



The Winns Primary School

COMPLAINTS POLICY

Policy Written: LA Policy date 2016

Policy Agreed: October 2021

Next Review Due: October 2024

Introduction

This model is intended as a good practice guide. Governing Boards of all maintained schools and maintained nursery schools in England are required to have in place a procedure to deal with complaints relating to the school. This also includes any community facilities or services that the school provides. It is also a requirement by law that the procedure be publicised.

The difference 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 generally defined as 'an expression of dissatisfaction however made, about actions taken or a lack of action'. (DfE Complaints toolkit 2016)

Concerns

If the concern is about a pupil, the teachers and staff will explain the school practices, policies, and how they affect the pupils. Most concerns can be handled by the class teacher or by the subject coordinator if this is thought to be more helpful.

In the first instance, it is usual to speak to the child's class teacher, or contact the school office to arrange an appointment to discuss the concern. Staff will aim to help to resolve a concern. If parents wish to make their concerns formal, the school will have defined procedures for handling this.

Anonymous Complaints

Anonymous complaints will not normally be considered however the headteacher will determine whether the gravity of an anonymous complaint warrants an investigation.

Complaints made outside of term time will be deemed to have been received on the first school day after the holiday period.

Scope of this Complaint Procedure

This procedure covers all complaints about any provision of facilities or services that the school provides with the exceptions listed below, for which there are separate (statutory) procedures.

This procedure does not cover the following issues:

Exceptions	Who to contact
<ul style="list-style-type: none">• Admissions to schools• Statutory assessments of Special Educational Needs (SEN)• School re-organisation proposals• Matters likely to require a Child Protection Investigation	Concerns should be raised directly with Waltham Forest Council.
<ul style="list-style-type: none">• Exclusion of children from school	Further information about raising concerns about exclusion can be found at: www.gov.uk/school-discipline-exclusions/exclusions .
<ul style="list-style-type: none">• Whistleblowing	We have an internal whistleblowing procedure for school staff. Other concerns can be raised directly with Ofsted

	<p>by telephone on: 0300 123 3155, via email at: whistleblowing@ofsted.gov.uk or by writing to:</p> <p>WBHL, Ofsted Piccadilly Gate Store Street Manchester M1 2WD.</p> <p>The Department for Education is also a prescribed body for whistleblowing in education.</p>
<ul style="list-style-type: none"> • Staff grievances and disciplinary procedures 	<p>These matters will invoke the school's internal grievance procedures. Complainants will not be informed of the outcome of any investigation.</p>
<ul style="list-style-type: none"> • Complaints about services provided by other providers who may use school premises or facilities. 	<p>Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct.</p>

Complaints which have already been investigated will not be considered again. Legal, safeguarding or disciplinary proceedings may take precedence over complaints procedures (e.g. where there is a police investigation).

Complaints Stages

As mentioned above the usual procedure would be to speak to the child's class teacher, or to arrange an appointment to discuss the complaint with whoever the parent wishes to meet with.

There are 4 stages to the nationally accepted procedure:

Stage 1 aims to resolve the concern through informal contact at the appropriate level in school.

Stage 2 is the first formal stage where written complaints are considered by the Headteacher.

n.b If the complaint is regarding the Headteacher, the complaint should be issued to the Chair of Governors directly – see stage 3.

If the complaint is regarding the Chair of Governors or any individual governor, the complaint should be issued to the Clerk to Governors directly via Governor.services@walthamforest.gov.uk

Stage 3 is the second formal stage where written complaints are considered by the Chair of Governor/ Governor who has responsibility for dealing with complaints.

Stage 4 Once Stage 3 is complete (Chair of Governors review is conducted). It involves the final appeal to a panel of the governing body members (complaints review panel -the decision of the review panel is final). *Any request for an appeal should be made within 15 working days of the outcome of stage 3.*

Following stage 4, there is no right to further appeal

Complainants who are dissatisfied with the way their complaint has been handled can refer them to the Department for Education. The Department cannot re-investigate your complaint nor can they normally overturn any decisions made by the school. They only consider whether the school's statutory policies meet current education legislation and whether these policies have been adhered to. If the department finds fault with our policies or that we have failed to adhere to them, they may request that remedial action is taken.

