

# **WOODLANDS PRIMARY SCHOOL**



## **COMPLAINT POLICY**

Updated: October 2020

Policy to be reviewed: September 2023

## **POLICY & PROCEDURE FOR DEALING WITH COMPLAINTS AT WOODLANDS PRIMARY SCHOOL**

### **WHAT IS A COMPLAINT?**

A distinction needs to be made 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 defined as 'an expression of dissatisfaction however made, about actions taken or a lack of action'.

If we take informal 'concerns' seriously at the earliest stage it will reduce the development of a serious complaint. Woodlands Primary School will take informal concerns seriously and will make every effort to resolve the matter as quickly as possible. The procedures outlined in this policy, in accordance with Section 29(1) of the Education Act 2002, deals with complaints and every effort will be made to resolve the complaint informally before invoking these more formal procedures.

### **WHO CAN MAKE A COMPLAINT?**

The complaints procedure is not limited to parents or carers of children that are registered at Woodlands Primary School. Any person, including members of the public, may make a complaint to Woodlands Primary School about any provision of facilities or services that we provide. Unless complaints are dealt with under separate procedures (such as appeals relating to exclusions or admissions), we will use this complaints procedure.

### **HANDLING COMPLAINTS DURING THE CORONAVIRUS (COVID-19) OUTBREAK**

Following national lockdown in January 2020, and the release of guidance titled 'Restricting attendance during national lockdown: Schools (January 2020)' the DfE also updated their 'Best practise guidance for school complaints procedures 2020 (15.1.21)' and it states that

*'We acknowledge that the pressures caused by coronavirus (COVID-19) might affect schools' usual processes and timescales for complaints. However, schools should still consider complaints, particularly those relating to the provision of remote education. [Guidance to support effective delivery of remote education](#) is available. [Contact your local council](#) or call the police on 101 if you're told a child is at risk. Schools and complainants can [contact DfE](#) for more information about school complaints.*

*Ofsted will consider complaints from parents that relate to the school as a whole. This includes complaints about:*

- *the quality of education being provided, including remote education*
- *pupils' wellbeing and safety*

*Ofsted normally expects parents to seek to resolve any concerns with the school in the first instance. See [Ofsted's complaints process](#).*

Woodlands Primary School may not be able to respond to your complaint within our usual timescales or, in accordance with our usual complaints procedure but please be assured if your complaint can be dealt with remotely we will endeavour to do so. However, if we cannot it will be processed in the usual way upon our return. Where our policy states we may invite you into the school to meet and discuss the complaint you have raised, please be aware that this meeting will have to take account of the relevant restrictions and social distancing guidance that is in place at that time. It may therefore be that the matter is discussed by exchange of correspondence, over the telephone or via video call as an alternative. This would be done in full consultation with you.

## **TIMELINES**

Complaints must be raised within three months of the incident or, where a series of incidents have occurred, within three months of the last of these incidents. Woodlands Primary School will consider complaints made outside of this time frame if exceptional circumstances apply.

## **ANONYMOUS COMPLAINTS**

We will not normally investigate anonymous complaints. However, the Headteacher or Chair of Governors, if appropriate, will determine whether the complaint warrants an investigation.

## **INVESTIGATING A COMPLAINT**

The person investigating the complaint will receive the complaint form from the complainant (Appendix 1).

At each stage, the person investigating the complaint should make sure that they:

- establish **what** has happened so far, and **who** has been involved;
- clarify the nature of the complaint and what remains unresolved;
- meet with the complainant or contact them;
- clarify what the complainant feels would put things right;
- interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish;
- conduct the interview with an open mind and be prepared to persist in the questioning;
- keep notes of the interview.

## **HOW TO RAISE A CONCERN OR COMPLAINT**

A complaint may be made

- In person, by telephone or in writing
- By a third party acting on behalf of the complainant

**Step 1** If a parent is concerned about anything to do with the education or support that we are providing at our school, they should, in the first instance, discuss the matter with their child's class teacher if appropriate. Most matters of concern can be resolved positively in this way. All teachers work very hard to ensure that each child is happy at school, and is making good progress; they naturally want to know if there is a problem, so that they can take action before it seriously affects the child's progress. If a parent or member of the public has a complaint in regard to any provision of facilities or services that our school provides, they should contact the school office.

