



WINCHCOMBE SCHOOL

Complaints Policy

Effective Date: January 2018, March 2019

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Review Committee: Resources

Adopted		
Signature		Headteacher
Signature		Chair of Resources
Date		
Version Updates	<ul style="list-style-type: none">I. Added section numberingII. Section 1 - added legislation linksIII. Changes from Head of House to Head of PhaseIV. Added SLT as a person to handle complaintsV. Amended panel to include 1 independent memberVI. Added training sectionVII. Post-complaint actions added to Stage 3	

1. Purpose and Legislation

Whilst academy schools are not bound by the terms within Section 29 of the Education Act the Governors of Winchcombe School will fully comply.

It is also based on guidance published by the Education and Skills Funding Agency (ESFA) on creating a complaints procedure that complies with the above regulations, and refers to good practice guidance on setting up complaints procedures from the Department for Education (DfE).

This policy complies with our funding agreement and articles of association.

The Governing Body have established and published procedures as indicated below for dealing with complaints relating to the school, other than those covered by legislation and formal procedures elsewhere.

1.1 Who is allowed to complain?

This policy may be used by anyone who has a concern or complaint about any aspect of the school. In the main this will mean the parents and carers of the school's pupils, but may include neighbours of the school, or any other members of the local community. Every effort will be made to resolve all complaints received.

Consideration will also be given to complaints made by parents of pupils who no longer attend the school. A reasonable delay between the child ceasing attendance at the school and the complaint will be allowed and the action taken will be dependent on the nature and seriousness of the complaint. A child protection issue for example will always be investigated so that the school can ensure that all statutory duties are being met and if not address the issues raised and learn from them.

The policy is not aimed at complaints from staff members who should follow the staff grievance procedures and/or whistleblowing policy.

Other circumstances under which this procedure should not be used- See Page 4.

1.2 Aims and objectives of the policy

This complaints policy aims to:

- Encourage the resolution of problems by informal means wherever possible;
- Ensure that concerns are dealt with quickly, fully and fairly and within clearly defined time limits;
- Provide effective responses and appropriate redress;
- Maintain good working relationships between all people involved with the school.

2. Scope

2.1 Overview

There are 3 stages outlined in the complaints procedure:

Stage 1 Referral to Head of Phase, SLT and/or Referral to Headteacher

Stage 2 Complaint referred to Chair of Governors

Stage 3 Review by governing body complaints panel

This policy sets out the most suitable and effective process for dealing with the majority of complaints which are not covered by alternative procedures (see page 3). In most cases any concern or complaint, regardless of whose attention it is initially brought to, should be discussed informally before being escalated to any of the following formal stages.

In some cases, it may be deemed inappropriate for individuals to discuss their concerns informally. In such cases, complainants may be directed to contact a Head of Phase, SLT, or the Headteacher directly (i.e. begin at stage 1). If a parent or guardian has a particular concern about their child's education, they would normally be requested to speak to the Head of Phase or linked SLT in the first instance and only be referred to the Headteacher if they were still unhappy with the situation. The Headteacher would however normally be the first point of contact for complaints of any other nature.

Complainants may choose to contact a Head of Phase, SLT, or Headteacher directly of their own accord. In these cases it will be at the discretion of a Head of Phase, SLT, or the Headteacher as to whether it is appropriate for the complainant to discuss the matter informally before invoking the formal complaints procedure at Stage 1(a) or 1(b).

In all cases where the complaint concerns the school's Headteacher directly, stage 1 will be missed out and the formal complaints procedure will begin at stage 2.

2.2 Monitoring complaints

At all formal stages of the complaints procedure, the following information should be recorded:

- The name of the complainant;
- The date and time at which complaint was made;
- The details of the complaint;
- The desired outcome of the complainant;
- How the complaint is investigated (including written records of interviews held);
- Results and conclusions of investigations;
- Any action taken;
- The complainant's response (satisfaction or further pursuit of complaint).

Records will be retained within school for 6 years from the date of resolution before being destroyed. However, if the complaint forms part of a staff or pupil file, records will be kept indefinitely.

2.3 Upholding or not upholding complaints

At each stage of the complaints procedure, the conclusion will be either:

- 1) That the complaint is upheld (in part or in full) and, where appropriate, some form of action is taken.