You can refer your complaint to the Secretary of State online at: www.education.gov.uk/contactus, by telephone on 0370 000 2288 or by writing to:

Department for Education, School Complaints Unit, 2nd Floor, Piccadilly Gate, Store Street, Manchester, M1 2WD.

Complaints procedures

Procedures for dealing with complaints

The procedure is divided into four stages:

Stage 1 (informal): complaint heard by staff member (though not the subject of the complaint);
In very small schools it may be necessary to go straight to Stage 2.

Stage 2 (formal): complaint heard by Headteacher;

NB - If the complaint is about the headteacher, the complaint will automatically be considered at Stage 3.
A request to escalate to Stage 2 must be done within 10 school days of receipt of the Stage 1 response.

Stage 3 (formal): Complaint heard by the Chair of Governors. If the Chair is the subject of the complaint, it will be passed to the Vice-Chair/nominated governor to deal with.

Stage 4 (formal): complaint heard by GB's complaints appeal panel.

How each of these stages operates is explained below:

Stage 1 – Your initial contact with the school

Formal complaints must be made to the headteacher, via the school office. This may be done in person, in writing (preferably on the Complaint Form) or by telephone. The headteacher will record the date the complaint is received and will acknowledge receipt of the complaint in writing (letter or email) within 3 school days. Within this response, the headteacher will invite the complainants to a meeting in order to clarify the nature of the complaint, ask what remains unresolved and what outcome they would like to see. During the investigation, the headteacher will:-

- establish what actions the complainant feels the school should take to resolve the complaint;
- interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish;
- keep a record of any meetings/interviews in relation to their investigation.

The headteacher will then provide a formal written response within 10 school days of the date of receipt of the complaint. If this date cannot be met, the complainant will be given an update and revised response date.

The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reasons for them. Where appropriate, it will include details of actions the school will take to resolve the complaint.

Note: The headteacher may delegate the task of collating the information to another staff member but not the decision on the action to be taken.

The complainant will also be advised of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 1.

Stage 2 - Formal consideration of your complaint

1. The written complaint should be addressed to the headteacher. If, however, the complaint concerns the headteacher personally, it should be sent to Governor Services marked "For the attention of the Chair of Governors".
2. The complaint will be acknowledged in writing, with a copy of the school's procedures as soon as possible after receiving it. This will be within three working days.
3. A full response should be made to the complainant within ten working days. If it is not possible to respond within this timescale, then the complainant should be informed of the reason for the delay.
4. As part of the consideration of the complaint, the complainant might be invited to a meeting to discuss the complaint and fill in any details required. If you wish, you can ask someone to accompany you to help you explain the reasons for your complaint.

5. The headteacher, or chair of governors may also be accompanied by a suitable person if they wish.
6. Following the meeting, the headteacher or chair of governors will, where necessary, talk to witnesses and take statements from others involved. If the complaint centres on a pupil, the school would talk to the pupil concerned and, where appropriate, others present at the time of the incident in question.
7. If the complaint is against a member of staff, it will be dealt with under the school's internal confidential procedures, as required by law.
8. Once the relevant facts have been established, a written response would be sent to the complainant. This will give a full explanation of the headteacher's or chair of governors' decision and the reasons for it.
9. If the complainant is dissatisfied with the outcome of the Stage 2 investigation and the school's findings, they could request to proceed to Stage 3, as described below.

