

# Windsor Learning Partnership: Complaints policy

## Key points and summary

1. Windsor Learning Partnership takes all concerns or complaints seriously. Taking informal concerns seriously at the earliest stage reduces the numbers of formal complaints and reflects the commitment to working effectively with all members of the community.
2. This policy will be operated by each school that is part of Windsor Learning Partnership. References to 'Headteacher' means the Headteacher of the school that is the subject of the complaint, and references to 'Governor' means any member of the Local Governing Body of that school.
3. This policy aims to ensure that:
  - as far as possible all concerns should be dealt with as informally as possible.
  - all complaints are dealt with as quickly and sensitively as possible, and by the person best able to do so;
  - where a formal process is required, the steps involved are clearly outlined
  - individuals are aware of their responsibilities
4. The emphasis is to understand, investigate and resolve the complaint as early as possible.
5. The formal process has three stages:
  - a. Complaint heard by a member of staff
  - b. Complaint heard by an appropriate member of senior staff appointed by the Headteacher
  - c. Complaint heard at a Panel Hearing that includes at least one person who is independent of the management and running of the school
6. The policy includes information about how a complaint can be made to the Education Funding Agency (EFA) regarding either this complaints policy or if the school is not complying with its Funding Agreement.

Approved by: Board of Trustees

Approved on: **INSERT DATE**

Review date: **INSERT DATE**

Responsibility for review: Chief Executive to recommend to Board of Trustees

## 1. Introduction and statement of intent

1. The School takes all concerns or complaints seriously. Taking informal concerns seriously at the earliest stage reduces the numbers of formal complaints and reflects the commitment to working effectively with all members of the community.
2. This policy aims to ensure that:
  - as far as possible all concerns should be dealt with as informally as possible.
  - all complaints are dealt with as quickly and sensitively as possible, and by the person best able to do so;
  - where a formal process is required, the steps involved are clearly outlined
  - people are aware of their responsibilities

## 2. Scope and applicability

3. This policy applies to all complaints received by the school, irrespective of who makes the complaint. This policy therefore applies to complaints received from parents of students and to complaints from any other individual.
4. This policy applies to all staff, governors, and trustees.

## 3. The policy

### Concerns and complaints

5. It is important to distinguish between a “concern” and a “complaint”. Most concerns can be made informally to the initial member of staff and be resolved without the need to go through the formal complaint procedures. Initial concerns should be made with the school as soon as possible to allow for a proper investigation if the need should arise.
6. A concern may arise (for example)
  - from uncertainty regarding the application of school rules or disciplinary procedures
  - from misunderstanding or misrepresentation of an incident which has taken place inside or outside the classroom
  - where a parent believes that their child has been misunderstood or treated unfairly and feels it necessary to raise the matter so that steps may be taken to restore goodwill
  - where a parent believes that their child is being bullied or has suffered some form of discrimination and brings the matter to the school’s notice so that action can be taken to prevent a recurrence
7. Concerns should normally be raised with the member of teaching staff most directly involved in the situation giving rise to the concern. Parents will appreciate that it is helpful if a concern is expressed as soon as possible after the relevant incident. The staff member will respond as soon as practicable, and in any case within three working days.
8. A complaint may arise (for example)
  - when an individual has previously raised a concern and is not satisfied with the response offered
  - where an individual has serious disquiet over an incident that has taken place or a decision made in the school and believes the school has fallen short of appropriate standards.
9. Complaints should be recorded, either by the individual (writing to the Headteacher or completing the Complaint Form at the end of this document for instance), or by a member of

staff following a Stage 1 meeting with the individual. Note – if the complaint concerns the Headteacher any correspondence should be addressed to the Chair of Governors.

10. All complaints, including all Complaint Forms, will be held by the Headteachers' PA.

11. All correspondence and material relating to a complaint is confidential.

#### **Investigating complaints**

12. The person investigating the complaint will make sure that they:

- establish what has happened so far, and who has been involved;
- clarify the nature of the complaint and what remains unresolved;
- meet with the complainant or contact them (if unsure or further information is necessary);
- clarify what the complainant feels would put things right;
- interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish;
- conduct the interview with an open mind and be prepared to persist in the questioning; and
- keep notes of the interview.

#### **Resolving complaints**

13. At each stage in the procedure the person attempting to resolve the complaint will keep in mind ways in which a complaint can be resolved. It might be sufficient to acknowledge that the complaint is a valid complaint (in whole or in part) without admitting liability. In addition, 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; and
- an undertaking to review School policies in light of the complaint.

14. Complainants will be encouraged to state what actions they feel might resolve the problem at any stage. An admission that the School could have handled the situation better is not the same as an admission of negligence.

15. At all stages those hearing the complaint will attempt to identify areas of agreement between the parties, and to clarify any misunderstandings that might have occurred in order to create a positive atmosphere in which to discuss any outstanding issues.