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.

Or

- 2) That the complaint is not upheld and reasons for this are clearly given.

The complainant may either choose to take no further action or will be advised of how to take the complaint to the next relevant stage of the complaints policy.

2.4 Publicity and communication

There is a legal requirement for schools to publicise their complaints procedures. This policy will be included on the school's website or available through the school office. Schools may make reference to the complaints policy in other school documentation.

2.5 Confidentiality

All conversations and correspondence will be treated confidentially. Personal information will only be shared between staff and governors on a 'need to know' basis. Confidentiality will be maintained within the Governing Body to ensure sufficient governors have no prior knowledge of the complaint to enable a complaints panel to be convened, if required, at stage 3.

2.6 Accompaniment

It is an expectation that equal respect will be granted to each person involved within the process and that differences between people will be respected and understood. This includes the complainant's right to be accompanied by a friend or relative at discussions and hearings and/or to submit formal complaints which have been written by another individual on their behalf.

2.7 Time between stages

After each stage, the complainant and the individual who is dealing with their complaint at that time should allow 15 school days to decide an appropriate time limit within which the next stage should be accessed, if at all. If the complaint is not submitted to the next stage within this agreed time limit it should be considered as closed.

2.8 Changes to time limits and deadlines

In general, the time limits and deadlines contained within this policy should be adhered to by the school. However, in certain circumstances it may be inappropriate or impractical, for example, if an investigation cannot be conducted due to school holidays or illness.

Where a complaint leads to criminal proceedings this will always be the case.

If and when it becomes necessary to alter the time limits and deadlines set out within this policy, the complainant should be told and given an explanation as to why this has been the case.

2.9 Circumstances under which this procedure should not be used

This guidance does not refer to areas where Gloucestershire County Council, as the Local Authority (LA), has the lead role or for which separate appeal arrangements are provided.

These include:

- Admissions
- Statutory Assessment of Special Educational Needs

Issues related to child protection, exclusions, criminal investigations and employee grievances will all be dealt with separately from this policy. (Please refer to the school's Child Protection and Safeguarding of Children and Allegations Management policy relating to Child Protection and Behaviour Management policy and Exclusion policy for exclusion procedures).

This complaints policy is distinct from formal staff disciplinary proceedings and this should be made clear to all concerned. There may be occasions where a complaint gives rise to disciplinary procedures which put the complaints process on hold. If and when this occurs, the complainant should be informed. Any non-disciplinary aspects of the complaint should continue to be dealt with through the usual complaints procedures.

Winchcombe School is an academy and is independent of LA control and this policy does not cover any complaint made against Gloucestershire County Council.

3. Procedures for handling complaints

3.1 Informal discussion

The vast majority of concerns can be dealt with informally. There are many occasions where concerns are resolved straight away without the need to submit a formal complaint. Indeed, many concerns raised at this level might not be classified as complaints.

Who to speak to informally

Individuals may decide to raise their concerns with a member of school administrative staff, class teacher, senior teacher, governor or Headteacher depending on their wishes and the type of issues they want to discuss.

Monitoring

It is not necessary to record or monitor concerns at this level.

Time scales

There are no specific time scales for dealing with concerns at this stage. However, as at all stages, issues should be considered and dealt with as quickly and effectively as possible.

Response

The individual who raised the issue should be informed of any action to be taken to resolve the issue. If appropriate, this might be confirmed in writing.

Options for complainant

If the individual is dissatisfied with the response they have been given and would like to take their concerns further, they should be referred to the school's complaints procedure.

3.2 Formal Complaints

STAGE 1: Referral to a Head of Phase, SLT or to the Headteacher

Introduction

This is the first stage of the formal complaints process and, as a result, all communications between parties need to be carefully recorded and monitored as set out in the 'monitoring complaints' section of this document. A Head of Phase or associated SLT will normally in the first instance deal with complainants relating to the education of a child and the Headteacher will normally deal with complainants if they are unhappy with the response by the Head of Phase, or if a complaint relates to any other issue.

When a complaint is made directly against the school's Headteacher, stage 1 is not required and the formal procedure begins at stage 2.