Stage 3 - Formal consideration of your complaint

1. The written complaint should be addressed to Governor Services marked "For the attention of the Chair of Governors".
2. The complaint will be acknowledged within **three working days**.
3. A full response should be made to the complainant within **fifteen working days**. If it is not possible to respond within this timescale, then the complainant should be informed of the reason for the delay.
4. As part of the consideration of the complaint, the complainant might be invited to a meeting to discuss the complaint and fill in any details required. If you wish, you can ask someone to accompany you to help you explain the reasons for your complaint.
5. The Headteacher may also be accompanied by a suitable person if they wish.
6. Following the meeting, the chair of governors will, where necessary, talk to witnesses and take statements from others involved. If the complaint centres on a pupil, the school would talk to the pupil concerned and, where appropriate, others present at the time of the incident in question.
7. If the complaint is against a member of staff, it will be dealt with under the school's internal confidential procedures, as required by law.
8. Once the relevant facts have been established, a written response would be sent to the complainant. This will give a full explanation of the chair of governors' decision and the reasons for it.
9. If the complainant is dissatisfied with the outcome of the Stage 3 investigation and the school's findings, they could request to proceed to Stage 4, as described below. *Any request for an appeal should be made within 15 working days of the outcome of stage 3.*

Stage 4 - Consideration by a complaints review panel

1. If the concern has already been through Stages 2 and 3 and the complainant is not happy with the outcome, the Chair of Governors will instruct the Clerk to set up a complaints review panel to consider it. This is a **formal process**. *The Clerk will work to provide complaintant with two potential dates/times for the review panel meeting, these should be considered and responded to within five working days.*
2. The purpose of this arrangement is to give the complainant an opportunity to have their complaint heard in front of a panel of governors who have no prior knowledge of the details of the complaint and who can, therefore, consider it without prejudice.
3. The aim of a complaints review panel is to resolve the complaint and to achieve reconciliation between the school and the parent.

The complaints review panel operates according to the following formal procedures:

1. The clerk to the governing body will aim to arrange for the panel meeting to take place within **20 working days of notification**.
2. The complainant would be asked whether they wish to provide any **further written documentation** in support of their complaint. It can include witness statements, or the complainant could ask witnesses to give evidence in person. Any additional documents/evidence should be provided to the Clerk 10 clear days in advance of the meeting date.

3. The headteacher will prepare a **written report** for the panel. Other members of staff directly involved in matters raised will also be asked to prepare reports or statements.
4. The clerk will inform the parent, headteacher or any relevant witnesses and members of the panel by letter, at least **five working days** in advance of the meeting. All parties will receive the same written documentation. The complainant is entitled to be accompanied to the meeting. With the agreement of the chair of the panel, the headteacher may invite **members of staff** directly involved in matters raised by the complainant to attend the meeting.
5. No evidence or witnesses **previously undisclosed** should be introduced into the meeting by any of the participants. If either party wishes to do so, the meeting will be adjourned so that the other party has a fair opportunity to consider and respond to the new evidence.
6. The chair of the panel will ensure that the meeting is properly **minuted**. The complainant can request a copy of the minutes, this is at the panel's discretion.
7. During the meeting, you can expect there to be opportunities for:
 4. you to explain your complaint;
 5. you to hear the school's response from the headteacher;
 6. you to question the headteacher about the complaint;
 7. you to be questioned by the headteacher about the complaint;
 8. the panel members to be able to question you and the headteacher;
 9. any party to have the right to call witnesses (subject to the chair's approval) and all parties to have the right to question all witnesses;
 10. you and the headteacher to make a final statement.
8. In closing the meeting, the chair will explain that the panel will now consider its decision and that written notice of the decision will be sent to the headteacher and complainant **within ten clear days**. All participants other than the panel and the clerk will then leave.
9. The panel will then consider the complaint and all the evidence presented in order to:
 11. reach a unanimous, or at least a majority, decision on the complaint;
 12. decide on the appropriate action to be taken to resolve the complaint;
 13. recommend, where appropriate, to the governing body changes to the school's systems or procedures to ensure that similar problems do not happen again.
10. The clerk will send the complainant and the headteacher a written statement outlining the decision of the panel **within ten clear days** of the meeting.
11. Complainants who are dissatisfied with the way their complaint has been handled can refer them to the Department for Education. The department cannot re-investigate your complaint nor can they normally overturn any decisions made by the school. They only consider whether the school's statutory policies meet current education legislation and whether these policies have been adhered to. If the department finds fault with our policies or that we have failed to adhere to them, they may request that remedial action is taken.

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