

# Wadebridge School

## Complaints Policy and Procedure

---



### **Summary of Process**

The complaints procedure is based on a principle that concerns expressed by a pupil, parent, guardian or any individual or organisation should be resolved as quickly as possible without the need to escalate to the more formal stages of the complaints procedure. However, where resolution is not achieved quickly and the person raising the complaint remains dissatisfied and wishes to take the matter further, the formal procedure will be invoked.

1. Stage 1 - Informal resolution to concern
2. Stage 2 - Formal written complaints procedure
3. Stage 3 – The Governing Body
4. Stage 4 – Complaint referred to EFA

Complaints must be made within 3 months of the event. Complaints after this period will not be considered. Line Managers or other delegated managers will investigate a complaint about a member of staff where it is appropriate to do so. Anonymous complaints will not be considered.

Complaints brought by staff should be investigated using the Grievance procedure and not the Complaints Policy.

### **Rationale**

The School is legally responsible for dealing with the majority of complaints. The purpose of this procedure is to lay out how complaints will be dealt with by the School.

The School's governors must ensure that complaints are investigated thoroughly and fairly and that complainants are given a response within a reasonable time-scale.

Children as well as parents have legitimate rights to express concerns or to make complaints, but maturity and understanding will vary from child to child. Therefore, the School will consider a complaint on its merits. Please note that a person does not have to be a parent or a student of the School to make a complaint. Please also note that anonymous complaints cannot be examined under the complaints procedure.

Governors have an important role to play in considering complaints however, it is important for parents to understand that individual governors must not investigate complaints outside this procedure.

To ensure that the complaints procedures are delivered and monitored satisfactorily the school has appointed the Head teacher as the complaints officer.

## **Resolving Complaints**

It is in everyone's interest that complaints are resolved at the earliest possible stage. The experience of the first contact between the complainant and the school can be crucial in determining whether the complaint will escalate. To that end, staff will periodically be made aware of the procedures so that they know what to do when they receive a complaint.

At each stage of the complaints procedure the member of staff responsible will consider how the complaint may be resolved. In considering how a complaint may be resolved the member of staff will give due regard to the seriousness of the complaint. It may be appropriate in order to bring the complaint to a resolution for the member of staff to offer either:

- An explanation;
- An apology;
- Reassurance of steps that have been taken to prevent a recurrence of the relevant events;
- Reassurance that the school will undertake a review of its policies in light of the complaint.

## **Vexatious Complaints**

The purpose of this procedure is to identify all of the facts that are pertinent to the complaint so that it can be resolved to the satisfaction of the complainant. However, there may be occasions when, despite all stages of the procedure being followed, the complainant remains dissatisfied. If the complainant then tries to reopen the same issue, the Head teacher or Chair of the Governing Body is able to inform them in writing that the procedure has been exhausted and that the matter is now closed.

## **Time Limits**

This procedure sets out the time limits for each stage of the complaints process. School staff will keep to these time limits. However, where a complaint is of a particularly complex nature, or further investigations are required to ascertain facts, new time limits can be set. The complainant will be sent the details of any changes to the deadlines with an explanation for the delay.

### **Stage 1 – Informal Resolution to Concern**

Many enquiries and concerns can be dealt with satisfactorily by the class teacher, the Head teacher or other members of staff, without the need to resort to a formal procedure. The School values informal meetings and discussions. There is no suggested time-scale for resolution at this stage given the importance of dialogue through informal discussion. However, if the face-to-face discussion seems unlikely to resolve matters, then proceed to the next stage of the procedure.

### **Stage 2 - Formal Written Complaints**

Where it has not been possible to resolve a complaint by way of informal discussion, the complainant should set out the precise nature of the complaint on the model pro forma (see appendix 1) and return this to the Head teacher. The School's governors will not be involved at this stage. However, if the Head teacher or a governor is the subject of a complaint, the complainant should send the form directly to the Chair of Governors (in accordance with the additional guidance laid out in Appendix 2). If a complaint against the Head teacher is received by the Head teacher, then s/he will pass it on to the Chair of Governors immediately.

Should a complaint be about a general matter, the Head teacher may be able to respond immediately, e.g. if it only requires an explanation of School policy. For most other complaints, which are likely to relate to specific actions or events, there is likely to be a need for further investigation in order to clarify the facts. The Head teacher or their nominee will normally undertake this investigation. However, the Head teacher may feel that to proceed to Stage 3 (below) is the best course of action, depending on the circumstances. The Chair of Governors will then convene a meeting of the governor panel (stage 3 below).

Complaints with respect to the conduct of a member of staff will be dealt with in accordance with the additional guidance laid out in Appendix 2. A meeting will be arranged between the complainant and the Head teacher (or relevant person) but this will not automatically include any member of staff named in the complaint.

All formal complaints that are received will be recorded by the School and acknowledged within 5 school days. Investigations at this stage should normally be completed within 20 school days of receipt of the complaint, unless there is an on-going child protection investigation, or where the staff disciplinary procedure is involved or another exceptional circumstance. The School will aim to send a formal response within 5 school days of the completion of the investigation. This gives a target of 5 school weeks for the completion of this stage of the procedure. Please refer to Appendix 2 for the different timescales involved with complaints regarding the Head teacher or a governor.

In the letter conveying the outcome of the investigation, the complainant should be informed of the process for referral to the Chair of Governors if they wish to take their complaint further. Should the staff Disciplinary procedures or child protection procedures have been started then the complainant will be notified that other processes are being followed. Any notification shall be confidential to protect the member of staff.

The complainant may wish to proceed to consideration of the complaint by the governors as set out below. It is up to the complainant to make this decision within two weeks of being informed of the outcome of the stage 2 investigation, unless there are exceptional reasons why this is not possible. It is up to the Chair of Governors to decide if there are any such circumstances.

### **Stage 3 - The Governing Body**

In all cases where the Head teacher is unable to resolve a complaint to the satisfaction of the complainant, the complainant should contact to the Chair of Governors (or Vice Chair if appropriate) for the matter to be considered. All complaints that reach this stage will be recorded on existing records where available and acknowledged within five school days.

A panel of three governors must be convened by the Chair of Governors (or Vice Chair if appropriate) that are not directly involved in the matters detailed in the complaint, one of whom must be independent of the management and running of the School. Individual governors have no powers to investigate a complaint outside the complaints process. If necessary, a meeting with the complainant should be held in order to reach an appropriate solution.

The panel will normally review the investigations carried out under stage 2 and will decide whether or not any further investigation should be undertaken. However, in most cases where an investigation has been previously carried out, the panel may decide only to consider the evidence already presented. Where complaints have been referred directly to stage 3 (relating to the Head teacher or a governor), the panel will undertake the initial investigation.

Investigations at this stage should normally be completed within 15 school days of receipt of the complaint, unless there is an on-going child protection investigation or where the staff disciplinary procedure is involved or other exceptional circumstance.

The School will aim to send a formal response within 5 school days of the completion of the investigation. This gives a target of 4 school weeks for the completion of this stage of the procedure.

Following the stage 3 investigation, the panel will decide on one of two outcomes:-

1. Recommend that appropriate remedial action necessary to resolve the complaint be undertaken, or
2. Confirm that all internal investigative measures have been exhausted and uphold the original response.

The decision of the Governors' panel will be communicated in writing to the complainant within five school days of the meeting. The decision is confidential to the complainant and to the governing body. The panel will report all outcomes of their investigations to the governing body.

#### **Stage 4 - Complaint referred to the EFA**

Details of the EFA complaints process can be found on the EFA website at:-

<http://media.education.gov.uk/assets/files/pdf/e/procedure%20for%20complaints%20about%20acads%20-%20version%20oct%2024%202013.pdf>

For the purpose of general guidance the following is a summary of the EFA process.

The EFA will look at complaints about schools that fall into the following areas:

- Undue delay or non-compliance with a school's own complaints procedure
- A school's failure to comply with a duty imposed on it under its funding agreement with the Secretary of State
- A school's failure to comply with any other legal obligation, unless there is another organisation better placed to consider the matter as set out in the next section

### **What the EFA will not investigate**

The EFA will not investigate complaints that are, for example:

- About the quality of education or leadership, or concerns affecting the school as a whole. These should be raised with Ofsted
- About discrimination. These should be raised with the Equality Advisory Support Service
- About data protection. These should be raised with the Information Commissioner's Office
- About exam malpractice or maladministration. These should be raised with the Office of Qualifications and Examinations Regulation (Ofqual) and relevant awarding body
- About criminal behaviour. These should be raised with the police
- Being, or have been, considered by a court or similar body
- About employment matters. These should be raised through the school's grievance procedure, or taken to an Employment Tribunal
- About safeguarding or child protection matters. These should be taken up with the school's Local Safeguarding Children's Board
- About a child or young person's Statement of Special Educational Need where there is another route of appeal, for example the First Tier Tribunal (Special Educational Needs and Disability) Service formerly the Special Educational Needs and Disability Tribunal (SENDIST)

The EFA will not consider complaints more than 12 months after a decision or action is taken. The only exceptions will be if the delay in sending the complaint to them was unavoidable or if there is evidence that the school is not currently complying with legal requirements.

The EFA reserve the right not to consider complaints that:

- Are malicious (that is, they are instituted without sufficient grounds and serving only to cause annoyance)
- Use obscenities, racist or homophobic language
- Contain personally offensive remarks about members of our staff
- Are repeatedly submitted with only minor differences after they have fully addressed the complaint

## **Whistleblowing**

The EFA take seriously all whistleblowing concerns raised. Please consider submitting your complaint confidentially rather than anonymously. Submitting a complaint anonymously will make it difficult for them to conduct a full and thorough investigation. The EFA will respect your confidentiality when investigating whistleblowing complaints.

If they can only proceed with an investigation by disclosing something to the school that identifies you, they will ask for your consent first. If you do not give them your consent, it may be that they will not be able to take your case any further. If the allegation is sufficiently serious to require an investigation the EFA may reveal your identity without your consent.

## **Outcomes from investigations**

The EFA cannot change any decision a school has made about your complaint. Their role is to look at whether the school considered your complaint properly, by following a procedure that is in line with legal requirements.

If the EFA uphold a complaint then they may do one or both of the following:

- ask the school to reconsider the complaint from an appropriate stage
- ask the school to change its complaints procedure so that it complies with legal requirements

## **Complaining to the EFA about a School**

The EFA will deal with complaints about schools in accordance with the following principles:

- schools should be receptive to genuine expressions of dissatisfaction
- complaints are dealt with promptly, fairly and proportionately; they are also resolved at the most local level possible
- in dealing with complaints the EFA will take account of its public sector equality duty (under the Equalities Act 2010)

Where possible, please put your complaint in writing. If you have difficulty in providing details in writing, the EFA will discuss with you alternative ways of receiving the information.

Complaints about schools should be sent:

- via the Department for Education's schools complaints form
- by post to Department for Education, Castle View House, East Lane, Runcorn, Cheshire, WA7 2GJ