the opportunity to complete the complaints procedure in full. To support this, we will ensure we publicise the existence of this policy and make it available on the school website.

2) LEGISLATION AND GUIDANCE

This policy complies with the standards set out in the Education Section 29(1) of the Education Act 2002, which states that schools must have and make available a procedure to deal with all complaints relating to their school and to any community facilities or services that the school provides.

It is also based on 'guidance for schools on complaints procedures' from the Department for Education (DfE). In addition, it addresses duties set out in the 'Early Years Foundation Stage statutory framework' with regards to dealing with complaints about the school's fulfilment of Early Years Foundation Stage requirements.

3) DEFINITIONS AND SCOPE

The difference between a concern and a complaint:

A **concern** is defined as "an expression of worry or doubt over an issue considered to be important for which reassurances are sought".

A **complaint** is defined as "an expression of dissatisfaction however made, about actions taken or a lack of action".

It is in everyone's interest that concerns and complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to use the formal stages of the complaints procedure. At Warden Hill we take concerns seriously and will make every effort to resolve the matter as quickly as possible.

If you have difficulty discussing a concern with a particular member of staff, we will respect your views. In these cases, the Headteacher will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, the Headteacher will refer you to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the concern objectively and impartially is more important.

We understand however, that there are occasions when people would like to raise their concerns formally. In this case, we will attempt to resolve the issue internally, through the stages outlined within this complaints procedure.

This policy **does not** cover complaints procedures relating to:

- Admissions
- Statutory assessments of special educational needs (SEN)
- Safeguarding matters
- Exclusion

- Whistle-blowing
- Staff grievances
- Staff discipline

Please see our separate policies for procedures relating to these types of complaint.

Third party providers who are using the school premises will have their own complaints procedure and are not within the scope of this policy.

4) Principles for investigation

When investigating a complaint, we will try to clarify:

- What has happened
- Who was involved
- What the complainant feels would put things right

We also intend to address complaints as quickly as possible. To achieve this, realistic and reasonable time limits will be set for each action within each stage. Where further investigations are necessary, new time limits will be set, and the complainant will be informed of the new deadline with an explanation for the delay.

The school expects complaints to be made as soon as possible after an incident arises and **no later than 3 months afterwards**. We will only consider exceptions to this time frame in circumstances where there were valid reasons for not making a complaint at that time and the complaint can still be investigated in a fair manner for all involved.

Complaints about our fulfilment of early year's requirements

We will investigate all written complaints relating to the school's fulfilment of the Early Years Foundation Stage requirements, and notify the complainant of the outcome within 28 days of receiving the complaint. The school will keep a record of the complaint and make this available to Ofsted on request.

Parents and carers can notify Ofsted if they believe that the school is not meeting Early Years Foundation Stage requirements, by calling 0300 123 4234 or 0300 123 4666, or by emailing enquiries@ofsted.gov.uk. An online contact form is also available at https://www.gov.uk/government/organisations/ofsted#org-contacts.

We will notify parents and carers if we become aware that the school is to be inspected by Ofsted. We will also supply a copy of the inspection report to parents and carers of children attending the setting on a regular basis.

5) Complaints Procedure – A Staged Approach

The school and governing body wish to work with any complainant to resolve the concern of complaint as quickly and effectively as possibly. We have therefore adopted a staged approach:

Stage 1 - Informal resolution

The school will take informal concerns seriously and make every effort to resolve the matter quickly. It may be the case that the provision or clarification of information will resolve the issue.

The complainant should raise the complaint as soon as possible, with the relevant member of staff, either in person or by letter, telephone or email. If the complainant is unclear who to contact, or how to contact them, they should contact the school office.

If the complaint is specifically about the Headteacher, this should be addressed to the Chair of Governors who will respond to the concern.

Concerns may also be made by a third party acting on behalf of the complainant, as long as they have appropriate consent to do so.

The school will acknowledge informal complaints as soon as practically possible and within 5 school days.

If the concern or complaint is not resolved by discussions with the initial staff member and the complainant wishes to take the matter further, they should take the opportunity to discuss their concerns with an Assistant Headteacher or the Headteacher.

If the issue remains unresolved, the next step is to make a formal complaint.

Stage 2 – Formal Stage

a) Making a formal complaint to the Headteacher

If a complainant wishes to make a formal complaint, they should complete a school 'Complaint Form' (*appendix 1*). This should be handed to the school office and marked for the attention of the Headteacher. If complainants need assistance raising a formal complaint, or completing the complaint form, they should contact the school office who will be able to provide the assistance of someone unconnected with the complaint.

The complainant should provide as much detail as possible, together with copies of any relevant documents and actions they feel would help to resolve the complaint.