16. At any stage the Headteacher is able consider whether a complaint is vexatious, unreasonably persistent, or whether the complainant has engaged or is engaging in unreasonable behaviour in accordance with section 7 of this policy. If the Headteacher considers that the provisions of section 7 apply they may act accordingly to ensure any legitimate complaint is appropriately investigated while ensuring that any unreasonable elements or behaviour is managed.

## **4. Stages of complaint**

#### **Stage 1: Complaint heard by a member of staff**

17. It is the interests of everyone 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 their complaint will escalate.

18. Staff need to be sensitive to any potential actual or perceived conflicts of interest or difficulties of a particular member of staff being involved in hearing and investigating the complaint.
19. To ensure clarity of understanding, a Complaint Form needs to be completed. This ensures that there is no conflict in determining what the complain consists of and the action taken by members of staff.
20. The member of staff hearing the complaint needs to ensure that they have investigated it appropriately.
21. The member of staff hearing the complaint will respond to the complainant in writing.
22. It is normally expected that complaints will be acknowledged within three working days, and the Stage 1 process completed within ten school days. If it is clear that the process is going to take longer than this, the reasons for this should be explained to the complainant.
23. If the complaint is resolved, the member of staff should complete the Complaints Form and pass this to the Headteacher's PA for retention alongside their written response to the complainant.
24. If the complaint is not resolved, the Complaint Form should be completed and passed to the Headteacher who will determine which senior member of staff should be involved in Stage 2.

**Stage 2: Complaint heard by appropriate senior member of staff appointed by the Headteacher**

25. The designated senior member of staff will consider both the original complaint and the process followed during Stage 1.
26. The designated senior member of staff may formally reject a complaint if, in their judgment, the complaint –
  - Was received too long after the alleged incident for realistic investigation to take place;
  - Does not identify specific actions or incidents that are capable of being investigated;
  - Refers only to issues that have already been determined;
  - Raises only to minor matters that should have been resolved in discussion with the staff member involved.
27. The designated senior member of staff will put their judgement and rationale, including details of the process followed, in writing to the complainant.
28. It is normally expected that the Stage 2 process would be completed within ten school days of the Headteacher initiating Stage 2. If it is clear that the process is going to take longer than this, the reasons for this should be explained to the complainant.
29. If the complaint is resolved, the Complaints Form should be completed and passed to the Headteacher's PA for retention.
30. If the complaint is not resolved, the complainant has the option of seeking a Panel Hearing in Stage 3.

**Stage 3: Panel Hearing**

31. The complainant should write to the Chair of the Local Governing Body giving their rationale for why the Stage 2 process failed to resolve their complaint and why they want a Panel Hearing.
32. The Chair of the Local Governing Body may reject the request for a Panel Hearing if, in their judgment, the request:

- Is Vexatious; and / or
  - Refers only to issues that have already been reasonably determined and with no reasonable basis (such as new information) upon which a Panel Hearing could reach a different decision.
33. The Chair of the Local Governing Body, or a nominated Governor, will convene a Panel Hearing. This Panel will comprise at least three individuals, none of whom will have been directly involved in previous consideration of the complaint. At least one member of the Panel will be independent of the management and running of the school and at least one member of the Panel will be a Governor. The panel will have the powers to determine the complaint.
34. Any Governors who were part of the Panel Hearing would not be part of any panel that was subsequently required for a disciplinary hearing regarding a member of staff following a serious complaint.
35. The complainant is able to attend the Panel Hearing, and may be accompanied by one other individual at the Panel Hearing (and if the complainant is a child, they may be accompanied by their parent(s) and another person).
36. The Panel Hearing should be heard within 10 school days of the Chair of the Local Governing Body receiving notice of the complaint progressing to Stage 3, ensuring that the complainant is given reasonable notice and that reasonable endeavours are made to arrange a time that the complainant can attend.
37. The Panel Hearing will be heard in private, will give careful consideration to the substance of the complaint, consider all the views expressed, and decide the outcome.
38. The panel can:
- Dismiss the complaint in whole or in part
  - Uphold the complaint in whole or in part
  - Decide on appropriate action to resolve the complaint; or
  - Recommend changes to the school's systems or procedures.
39. The decision of the panel is binding. The decision must be communicated within three working days of the hearing.

## **5. Responsibilities under the policy**

### **Local Governing Body**

40. The Local Governing Body is responsible for:

- establishing the Panel Hearing for Stage 3; and
- monitoring the level and nature of complaints and reviewing the outcomes and associated lessons to learn annually or earlier if so determined by the Chair.

41. The Chair of the Local Governing Body is responsible for:

- receiving complaints at Stage 3 of the complaints procedure;
- nominating the individuals for the Panel Hearing in Stage 3 and ensuring that it includes one person who is independent from the management and running of the school; and
- checking that the correct procedure is followed.