**Step 2** Where a parent/member of the public feels that a situation has not been resolved through contact with either the class teacher or school office, or that their concern is of a sufficiently serious nature, they should make an appointment to discuss it with the Senior Leadership team or SENDCo. They will consider all matters of concern seriously and investigate each case thoroughly. Most concerns would normally be resolved at this stage.

**Step 3** When an informal concern fails to be resolved by the Senior Leadership team or SENDCo then an appointment should be made with the Headteacher. The Headteacher will consider all matters of concern seriously and investigate each case thoroughly.

**Step 4** Only when an informal concern fails to be resolved by the Headteacher should a formal complaint be made to the Governing Body. This complaint must be made in writing, stating the nature of the complaint, who has been spoken to already and the preferred outcome. The parent/member of public should send this written complaint to the Chair of Governors via the school office or the Chair of Governors email: [chair@woodlands.cheshire.sch.uk](mailto:chair@woodlands.cheshire.sch.uk)

## **FOR AN INFORMAL CONCERN OR COMPLAINT ABOUT THE HEADTEACHER**

**Step 1** If a parent/member of the public is concerned about anything to do with the behaviour, leadership or management of the Headteacher, they should, in the first instance, discuss the matter with the Headteacher; most matters of concern can be resolved positively in this way.

**Step 2** Where a parent/member of the public feels that a situation has not been resolved through contact with the Headteacher, or that their concern is of a sufficiently serious nature, they should make an appointment to discuss it with the Chair of the Governing Body. The Chair will consider all matters of complaint seriously and investigate each case thoroughly. Most concerns would normally be resolved at this stage.

**Step 3** Only when an informal concern fails to be resolved by the Chair should a formal complaint be made to the Governing Body. This complaint must be made in writing, stating the nature of the complaint, who has been spoken to already and the preferred outcome. The parent/member of the public should send this written complaint to the Governing Body via the Clerk to the Governors

## **LEGAL REPRESENTATION/SUPPORT FOR THE COMPLAINANT**

In the event that a complaint progresses to a committee of members of the school governing board it is recommended that neither the school nor complainant brings legal representation. The governing complaints committee is not a form of legal proceedings and the aim of the governor committee should be

- Reconciliation
- To put things right when they have gone wrong

We do recognise however, that there may be times when legal representation may be appropriate, for example if a school employee is a witness in a complaint, they may be entitled to bring union or legal representation. The complainant may wish, however, to bring a suitable adult with them to a committee meeting, as a support to the complainant, but they must remain impartial to the proceedings.

## **GOVERNING BODY COMPLAINTS COMMITTEE**

The Governing Body must consider all written complaints **within 21 school working days** of receipt.

The Chair of Governors will nominate a governor to co-ordinate the procedure and will appoint a **Complaints Panel** consisting of 3 governors who are not employees of the school. The nominated Co-ordinator will chair the Complaints Panel.

The Co-ordinator will arrange a meeting of the Complaints Panel to discuss the complaint and will invite the person making it to attend the meeting so that they can explain the complaint in more detail. The school will give the complainant at least five days' notice of the meeting. If the complainant cannot attend the suggested date, a further date will be set. If the complainant does not attend the second date, a third and final date will be set, at which time the meeting will proceed without the complainant present.

The Headteacher will write a report addressing the complaint and ensure that the Complaints Panel members and the complainant receive a copy 4 days before the meeting. (If it is a complaint about the Headteacher, the Chair of Governors will write the report).

The complainant is invited to write a report addressing the issue and must ensure that the Complaints Panel members and the Headteacher (or Chair of Governors) receives a copy 2 days before the meeting. Other written evidence will be not be accepted at the meeting, except in exceptional circumstances.

## **ROLES OF THE GOVERNING BODY COMPLAINTS COMMITTEE**

### **THE ROLE OF THE CLERK**

At Woodlands Primary School any panel or group of governors considering complaints should be clerked. The clerk, alongside the nominated governor who will chair the panel, will be the contact points for the complainant and they will be required to:

- set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceeding 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;

- make a record of the proceedings;
- notify all parties of the panel's decision.

### **THE ROLE OF THE CHAIR OF GOVERNORS**

The Chair of the Board of Governors will:

- check that the correct procedure has been followed;
- Notify the clerk to arrange the panels if a hearing is appropriate.

### **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 it would be helpful to give all parties the opportunity to consider and comment on it.