Submitting a formal complaint

By this stage it must be clear that the concern is a definite complaint which will be dealt with according to this policy and should be formally submitted in writing to a Head of Phase, SLT, or the Headteacher.

Acknowledgement and time scales

A Head of Phase, SLT or the Headteacher will formally acknowledge any complaint within 3 school days of receiving it and begin an investigation.

The investigation

A Head of Phase, SLT or the Headteacher (or a person deemed competent and appointed by the Headteacher) will need to investigate the complaint and review any relevant documentation and information. If necessary, they will take statements from those involved.

Response

A Head of Phase, SLT or the Headteacher will provide the complainant with a full written response within 10 school days of acknowledging it. This response will determine whether the complaint has been upheld, the reasons why, and what action (if any) will be taken. The response will provide details of how to move on to the next stage, if the complainant is not satisfied

STAGE 2: Complaint referred to the Chair of Governors or Vice Chair, if more appropriate

Introduction

Upon receiving a formally submitted complaint at this stage the Chair of Governors or his/her nominee will seek to resolve the issue with the complainant by other means without the need for a complaints committee review at stage 3

When a complaint is made directly against the school's Headteacher, stage 1 is not required and the formal procedure begins at stage 2.

Submitting a formal complaint

The complainant must submit a written request to the Chair of Governors who will investigate the complaint or arrange for his/her nominee to investigate it.

Acknowledgement and time scales

The Chair of Governors or his/her nominee should formally acknowledge the complaint within 3 school days of receiving it and begin an investigation.

The investigation

The Chair of Governors or his/her nominee will need to investigate the complaint and review any relevant documentation and information. If necessary, the Chair of Governors or his/her nominee will take statements from those involved.

Response

The Chair of Governors or his/her nominee will provide the complainant with a full written response within 10 school days of acknowledging it. This response will determine whether or not the complaint has been upheld, the reasons why, and what action (if any) will be taken. The response will provide details of how to move on to the next stage, if the complainant is not satisfied.

STAGE 3: Review by Governing Body Complaints Panel

Introduction

If the complainant remains unsatisfied following an investigation by the Chair of Governors, they can ask for their complaint to be referred to a governor complaints panel.

The complaints panel will be clerked by the clerk to the governing body, or another governor.

The Committee

The panel will generally consist of two governors who have not previously been involved with dealing with the complaint. If the Governing Body is unable to find two governors without prior involvement and has formal collaboration arrangements in place with another school's Governing Body, independent governors can be drawn from that governing body to sit on the panel. At least one member of the panel will be a person independent of the school governing body. The panel should elect its own chair.

Acknowledgement and time scales

The Chair of Governors should acknowledge receipt of the complainant's letter within 3 school days. This letter will inform them that their complaint will be heard by a complaints panel within 20 school days.

Governor Complaints Panel Arrangements

The Chair of Governors will contact the clerk and ask them to begin making preparatory arrangements.

The clerk should then formally write to the complainant, the Headteacher and any other relevant staff or witnesses and inform them:

- Of the date, time and venue of the hearing;
- How it will be conducted;
- Request for any supporting documentation by either the complainant or the school which must be returned to the Clerk no later than 5 school days before the hearing takes place; this should include any request from supporting witnesses or representatives to attend with either party.
- Of the rights of accompaniment as outlined in this document.

The clerk will ensure that all parties receive all relevant documents at least 3 school days before the date of the hearing so as to allow individuals to familiarise themselves with them.

Governors Complaints Panel Meeting

The Chair should allow each party involved to explain their understanding or interpretation of events and for the Panel to question them for further clarification. Complainants do not have to attend the Panel meeting if they would prefer not to, and all written evidence will be considered.

Ultimately, the chair of the meeting has control over its proceedings.

After the Panel meeting

The panel will then consider the complaint and all the evidence presented and:

- Reach a majority decision, on the complaint;
- Decide or recommend upon the appropriate action (if any) to be taken;
- Where appropriate, suggest changes to, or request a review of, the school's systems or procedures to ensure that problems of a similar nature do not happen again.

This information will be included in letters to both the Headteacher and the complainant.

Post-complaint actions

The school will record, write to the complainant and the Chair of Governors within 10 days of the outcome with details of any actions that the school has taken as a result of the complaint irrespective of whether or not the complaint was upheld.

