

Wrekin View Primary School and Nursery



Complaints Policy November 2018

Learning Together to Achieve Forever



1. Introduction

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 generally defined as 'an expression of dissatisfaction however made, about actions taken or a lack of action'.⁽¹⁾

The majority of issues raised by parents, the community or pupils, are concerns rather than complaints. Wrekin View Primary School & Nursery is committed to taking concerns seriously, at the earliest stage, in the hope of keeping the number of formal complaints to a minimum and without needing formal procedures.

However, depending on the nature of the complaint, you may wish or be asked to follow the school's formal complaints procedure. For the school to be able to investigate a complaint, it needs to be made within one year of the incident occurring. If a complaint is older than a year it will not be investigated.

The prime aim of this policy is to resolve the complaint as fairly and speedily as possible. Formal complaints will be dealt with in a sensitive, impartial and confidential manner. Malicious complaints may incur appropriate action by the school.

The complaints procedures should not be used for appeals and referrals that fall under other procedures and legislation and which are covered by other guidance, including:

- Admissions
- Exclusions
- Special Educational Needs
- Staff Grievances
- Child Protection
- Whistleblowing
- School Reorganisation Proposals
- Complaints about services provided by other providers who may use the school premises or facilities (eg, external After School Club providers).

The following details outline the stages that can be used to resolve complaints.

2. The Wrekin View Primary School & Nursery Complaints Policy has three main stages.

- Stage 1 – A concern is raised and logged by staff using Concerns Form (Appendix 1)
- Stage 2 – Complaint is heard by Headteacher and parents complete Complaints Form (Appendix 2) if applicable

¹ DfE Guide - Best Practice Advice for School Complaints 2016

- Stage 3 – Complaint is heard by Governing Body’s Complaints Appeal Panel completing the Governing Body Complaints Appeal Panel Notes & Decision (Appendix 3).

3. Stage 1 – Raising a Concern

Concerns can be raised with the school at any time and will often generate an immediate response, which will resolve the concern. The school requests that parents make their first contact with the class teacher. On some occasions the concern raised may require investigation, or discussion with others, in which case you will receive an informal but informed response within 1 working week of you raising your concern, either in person or by phone call. The majority of concerns will be satisfactorily dealt with in this way.

All concerns raised will be recorded by the staff member using the Parent/Carer Concerns Form (Appendix 1) and passed to the School Office for retention in the School Complaints Log.

If you are not satisfied with the result at Stage 1, please contact the school office by either ringing, by email (01952 388088 or email a2204@telford.gov.uk) or in person and if available, the Headteacher will discuss with you your concerns, and if unavailable, the office staff will arrange an initial appointment for you to see the Headteacher.

4. Stage 2 – Complaint Heard by Headteacher or Chair of Governors

If your concern or complaint is not resolved during the initial meeting with the Headteacher, you may be requested to put your complaint in writing, addressed either to the Headteacher or Chair of Governors who will be responsible for ensuring your concern or complaint is dealt with and investigated appropriately.

Following an initial investigation, the headteacher will normally give a written response within 10 school working days. If you are dissatisfied with the result at stage 2, you should let the school know within 10 school working days of getting the response.

You should include details which may help with the investigation such as names of potential witnesses, dates/times of events, and copies of relevant documents.

You will be requested to use the Formal Complaints Form attached at Appendix 2 but this is not mandatory.

It is very important that you include a clear statement of the actions that you would like the school to take to resolve your concern or complaint. Without this, it is much more difficult to proceed.

The Headteacher (or Chair of Governors) may invite you to a meeting to clarify your concern or complaint and to seek an informal resolution. If you accept that invitation, you may wish to be accompanied by a friend (not a member of the legal profession or the media), to support you in explaining the nature of your concern or complaint.

It is possible that your complaint will be resolved through a meeting with the Headteacher (or Chair of Governors). If not, arrangements will be made for the matter to be fully investigated, using the appropriate procedure. In any case you should learn in writing, usually within 10 working days of the school receiving your formal complaint, how the school intends to proceed. This notification should include an indication of the anticipated timescale.

Any investigation will begin as soon as possible and when it has been concluded, you will be informed in writing of its conclusion.

If you are not happy with the response provided by the Headteacher (or Chair of Governors) the complaint can be referred to the Governing Body for review. Any such request must be made in writing to the Clerk to the Governing Body through the School Office, within 10 school days of receiving the formal notice of the outcome, and include a statement as to why the outcome is not suitable and has not resolved your concern or complaint.

5. Stage 3 – Complaint Heard by the Governing Body’s Complaints Appeal Panel

If the matter has still not been resolved at Stage 2, you should write to the Clerk to Governing Body through the School Office, asking for your concern or complaint to be reviewed. The aim of the Appeal panel hearing is to impartially resolve the complaint and to achieve reconciliation between the school and the complainant

Any complaint reviewed by the Governing Body shall be conducted by three members of the Governing Body. This will usually take place within 10 working days of receiving your request to review the procedures taken at Stage 1 and 2.

Complainants have the right to request an independent panel, if they believe there is likely to be bias in the proceedings. Schools should consider the request but ultimately, the decision is made by the Governors.

The review will normally be conducted through a consideration of written submissions, but reasonable requests to make oral representations should be considered sympathetically.

The panel will first receive written evidence from the complainant.

The panel will then invite representatives of the school (usually the Headteacher or the Chair of the Governing Body panel that has considered the matter), as appropriate, to make a response to the complaint.

The panel may also have access to the records kept of the process followed.

You, and the school representative[s], will be informed in writing of the outcome, usually within 5 school days of the panel meeting.

For most complaints the decision of the governors is the last step in the procedure.

The Role of the School Complaints Unit

If a complaint has completed the local procedures and the complainant remains dissatisfied, they have the right to refer their complaint to the Secretary of State. The Secretary of State has a duty to consider all complaints raised but will only intervene where the governing body has acted unlawfully or unreasonably and where it is expedient or practical to do so.

The School Complaints Unit (SCU) considers complaints relating to LA maintained schools in England on behalf of the Secretary of State. The SCU will look at whether the complaints policy and any other relevant statutory policies were adhered to. The SCU also looks at whether statutory policies adhere to education legislation. However, the SCU will not normally re-investigate the substance of the complaint. This remains the responsibility of schools.

The SCU will not overturn a school's decision about a complaint except in exceptional circumstances where it is clear the school has acted unlawfully or unreasonably. If the SCU finds that the school has not handled a complaint in accordance with its procedure, we may request that the complaint is looked at again.

If legislative or policy breaches are found, the SCU will report them to the school and the complainant, and where necessary, ask for corrective action to be taken. The SCU normally also seeks written assurances as to future conduct. Failure to carry out remedial actions or provide written assurances could ultimately result in a formal Direction being issued by the Secretary of State in accordance with her powers under sections 496 and 497 of the Education Act 1996.

Schools may wish to contact the SCU for advice on whether they have acted reasonably; for example: in closing down a complaint from a serial complainant before the local procedure has been completed. However, the SCU will not be able to advise on how to resolve the complaint.

Barring from the School Premises

Although fulfilling a public function, schools are private places. The public has no automatic right of entry. Schools will therefore act to ensure they remain a safe place for pupils, staff and other members of their community.

If a parent's behaviour is a cause for concern, a school can ask him/her to leave school premises. In serious cases, the headteacher or the local authority can notify them in writing that their implied licence to be on school premises has been temporarily revoked subject to any representations that the parent may wish to make. Schools should always give the parent the opportunity to formally express their views on the decision to bar in writing.

The decision to bar should then be reviewed, taking into account any representations made by the parent, and either confirmed or lifted. If the decision is confirmed the parent should be notified in writing, explaining how long the bar will be in place.

Anyone wishing to complain about being barred can do so, by letter or email, to the headteacher or Chair of Governors. However, complaints about barring cannot be escalated to the Department for Education. Once the school's own complaints procedure has been completed, the only remaining avenue of appeal is through the Courts; independent legal advice must therefore be sought.

Right of Appeal

All persons who are notified by the school that they are being dealt with under this procedure have the right of appeal.

Appeals must be addressed to the Chair of Governors under confidential cover, care of the school. The Chair of Governors will consider each appeal on its merits, consulting with the Headteacher as appropriate.

The outcome of the appeal should be notified to the appellant and copied to the Headteacher within 10 working days of receipt.

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
- and 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 newspapers.

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

If the behaviour continues the headteacher will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact Wrekin View Primary School & Nursery 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 Wrekin View Primary School & Nursery site.

Policy for Dealing with Unreasonably Persistent Complaints, Harassment or Aggression

Wrekin View Primary School & Nursery 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 considered abusive, offensive or threatening.

Wrekin View Primary School & Nursery 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

Governor 1:

Governor 2:

Governor 3:

Governing Body Complaints Appeal Panel Notes & Decision

Chair of Panel
Signature

Date

Wrekin View Primary School & Nursery

Parent/Carer Complaints Form

Please complete and return to the Headteacher who will acknowledge receipt and explain what action will be taken	
Your Name	
Pupil's Name	
Your relationship to the Pupil	
Address	
Postcode	
Daytime Tel Number	
Evening Tel Number	
Please give details of your complaint here	
What actions, if any have you taken to try and resolve your complaint	
What actions do you feel might resolve the problem?	
Are you attaching any paperwork?	
Signature	
Date	
For Office Use only	
Date acknowledgement sent:	By Whom:
Complaint referred to:	Date:



Concerns Form

Parent Name			
Child Name		Class	
Concern Raised			

N.B. In cases where the matter concerns the conduct of the Headteacher, the Headteacher and Chair of Governors will be informed of the complaint. The Chair will arrange for the matter to be investigated. In cases where the matter concerns the conduct of a member of the Governing Body the member will be informed of the complaint.

6. The Governors appeal hearing is the last school-based stage of the complaints process.

If you are still not satisfied with the response from the Governing Body you can contact the Secretary of State for Education via the DfE Helpline on 0370 000 2288 or by completing the online form:

www.education.gov.uk/help/contactus

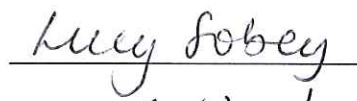

or, by writing to:

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

7. Review & Monitoring

This policy will be reviewed bi-annually in the Spring Term or earlier if required.

Signed by:

	Chair of Governors	Date: <u>14.12.18</u>
	Headteacher	Date: <u>14.12.18</u>