The Headteacher will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within 5 school days. The complaint will then be investigated by the Headteacher or any member of the senior leadership team. The Headteacher may delegate the investigation to another member of the school's senior leadership team, but not the decision to be taken.

The person carrying out the investigation will review the way in which the complaint has been handled and ensure that the issues have been dealt with properly and fairly. They may suggest a meeting to clarify concerns and seek a resolution. The complainant may be accompanied to this meeting and should inform the school of the identity of their companion

in advance. In certain circumstances, the school may need to refuse a request for a particular individual to attend any such meeting – for example, if there is a conflict of interest. If this is the case, the school will notify the complainant as soon as they are aware, so that the complainant has the opportunity to arrange alternative accompaniment.

The headteacher (or other person appointed by the headteacher for this purpose) will then conduct their own investigation. During the investigation, the Headteacher (or investigator) will:

- If necessary, interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish.
- Keep a written record of any meetings/interviews in relation to their investigation.

The written conclusion of this investigation will be sent to the complainant ***within 15 school days*** of receiving the complaint. If the Headteacher is unable to meet this deadline, they will provide the complainant with an update and revised response date.

If it becomes apparent that the complaint is a disciplinary or capability issue, then the matter will be dealt with by following the appropriate procedure, rather than the complaints procedure. Complainants will be notified if this is the case, but are not entitled to know which procedure, or the final outcome.

b) Making a formal complaint about the Headteacher or a Governor

If the complaint is about the Headteacher, or a member of the governing body (including the Chair or Vice chair), a suitably skilled governor will be appointed to complete all the actions at stage 2. In this instance, a 'Complaint Form' (*appendix 1*) should be completed and addressed to the Chair of Governors, in a sealed envelope, marked "confidential" and with the school address on.

If the complaint is:

- Jointly about the Chair and Vice chair or
- The entire governing body or the majority of the governing body

Then stage 2 will be considered by an independent investigator appointed by the governing body. In this instance, the complaint form should be completed and addressed to the Clerk to the Governors, in a sealed envelope, marked "confidential" and with the school address on. At the conclusion of their investigation, the independent investigator will provide a formal, written response.

If the complainant is not satisfied with the outcome of stage 2, they can proceed to the next stage of the procedure. A request to escalate to stage 3 must be made to the Chair of Governors, in writing, via the school office, within 15 school days of the completion of stage 2. Requests received outside of this time frame will only be considered if exceptional circumstances apply.

The Chair will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within 5 school days.

Stage 3 – Review panel

At this stage, the complaint will be considered by a panel of ***3*** governors who will meet to consider the complaint and make a final decision about it on behalf of the governing body.

The panel will consist of governors who have no detailed prior knowledge of the complaint, or connection with the complainant and at least one panel member will be independent of the management and running of the school. They will aim to convene a meeting within 20 school days of receipt of the stage 3 request. If this is not possible, the clerk will provide an anticipated date and keep the complainant informed.

Complainants will have the opportunity to submit written evidence to the panel and/or attend the meeting. If the complainant attends the meeting, they may bring someone along to provide support which may be a relative or friend. Generally, we do not encourage either party to bring legal representatives to the committee meeting, however, there may be occasions when legal representation is appropriate. For instance, if a school employee is called as a witness in a complaint meeting, they may wish to be supported by union and/or legal representation.

If the complainant rejects the offer of three proposed dates, without good reason, the clerk will decide when to hold the meeting. It will then proceed in the complainant's absence, on the basis of written submissions from both parties.

Before the meeting, the Clerk will:

- confirm and notify the complainant of the date, time and venue of the meeting, ensuring that, if the complainant is invited, the dates are convenient to all parties and that the venue and proceedings are accessible.
- request copies of any further written material to be submitted to the committee at least 5 school days before the meeting.

Any written material will be circulated to all parties at least 5 school days before the date of the meeting. The committee will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

The committee will also not review any new complaints at this stage or consider evidence unrelated to the initial complaint to be included. New complaints must be dealt with from Stage 1 of the procedure.

The meeting will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own disability or special needs require it. Prior knowledge and consent of all parties attending must be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.

The committee will consider the complaint and all the evidence presented. The committee can:

- uphold the complaint in whole or in part
- dismiss the complaint in whole or in part.

If the complaint is upheld in whole or in part, the committee will:

- decide on the appropriate action to be taken to resolve the complaint
- where appropriate, recommend changes to the school's systems or procedures to prevent similar issues in the future.

The Chair of the Committee will provide the complainant and the Headteacher with a full explanation of their decision and the reason(s) for it, in writing, within 5 school days. The panel will also provide copies of the minutes of the hearing and the findings and recommendations to the complainant, Headteacher and, where relevant, the individual who is the subject of the complaint.

The letter to the complainant will include details of how to contact the Department for Education if they are dissatisfied with the way their complaint has been handled by the panel.

If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire governing body or
- the majority of the governing body

Stage 3 will be heard by a committee of independent, co-opted governors. The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions the school will take to resolve the complaint. The response will also advise the complainant of how to escalate their complaint should they remain dissatisfied.

The decision of the panel is final. If the complainant is still not satisfied, or believes the school did not handle their complaint in accordance with the published complaints procedure or they acted unlawfully or unreasonably in the exercise of their duties under education law, they can contact the Department for Education after they have completed Stage 3. The Department for Education will not normally reinvestigate the substance of complaints or overturn any decisions made. They will consider whether the school has adhered to education legislation and any statutory policies connected with the complaint.

The complainant can refer their complaint to the Department for Education online at: www.education.gov.uk/contactus, by telephone on: 0370 000 2288 or by writing to:
Department for Education
Piccadilly Gate
Store Street
Manchester
M1 2WD.

6) PERSISTENT COMPLAINTS

The majority of complaints are resolved through a properly managed complaints procedure. Where a complainant tries to re-open the issue after the complaints procedure has been fully exhausted and we have done everything we reasonably can in response to the complaint, the chair of governors (or other appropriate person in the case of a complaint about the chair) will inform the complainant that the matter is closed.

If the complainant subsequently contacts the school again about the same issue we can choose not to respond. The normal circumstance in which we will not respond is if:

- The school has taken every reasonable step to address the complainant's needs, *and*
- 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 points each time

However, this list is not intended to be exhaustive.

The school will be most likely to choose not to respond if:

- We have reason to believe the individual is contacting the school with the intention of causing disruption or inconvenience, and/or
- The individual's letters/emails/telephone calls are often or always abusive or aggressive, and/or
- The individual makes insulting personal comments about, or threats towards, school staff

Unreasonable behaviour which is abusive, offensive or threatening may constitute an unreasonably persistent complaint.

Once the school has decided that it is appropriate to stop responding, the complainant will be informed in writing, either by letter or email.

We will ensure, when making this decision, that complainants making any new complaint are heard, and that the school acts reasonably.

7) UNREASONABLY PERSISTENT, HARASSING OR ABUSIVE COMPLAINANTS

Sometimes, those pursuing complaints or other issues treat staff and others in a way that is unacceptable. Whilst we recognise that some complaints may relate to serious and distressing incidents, we will not accept threatening or harassing behaviour towards any members of the school community.

What does the school expect of any person wishing to raise a concern?

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
- respect the need for confidentiality
- avoid the use of violence, or threats of violence, towards people or property

- recognise the time constraints under which members of staff in schools work and allow the school a reasonable time to respond to a complaint
- follow the school's complaints procedure

What do we mean by 'an unreasonably persistent complainant'?

An unreasonably persistent complainant may be anyone who engages in unreasonable behaviour when making a complaint. This will include persons who pursue complaints in an unreasonable manner. Unreasonable behaviour may include:

- actions which are out of proportion to the nature of the complaint, i.e. pursuing unjustified complaints and/or unrealistic outcomes to justified complaints
- persistent – even when the complaints procedure has been exhausted
- personally harassing
- unjustifiably repetitious
- an insistence on pursuing justifiable complaints in an unreasonable manner (e.g. using abusive or threatening language
- making complaints in public
- refusing to attend appointments to discuss the complaint

What is 'harassment'?

We regard harassment as the unreasonable pursuit of issues or complaints, particularly if the matter appears to be pursued in a way intended to cause personal distress rather than to seek a resolution.

Behaviour may fall within the scope of this policy if:

- it appears to be deliberately targeted at one or more members of school staff or others, without good cause
- the way in which a complaint or other issues is pursued (as opposed to the complaint itself) causes undue distress to school staff or others
- it has a significant and disproportionate adverse effect on the school community

Our response to unreasonably persistent complaints or harassment

In cases of unreasonably persistent complaints or harassment, we 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
- require all future meetings with a member of staff to be conducted with a second person 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 that these may be required to be channelled through partner agencies

Physical or verbal aggression

The Governing Body will not tolerate any form of physical or verbal aggression against members of the school community. If there is evidence of any such aggression the school may:

- ban the individual from entering the school site, with immediate effect;
- request an Anti-Social Behaviour Order (ASBO);
- prosecute under Anti-Harassment legislation;
- call the police to remove the individual from the premises.

Legitimate new complaints will always be considered. The school nevertheless reserves the right not to respond to communications from individuals subject to the policy.

In general, any matter raised more than three months after the event, being complained of, will not be considered unless there are exceptional circumstances.

8) MONITORING AND REVIEW

The governing body will monitor the effectiveness of the complaints procedure in ensuring that 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.

This policy will be reviewed by the Headteacher every 3 years. At each review, the policy will be approved by the governing body.

9) AVAILABILITY

A copy of this procedure is available to all parents on request and is also contained in the policies folder on the school website.

10) LINKS WITH OTHER POLICIES

Policies dealing with other forms of complaints are:

- Child protection and safeguarding policy and procedures
- Admissions policy
- Exclusions policy
- Staff grievance procedures
- Staff disciplinary procedures
- Whistleblowing policy
- SEN policy and information report
- Privacy notices

Complaint Form

Please complete and return to this form to the appropriate person (refer to formal procedure) who will acknowledge receipt.

Your name:		Pupil's name:	
Your relationship to the pupil:			
Address (incl. postcode)			
Daytime number:		Evening number:	
Please give details of your complaint:			
What action, if any, have you already taken to try and resolve your complaint? (who have you spoken to and what was the response?)			
What actions do you feel might resolve the problem at this stage?			
Please give details of any paperwork you have attached.			
Signature:		Date:	
FOR OFFICIAL USE:			
Date received:			
Date acknowledgment sent:			
By whom:			
Complaint referred to:			
Date:			

Appendix Two – Establishing a Complaints Panel

The governing body should agree the composition of the complaint panel at the first meeting of the governing body each year. It is recommended that the names of 4 or 5 governors are agreed from whom a panel of three may be drawn.

There are several points which any governor sitting on a complaints panel needs to remember:

- It is important that the 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. In deciding the make-up of the panel, governors need to try and ensure that it is a cross-section of the categories of governor and sensitive to the issues of race, gender and religious affiliation.

- The aim of the hearing, which needs to be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant. However, it has to be recognised 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.

- An effective panel will acknowledge that many complainants feel nervous and inhibited in a formal setting. Parents often feel emotional when discussing an issue that affects their child. The panel chair will ensure that the proceedings are as welcoming as possible. The layout of the room will set the tone and care is needed to ensure the setting is informal and not adversarial.

- Extra care needs to be taken when the complainant is a child. Careful consideration of the atmosphere and proceedings will ensure that the child does not feel intimidated. The panel needs to be aware of the views of the child and give them equal consideration to those of adults.

- The governors sitting on the panel need to be aware of the complaints procedure.

Appendix Three – Remit of the complaints panel

The panel needs to consider whether the complaint:

relates to a decision taken by the headteacher, member of staff or the governing body
is about the way a complaint or concern was handled

If the complaint was in relation to a decision taken by the headteacher or member of staff, the panel will need to consider whether:

A.	it was a decision within the headteacher's responsibility or
B.	an area where the governing body have responsibility, or share responsibility but have delegated this to the headteacher.

If the complaint relates to **A**, the panel can:

consider the manner in which the complaint was addressed but not consider an alternative outcome
recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not recur.

If the complaint relates to **B**, the panel can:

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.

Appendix Four – Checklist for a panel hearing

If, for any reason, this procedure cannot be followed:

The governing body, in consultation with the LA/Diocese will put in place an alternative fair process.

The panel needs to take the following points into account, whilst ensuring that the hearing is conducted in as an informal manner as possible:

- Witnesses are only required to attend for the part of the hearing in which they give their evidence.
- After introductions, the complainant is invited to explain their complaint, and be followed by their witnesses.
- The headteacher may question both the complainant and the witnesses after each has spoken.
- The headteacher is then invited to explain the school's actions and be followed by the school's witnesses.
- The complainant may question both the headteacher and the witnesses after each has spoken.
- The panel may ask questions at any point.
- The complainant is then invited to sum up their complaint.
- The headteacher is then invited to sum up the school's actions and response to the complaint.
- The chair explains that both parties will hear from the panel within five working days.
- Both parties leave together while the panel decides on the issues.

Appendix Five – The Role of the Chair of the Panel

The Chair of the Panel has a key role, ensuring that:

- the remit of the panel is explained to the parties and each party has the opportunity of putting their case without undue interruption;
- the issues are addressed;
- key findings of fact are made;
- parents and others who may not be used to speaking at such a hearing are put at ease;
- the hearing is conducted in an informal manner with each party treating the other with respect and courtesy;
- the panel is open minded and acting independently;
- no member of the panel has a vested interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure;
- each side is given the opportunity to state their case and ask questions;
- written material is seen by all parties. If a new issue arises all parties must be given the opportunity to consider and comment on it.