42. The Chair of the Panel at Stage 3 is responsible for ensuring that:

- the parties understand the procedure;
- the issues are addressed;

- key findings of fact are established;
- complainants are put at ease;
- the hearing is conducted as informally as possible;
- the panel is open-minded and acts independently;
- no member of the panel has a vested interest in the outcome, or has been involved in the issues previously;
- all parties have the chance to be heard;
- any written material is seen by all parties; and
- related Child Protection and Data Protection rules are observed and maintained.

#### **Headteacher**

43. The Headteacher is responsible for:

- the overall internal management of the procedures;
- Identifying who will hear complaints at Stage 2 of the procedure;
- ensuring that the procedures are monitored and reviewed and reports made to the Local Governing Body and / or Board of Trustees as appropriate.

#### **Headteacher's PA**

44. To maintain records of all complaints received by the school

#### **All staff**

45. All staff are responsible for:

- listening to any concerns brought to them by parents and students;
- reassuring them that they will be dealt with as soon as possible by the appropriate member of staff;
- for informing the relevant staff of the concerns being raised; and
- passing any complaints received from other people who are not parents or students to the Headteacher's PA.

## **6. Complaints about the school to the Education Funding Agency (EFA)**

46. Individuals are able to complain to the EFA where:

- where there is undue delay or the academy did not comply with its own complaints procedure when considering a complaint
- where the academy is in breach of its funding agreement with the Secretary of State
- where an academy has failed to comply with any other legal obligation

47. The EFA usually expects complainants to have made their complaint directly to the school first in accordance with the schools' own policy.

48. The EFA can be contacted online via the link to the 'schools complaint form' from this webpage: <https://www.gov.uk/government/publications/setting-up-an-academies-complaints-procedure/putting-in-place-a-complaints-procedure>

## **7. Vexatious and abusive complaints**

49. The school takes its responsibilities to investigate concerns and complaints seriously and will do so professionally.
50. The school does not expect staff to tolerate unacceptable behaviour by complainants, which would include behaviour which is abusive, offensive or threatening.
51. The school defines unreasonably persistent and vexatious complainants as those complainants who, because of the frequency or nature of their contacts with the school, hinder the ability to investigate their original complaint. The description 'unreasonably persistent' and 'vexatious' may apply separately or jointly to a particular complainant.
52. An unreasonably persistent and/or vexatious complainant may:
- have insufficient or no grounds for their complaint, or refuse to specify the grounds for their complaint, and appear to be making the complaint only to annoy or for undeclared reasons;
  - refuse to co-operate with the complaints investigation process;
  - refuse to accept that issues are not within the power of the school to investigate, change or influence;
  - make what appear to be groundless complaints about the staff dealing with the complaint(s);
  - make an unreasonable number of contacts with the school, by any means, about the complaint;
  - make persistent and unreasonable demands or expectations of staff and/or the complaints process;
  - harass, abuse, or otherwise seek to intimidate staff dealing with their complaint;
  - raise subsidiary or new issues during the investigation;
  - introduce trivial or irrelevant new information and expect this to be taken into account;
  - change the substance or basis of the complaint without reasonable justification;
  - deny statements he or she made at an earlier stage;
  - electronically record meetings and conversations without the prior knowledge and consent of the other person involved;
  - refuse to accept the outcome of the complaint process after its conclusion and/or denying that an adequate response has been given;
  - make the same complaint repeatedly, perhaps with minor differences, and insist that the minor differences make these 'new' complaints which should be put through the full complaints procedure;
  - persistently approach the school through different routes about the same issue; and
  - combine some or all of these features
53. If there is either unacceptable behaviour and / or unreasonably persistent and / or vexatious complaints, the Headteacher.
- Will ensure that any legitimate complaint is being investigated and progressed in accordance with this policy; and
  - May impose such restrictions on the complainant's contact with the school as are appropriate and proportionate and inform the complainant of the restriction and the time that it will continue for as well as the reason for the restriction.

## **8. Appendices**

Appendix One: Complaint Form

# Windsor Learning Partnership: Complaint form

Please complete and return to the Headteacher's PA who will acknowledge receipt and explain what action will be taken.

Your Name:	
Student's Name:	
Your relationship to the student:	
Address:	
Daytime phone number:	
Evening phone number:	
Mobile phone number:	
Please give details of your complaint:	
What action, if any, have you already taken to try and resolve the complaint? Who did you speak to and what was the response?	
What actions do you feel might resolve the problem at this stage?	
Are you attaching any paperwork? If so, please give details:	
Signature	
Date	

<b>School use only</b>	
Date acknowledgement sent:	
Who sent acknowledgement:	
Signature	
Please complete the following, acknowledge the stages of the complaints procedure that have been followed and make any comments as necessary	
Stage 1 (complaint heard by staff)	Date: Signature:
Stage 2 (complaint heard by senior member of staff)	Date: Signature:
Stage 3 (Panel Hearing)	Date: Signature: