



# Woolmore School

## SCHOOL POLICY

Name	Complaints Policy and Procedure
Agreed by	Headteacher
Date agreed	April 2022
Review Date:	April 2024

### **PART 1: POLICY**

#### **1. Policy Statement**

Woolmore School strives to provide a good education for all our children. The Headteacher and staff work hard to build positive relationships with all parents and carers. We welcome feedback on what parents and carers feel the school does well or what could be improved. We consider all feedback, whether positive or otherwise, carefully and will review our policies and practices accordingly.

We recognise that a parent, a member of the school community or a member of the wider community may sometimes wish to raise a specific concern or make a formal complaint. We shall advise anyone who approaches us with a concern or complaint what our policy and procedures are, and these will also be generally available on the school website and from the school office. The policy and procedures will be reviewed regularly and updated as necessary.

The school will give careful consideration to all concerns or complaints, dealing with them in a fair, open and honest manner and acting as swiftly as possible. We aim to resolve any complaint through dialogue and developing a mutual understanding. In all cases, we put the interests of the child above all else.

We treat all concerns and complaints seriously and courteously. In return, we expect parents and others who raise concerns or complaints to behave respectfully towards all members of the school community. In particular, any disagreement with the school should not be expressed inappropriately or in front of pupils.

Staff and governors will receive training in handling parental concerns and complaints as appropriate. This may be on an individual basis, or as a group activity for all staff, or for specific groups, such as the office staff or members of the governing body.

This policy does not cover complaints relating to the following areas which are covered by separate procedures:

- Admissions
- National Curriculum matters
- Religious Worship
- Special Educational Needs
- Allegations of abuse by staff
- Safeguarding issues
- Staff grievances
- Pupil exclusions

## **2. Definitions of concerns and complaints**

A concern is an expression of worry or doubt over an issue or incident made by someone who is looking for reassurance. Expressions of concern should be dealt with, as far as is possible, at the point of first contact. This is usually the class teacher. If it cannot be resolved at this stage, the teacher or person raising the concern should refer it to a more senior member of staff (usually the Phase Leader, Assistant Headteacher, Deputy Headteacher or Headteacher as appropriate), who will attempt to resolve the concern through discussion. All staff responding to a concern will exercise discretion in determining whether the problem is a normal, day to day, concern or should be dealt with as a formal complaint and will seek guidance from more senior colleagues if necessary and directing the person raising the concern to the policy and procedure for making formal complaints if appropriate.

A complaint is an expression of significant dissatisfaction, however made, by a person or persons with a legitimate interest in the school, and it concerns the practices or policies of the school; the conduct, action or omissions of members of staff employed at the school; or the quality of education received by a child. It must be directed to the Headteacher and will be dealt with formally.

For a complaint to be dealt with formally it should meet at least one of the following criteria:

- it is first hand;
- it relates to recent events;
- the events in question can be dated;
- there is independent corroboration of the allegations.

Complaints may be written or made orally. If made orally, the member of staff to whom the complaint is made must use their best endeavours to record what that complaint is.

The Headteacher and/or the Governing Body may refuse to consider a concern or a complaint if s/he or they believe that there is insufficient substance to the concern or complaint to warrant investigation of it.

## **3. Principles applied to dealing with concerns and complaints**

### **4.1 Third party providers**

The school is not responsible for any third party providers offering community facilities or services through the school premises or for any individual or body booking rooms in school to deliver their own events. The school expects these organisations to have their own complaints procedures in place.

### **4.2 Confidentiality**

Confidentiality is vital and school policies on confidentiality and data protection apply to the handling of concerns and complaints. All conversations and correspondence relating to a concern or complaint will be treated with discretion. Complainants have the right to know what use will be made of personal information and, accordingly, personal information will only be shared between staff on a 'need to know' basis.

A Complaints folder is stored on the school's Inclusion drive and the person who is dealing with the complaint is responsible for ensuring that material relating to the complaint is held in that folder. The information will be managed and retained in compliance with the school's data management policies.

#### **4.3 Governing body**

There are regulations that prescribe the role of governors in dealing with complaints. In general, the need to maintain a strategic overview, rather than a day-to-day operational involvement, is paramount, as is the need to provide an objective approach in the interest of the whole school community, i.e. parents as well as staff. Individual governors should not be drawn into the detail of specific complaints at an early stage as this may prejudice their role in any further stages of the complaints procedure. However, individual governors have the right, and responsibility, to refer any concerns of their own to the Headteacher or the Governing Body and/or to assist parents or staff in doing so too.

#### **4.4 Equal access, accompaniment and representation**

The School believes that all parents and members of the school and wider community should have equal access to the processes of raising concerns or complaints. In particular, the following points apply.

Any person raising concerns or making complaints will have the right to be accompanied or represented by a friend or relative at discussions and/or hearings and to present written or oral evidence, including material which has been prepared with the assistance of someone who is not a direct party to the concern or complaint.

Any meetings held during the process of making and dealing with concerns and/or complaints will be fully accessible. Such meetings will usually be held at the school or, if that is not possible, at a nearby and mutually agreed alternative venue.

If an interpreter is needed, the school and the person raising the concern or complaint will attempt to agree on a mutual interpreter, save that both have the right to have someone present at any meetings to interpret on their behalf.

At least seven days or five working days (whichever is the greater) notice will be given of meetings except in exceptional circumstances or when shorter notice is agreed by both parties.

#### **4.5 Complaints without substance**

The Headteacher and/or the Governing Body may refuse to consider a concern or a complaint if s/he or they believe that there is insufficient substance to the concern or complaint to warrant investigation of it.

#### **4.6 Vexatious complaints**

The Headteacher and/or the Governing Body may refuse to consider a concern or a complaint if it is readily apparent that the concern or complaint is entirely without merit and/or is of a frivolous and/or vindictive nature and/or is made with the intention of causing inconvenience to the school.

#### **4. Monitoring and review**

The Governing Body will review the Complaints Policy and Procedure every two years or more frequently if necessary and as soon as possible if any changes in legislation or local/national policy require a review.

Basic details of all formal complaints, including resolution, will be entered into a Complaints Log which will be reviewed by the Headteacher and the Senior Leadership Team periodically and by the Governing Body at least once a year. These reviews will assess:

whether the pattern of formal complaints suggests that any action needs to be taken to prevent a recurrence of any general problems; and

whether the Complaints Policy and/or Procedure should be revised.

This policy is made available to all parents, so that they can be properly informed about the complaints process.

## **1. Making a formal complaint**

A formal complaint should be made to the Headteacher, save that if the Headteacher is the subject of the complaint or is involved in the matter about which the complaint is being made the complaint should then be made to the Chair of Governors. Confidential correspondence for the Headteacher or the Chair of Governors can be handed in to the school office or an appointment to see the Headteacher or Chair of Governors can be made by the office staff.

A formal complaint may be made in writing or orally. The Headteacher or Governor receiving an oral formal complaint should record the substance of the complaint in writing at the time it is made and request that the person submitting the complaint provides a written version of their complaint as soon as possible.

The person receiving the formal complaint (Headteacher or Chair of Governors) will acknowledge it in writing (enclosing a copy of the Complaints Policies and Procedures) within three school days.

If the complaint is against a member of staff, it will be dealt with under the school's Procedures for Managing Allegations Against Staff.

## **2. Initial assessment of a formal complaint**

If the Headteacher believes that a complaint is without merit or is vexatious, s/he may refer it to the Chair of Governors. If the Chair of Governors believes that a complaint, referred by the Headteacher or received direct, is without merit or is vexatious, the Chair may write to the complainant and refuse to consider their complaint, stating the reasons why and enclosing a copy of the Complaints Policy and Procedures. The Complainant may appeal against this decision to a committee of three governors (not including the Chair) who are not directly involved in the subject matter of the complaint. If the appeal is upheld by the committee, the complaint will be heard.

The Headteacher or Chair of Governors may appoint themselves or choose to nominate an appropriate member of staff or Governor to act as the investigator for the complaint.

## **3. Stage one**

The investigator may be accompanied by a colleague or member of the Governing Body if they wish.

The investigator may invite the complainant to a meeting to obtain further information.

The investigator may speak to any witnesses or other relevant people, including pupils. Anyone being spoken to as part of the investigation may be accompanied by a friend or relative, provided they are not likely to be interviewed themselves.

Any pupils who are involved in the investigation will be accompanied by a parent or carer or relevant adult during any discussion unless this would delay the investigation of a serious or urgent complaint, or where a pupil has specifically said that he or she would prefer the parent or carer not to be involved. In such circumstances, we will

ensure that another member of staff, who is not otherwise involved with the complaint and with whom the pupil feels comfortable, is present.

Written statements or written answers to questions may be obtained from anyone spoken to during the investigation.

The investigator will keep a written record of all meetings and telephone conversations, which will be dated and signed, and other related documentation. The information will be held in accordance with the school's data management policies.

Once the investigation is finished, the investigator will decide whether the complaint should be upheld or rejected and what action, if any, the school will take in response.

The investigator will write to the complainant with:

- their decision on the complaint;
- an explanation of why this conclusion was reached;
- notice of any action which will be taken;
- a further copy of the Complaints Policy and Procedure;
- an invitation for the complainant to discuss the decision with the investigator.

The complainant should receive this letter within fifteen school days of making the complaint, but if the investigation takes longer, the investigator will write to the complainant within fifteen school days explaining the reason for the delay and giving a new estimate of when a full response will be provided.

The complainant may appeal against all or part of the decision of the investigator, provided that any such appeal is made within fourteen days of the decision being sent to the complainant. Any appeal will be handled in accordance with Stage 2 of these procedures.

The investigator will store the written record of the investigation safely until an appeal has been made or the appeal deadline has passed. If no appeal is made against the decision before the deadline, the complaint will be considered closed. At that point the investigator will enter the conclusion of the complaint in the Complaints Log and ensure that the written record of the investigation is retained in accordance with the school's data management policies.

#### **4. Stage 2 (Appeal)**

A formal appeal should be made in writing to the Chair of Governors or, if the appeal is against a decision of the Chair of Governors investigating a complaint against the Headteacher, it should be made to the Vice-Chair of Governors. The appeal should be handed in to the school office, marked confidential and for the attention of the appropriate person.

The Chair or Vice-Chair will acknowledge the appeal in writing (enclosing a copy of the Complaints Policies and Procedures) within three school days. If neither Governor is available, the appeal will be acknowledged by the Clerk of the Governing Body.

The appeal will be considered by an ad hoc panel of three members of the Governing Body who have not had involvement with the matter at an earlier stage and who reflect, as far as possible, a cross section of the Governors. The Panel will usually include the Chair of Governors or Vice-Chair of Governors but if it does not the Panel should appoint a Panel Chair from among its numbers.

The panel will be provided with copies of the complaint and the written record of the investigation (including all documentation which formed part of the complaint). The panel will meet to review the documentation relating to the complaint and the investigation of it. The panel will ask the complainant or the investigator if they wish to submit further written information for the panel to consider and may invite either party to meet them to answer questions. The panel will give the parties at least five school days' notice of the deadline by which information should be submitted or of the date of any meeting they could attend. Any party may be accompanied by a friend or relative at any meeting and may be assisted with providing further written information. Any party will have the opportunity to examine and comment on any further written evidence or hear and question any oral evidence provided to the appeals panel.

The panel will keep a written record of its meeting which will include substantive facts but not detail of its discussions. This will be added to the record of the complaint and will be held in accordance with the school's data handling policies.

Once the investigation is finished, the panel will deliberate in private and then decide whether the appeal should be upheld or rejected and what action, if any, the school will take in response.

The Panel Chair will write to the complainant and the investigator of the original complaint with:

- their decision on the appeal;
- an explanation of why this conclusion was reached;
- notice of any action which will be taken;
- a further copy of the Complaints Policy and Procedure.

The parties should receive this letter within fifteen school days of submitting the complaint, but if the Panel's deliberations take longer, the Panel Chair will write to the complainant within fifteen school days explaining the reason for the delay and giving a new estimate of when a full response will be provided.

The Panel Chair will store the written record of the Panel's work safely and in accordance with the school's data management policies until an appeal to the DfE has been made or the appeal deadline has passed. If no appeal is made against the decision before the deadline, the complaint will be considered closed. At that point the investigator will enter the conclusion of the complaint in the Complaints Log and ensure that the written record of the investigation is retained in accordance with the school's data management policies.

## **5. Stage three (DfE)**

If, at the conclusion of an appeal, a complainant believes that the complaint has not been dealt with properly, s/he can write to the Department for Education or any subsequent Department which the Government may set up to deal with the management of schools.

## **6. Miscellaneous further issues**

### **6.1 Complaints made directly to the Governing Body**

Any complaint made about a member of the Governing Body should be made to the Chair of Governors or, in the event that the complaint is about the Chair of Governors, it should be made to the Vice-Chair of Governors. It will then be investigated by the Chair of Governors or Vice-Chair of Governors who will do so in the spirit of the above procedures.

### **6.2 Complaints received anonymously**

Complaints that are made anonymously will be handled at the discretion of the Headteacher, save that if a complaint is made about the Headteacher it will be handled at the discretion of the Chair of Governors. If the Headteacher or Chair of Governors decides to deal with an anonymous complaint, the matter will be handled, as far as is possible, in the spirit of these procedures.

### **6.3 Complaints received by petition**

Complaints received by petition will be dealt with under these procedures. The petitioners will be asked to nominate one of their number to act as the complainant and who will receive correspondence on behalf of the petitioners. If it is not clear who the petitioners are, the complaint will be treated as an anonymous complaint.

### **6.4 Complaints raising issues of the safeguarding and protection of children**

Any complaint or appeal which, in whole or in part, raises issues of the safeguarding and/or protection of children will be dealt with, in whole or in part, under the school procedures for dealing with issues which affect the safeguarding or protection of children. This may involve a referral to the London Borough of Tower Hamlets Safeguarding Children Board without further notice.

### **6.5 Data Protection**

A Complaints folder is stored on the school's Inclusion drive and the person who is dealing with the complaint is responsible for ensuring that material relating to the complaint is held in that folder. Basic information about the complaint should be recorded in the central Complaints Log. A new folder should be opened for each complaint and all material should be held in that folder, with written material being scanned in (and the original being destroyed).