### **CHECK LIST FOR A PANEL HEARING**

The panel must take the following points into account:

- the hearing is as informal as possible;
- after introductions, the complainant is invited to explain their complaint (with the support of Parent Partnership or other advocate if required);
- the panel members and Headteacher (or Chair of Governors) may ask questions;
- the Headteacher (or Chair of Governors) is then invited to explain the school's actions (with support of DHT, SENCo or other supporter if required);
- the panel members or complainant may ask questions;
- the complainant is then invited to sum up their complaint;
- the Headteacher (or Chair of Governors) is then invited to sum up the school's actions and response to the complaint;
- the Chair of the Panel explains that both parties will hear from the panel within 3 working days;
- both parties leave the meeting while the panel decides on the issues.

When the panel has fully investigated the complaint, the Chair of the Panel, on behalf of the Governing Body, will write to the complainant confirming the outcome of the complaint and any agreed action to be taken. The panel can:

- dismiss the complaint in whole or in part;
- uphold the complaint in whole or in part;
- decide on 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.

## **RESOLVING COMPLAINTS**

Any decision made by Woodlands Primary School will be made in line with the principles of administrative law and a decision will be:

- lawful
- rational
- reasonable
- fair
- proportionate

At each stage in the procedure we will look for a way in which a complaint can be resolved. It might be sufficient to acknowledge that the complaint is valid in whole or in part. In addition, 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.

It should be noted that an admission that the school could have handled the situation better is not the same as an admission of negligence.

The school will do its best to be helpful to people who contact them with a complaint or concern or a request for information. However, in cases where a school is contacted repeatedly by an individual making the same points, or who asks them to reconsider their position, schools will need to act appropriately.

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.

*Further advice can be obtained from 'Best Practice Advice for School Complaints Procedures 2016' DfE.*

## **COMPLAINTS SENT DIRECTLY TO THE CHAIR OF GOVERNORS**

If a complaint is sent directly to the Chair of governors, in effect by passing the complaints procedure, the Chair of Governors will re-direct the complainant to the correct step of the complaints policy. The complainant will be informed, by the Chair of Governors that they must follow the Complaints policy to ensure a fair hearing/decision.

## **DUPLICATE COMPLAINTS**

After closing a complaint at the end of the complaints procedure, a duplicate complaint may be received from

- a spouse
- a partner
- a grandparent
- a child

If the complaint is about the same subject Woodlands primary School will inform the new complainant that the school has already considered that complaint and the local process is complete. Woodlands Primary School will take care to not overlook any new aspects to the complaint that may not have been previously considered and Woodlands primary school will ensure these are investigated and dealt with to the full extent of the complaints procedure.

## **UNRESOLVED COMPLAINTS**

From 1 August 2012 complaints about maintained schools not resolved by the school that would have been considered by the Local Government Ombudsman or the LA should be addressed to the Secretary of State for Education.

Further information can be obtained by calling the National Helpline on 0370 000 2288 or going online at [www.education.gov.uk/help/contactus](http://www.education.gov.uk/help/contactus) or by writing to:

The Department for Education

Piccadilly Gate

Store Street

Manchester

M1 2WD

## **WITHDRAWING A COMPLAINT**

If a complainant wants to withdraw their complaint we will ask them to confirm this in writing

## **SCOPE OF THE COMPLAINTS PROCEDURE**

This policy covers all complaints about any provision of community facilities or services by Woodlands Primary School, other than complaints that are dealt with under statutory procedures including those listed below:

<b>EXCEPTIONS</b>	<b>WHO TO CONTACT</b>
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<ul style="list-style-type: none"> <li>• Admissions to schools</li> <li>• Statutory assessments of special educational needs</li> <li>• School reorganisation proposals</li> </ul>	<p>Concerns about admissions, statutory assessments of Special Educational Needs, or school reorganisation proposals should be raised with Cheshire West and Chester.</p>
<ul style="list-style-type: none"> <li>• Matters likely to require a Child Protection Investigation</li> </ul>	<p>Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance. If you have serious concerns, you may wish to contact the local authority designated officer (LADO) who has local responsibility for safeguarding.</p>
<ul style="list-style-type: none"> <li>• Exclusion of children from school*</li> </ul>	<p>Further information about raising concerns about exclusion can be found at:</p> <p><a href="http://www.gov.uk/school-discipline-exclusions/exclusions">www.gov.uk/school-discipline-exclusions/exclusions</a>.</p> <p>*complaints about the application of the behaviour policy can be made through the school's complaints procedure. (please see school website)</p>
<ul style="list-style-type: none"> <li>• Whistleblowing</li> </ul>	<p>We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors. The Secretary of State for Education is the prescribed person for matters relating to education for whistleblowers in education who do not want to raise matters directly with their employer. Referrals can be made at:</p> <p><a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a>.</p> <p>Volunteer staff who have concerns about our school should complain through the school's complaints procedure. You may also be able to complain direct to the LA or the Department for Education (see link above), depending on the substance of your complaint.</p>
<ul style="list-style-type: none"> <li>• Staff grievances</li> </ul>	<p>Complaints from staff will be dealt with under the school's internal grievance procedures.</p>
<ul style="list-style-type: none"> <li>• Staff conduct</li> </ul>	<p>Complaints about staff will be dealt with under the school's internal disciplinary procedures, if appropriate. Complainants will not be informed of</p>