See Governors Complaints Panel Guidance notes for more detail.

Options for complainant

This is the end of the schools complaints process. If the complainant is not satisfied they can contact the Secretary of State, or Ofsted.

The Chief Inspector (Ofsted) has the power to investigate complaints about the school as a whole. (Standards of education, welfare of pupils and school management). Ofsted will not normally investigate cases to do with individual pupils.

If a complainant is not happy with the response of the governors complaints panel and if they believe that the governing body has acted “unreasonably” or has failed to carry out its statutory duties properly they may refer their complaint to the Department of Education.

Parents may seek advice from the Secretary of State at the Department for Education at www.dfe.gov.uk or from the Advisory Centre for Education at www.ace-ed.org.uk or on their helpline on 0808 800 5793

Winchcombe School is an academy and is independent of LA control and complaints should not be directed to Gloucestershire County Council.

4. Training

All relevant school staff will receive training on handling complaints, investigating and responding.

Any governors needed to form part of a panel will be sent the policy in advance to prepare for the panel hearing.

Any independent person appointed to join a panel will also be sent the policy in advance for preparation.

APPENDIX 1: GOVERNOR COMPLAINTS PANEL GUIDANCE NOTES

1 Terms of Reference

The panel must be convened according to the complaints procedure published by the school as part of their complaints policy. All parties should have received a copy of the procedures.

2 Composition

The panel must consist of two governors previously unconnected with the case. This would usually exclude the Chair of Governors if he/she has had prior involvement. A third independent panel member must also be appointed (A local governor from another school would count as an 'independent' person).

The Chair of the panel is agreed by the other members of the panel.

The meeting must be minuted by a nominated clerk who is usually the clerk to the governing body.

The minutes must be an accurate representation of what happens at the meeting. The minutes are confidential.

3 Chair's Introduction

- Welcome and introduce everyone in the room and their role in the proceedings. Those present will be the panel members, the clerk, the Headteacher (or the person representing the school), the complainant (both parties are entitled to be accompanied by a friend or relative)
- Witnesses in support of either the school or the complainant should wait outside the room until called.
- Explain the reason for the panel being held – to offer a fresh and fair look at the complaint from stage 2 as defined in the complaints procedures.
- Explain that the panel cannot consider new complaints at this stage.
- Explain the structure of the meeting.
- Explain that the panel will deliberate separately, in private, after the meeting and their conclusions will be sent out to all parties within 5 school days.
- Ensure that everyone has a copy of the papers including a copy of the complaints procedures.
- Check that everyone understands all of the above.

The Chair must ensure that:

- There is a clear written statement of the complaint which is the same as the complaint previously investigated. It may be appropriate to clarify if any aspects of the complaint fall outside the remit of the panel.
- There is a clear statement of the outcomes desired.

4 Structure of the Meeting

- a The complainant will be given the opportunity to explain their complaint.
- b The panel and the Headteacher (or person representing the school) will be allowed to ask the complainant questions.
- c The Headteacher (or person representing the school), will be given the opportunity to present the school's response, interpretation or view about the complaint.
- d The panel and the complainant will be allowed to ask the Headteacher (or person representing the school) questions.
- e At the panel's discretion, witnesses may be called and heard in support of either party's representations, and if so may be questioned by the panel and either party.
- f The complainant will be given the opportunity to make a final statement.
- g The Headteacher (or person representing the school) will be given the opportunity to make a final statement.
- h The Chair will confirm with both parties that they have had the opportunity to put their case.
- i The Chair will thank all for attending and explain that the panel will deliberate separately in private and a letter setting out the panel's conclusions will be sent out within 5 school days.

5 Deliberation and Conclusion

The main points of the complaint must all be addressed.

- For each point, the panel need to explain their findings based on fact where possible.
- The panel need to consider the outcomes requested and agree or disagree giving reasons.
- The panel can make recommendations to either the Headteacher or governing body.
- The concluding letter must be signed by the Chair of the panel.
- It will be sent out promptly and within 5 schools days of the meeting.

- The letter should indicate that this is the final stage of the schools complaints procedure. Where relevant, it should refer the complainant to other available avenues if dissatisfied with the outcome.