	any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.
<ul style="list-style-type: none"> <li>Complaints about services provided by other providers who may use school premises or facilities</li> </ul>	Providers should have their own complaints procedure to deal with complaints about service. Please contact them directly.
<ul style="list-style-type: none"> <li>Complaints about the curriculum</li> </ul>	<p>Complaints about the content of the national curriculum should be sent to the DFE:  <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a></p> <p>Complaints about the delivery of the curriculum are for Woodlands Primary School to resolve through our complaints procedure. This includes:</p> <ul style="list-style-type: none"> <li>RE</li> <li>SRE Sex &amp; Relationships Education</li> </ul>
<ul style="list-style-type: none"> <li>Complaints about collective worship</li> </ul>	<p>Complaints about the delivery of the daily act of worship will be signposted to:</p> <ul style="list-style-type: none"> <li>The local authority</li> <li>The local Standing Advisory Council on Religious Education</li> <li>Any other relevant body</li> </ul>

## **VEXATIOUS, SERIAL AND PERSISTANT COMPLAINTS**

Woodlands 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 our school. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including but not limited to that which is abusive, offensive or threatening.

Woodlands Primary School defines unreasonable behaviour as that which hinders our consideration of complaints because of the frequency or nature of the complainant's contact with the school, such as, if the complainant:

- 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

- refuses to accept that certain issues are not within the scope of the complaints procedure
- insists on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice
- introduces trivial or irrelevant information which they expect to be taken into account and commented on
- 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 and complicated contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with
- uses threats to intimidate
- uses abusive, offensive or discriminatory language or violence
- knowingly provides falsified information
- publishes unacceptable information on social media or other public forums.

Complainants should try to limit their communication with the school that relates to their complaint, while the 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 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 ask them to change it. For complainants who excessively contact Woodlands 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 be reviewed after six months. In response to any serious incident of aggression or violence, we will immediately inform the police and communicate our actions in writing. This may include barring an individual from Woodlands Primary School. The Headteachers decision to bar will then be reviewed by either

- The chair of governors
- A committee of governors.

If the decision is confirmed, the individual will be notified in writing explaining:

- How long the bar will be in place
- When the decision will be reviewed

Once the school’s appeal process has been completed, individuals who remain barred may be able to apply to the Courts for a review of the school decision. Individuals wishing to exercise this option should seek independent legal advice.

## **COMPLAINTS ABOUT GOVERNORS**

A complaint against the chair of governors or any individual governors should be made to the clerk to the governing body. The clerk will then arrange for the complaint to be heard. This may be heard by:

- a suitably skilled and impartial member of the governing body
- If unresolved then a committee of members of the governing body will be convened to investigate

Complaints 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. This may result in:

- Sourcing an independent investigator
- Using co-opted governors from other schools to hear the complaint if it remains unresolved.

If appropriate, the clerk could ask for support from the governor services team at the local authority.

## **APPENDIX 1**

### **Complaint Form**

Please complete and return to Clerk to Governors, Complaints Co-ordinator, who will acknowledge receipt and explain what action will be taken.

<b>Your name:</b>
<b>Pupil’s name (if applicable):</b>
<b>Your relationship to the pupil (if applicable):</b>
<b>Address:</b>
<b>Postcode:</b>
<b>Day time telephone number:</b>

**Evening telephone number:**

**Please give details of your complaint.**

**What action, if any, have you already taken to try and resolve your complaint.**

**(Who did you speak to and what was the response)?**

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

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

**Signature:**

**Date:**

**Official use**

**Date acknowledgement sent:**

**By who:**

**Complaint referred to:**

**Date:**

