



Committed to Excellence, Equality and Enjoyment

Wykeham Primary School

# Complaints Policy

Following DfE Best Practice Advice for School  
Complaints – January 2016

Updated: December 2016

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# Wykeham Primary School

## Complaints Policy

Wykeham Primary School is committed to safeguarding and promoting the welfare of children as we believe that this is of paramount importance. We expect all staff and volunteers to share this commitment.

We uphold the rights of everyone to equality under the law regardless of gender, age, race, belief, ability or disability, sexual orientation or identity.

We believe that our core school values of respect, responsibility, tolerance and co-operation and the British values are not mutually exclusive. We focus on ensuring our work is effective in securing these values; challenging children, staff and parents who express opinions contrary to the British values with regard to our duty to prevent extremism and radicalisation.

### **1. Complaints Policy and Procedure**

- 1.1.** In accordance with Section 29 of the Education Act 2002, this policy makes available a procedure to deal with all complaints relating to school and to any community facilities or services that the school provides.
- 1.2.** Wykeham Primary School values comments from parents/carers. As a school we always strive to develop effective partnerships and take complaints or concerns very seriously.
- 1.3.** A distinction is drawn between concerns and complaints. A 'concern' is defined as 'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'. A 'complaint' is generally defined as 'an expression of dissatisfaction however made, about actions taken or a lack of action'.
- 1.4.** It is in everyone's interest that complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to invoke formal procedures. The school will take informal concerns seriously and make every effort to resolve the matter as quickly as possible. There are occasions when complainants would like to raise their concerns formally. In those cases, the school's formal procedure will be invoked through the stages in the complaints procedure.
- 1.5.** Any person, including members of the general public, may make a complaint about any provision of facilities or services that the school provides, unless separate statutory procedures apply (such as exclusions or admissions).

### **2. Roles and Responsibilities.**

#### **2.1. The Complainant.**

The complainant or person who makes the complaint will receive a more effective response to the complaint if:

- he/she co-operates with the school in seeking a solution to the complaint;
- expresses the complaint in full as early as possible;
- responds promptly to requests for information or meetings or in agreeing the details of the complaint;
- asks for assistance as needed;
- treats all those involved in the complaint with respect.

## **2.2. The Complaints Co-ordinator.**

The Complaints Co-ordinator will:

- ensure that the complainant is fully updated at each stage of the procedure;
- ensure that all people involved in the complaint procedure will be aware of the legislation around complaints including the Equality Act 2010, Data Protection Act 1998 and Freedom of Information Act 2000;
- liaise with staff members, Headteacher, Chair of Governors and Clerk to ensure the smooth running of the complaints procedure;
- keep records;
- be aware of issues regarding sharing third party information and additional support.

## **2.3 The Investigator.**

The Investigator is the person involved in Stage 1 of the procedure. The Investigator's role can include:

- providing a comprehensive, open, transparent and fair consideration of the complaint through:
  - sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved;
  - consideration of records and other relevant information;
  - interviewing staff and children and other people relevant to the complaint;
  - analysing information;
- effectively liaising with the complainant and the complaints co-ordinator as appropriate to clarify what the complainant feels would put things right;
- identifying solutions and recommending courses of action to resolve problems;
- being mindful of the timescales to respond;
- responding to the complainant in plain and clear language.

The person investigating the complaint should make sure that they:

- conduct interviews with an open mind and be prepared to persist in the questioning;
- keep notes of interviews or arrange for an independent note taker to record minutes of the meeting.

## **2.4 The Panel Clerk.**

The Clerk is the contact point for the complainant for the panel meeting and will be expected to:

- set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible;
- collate any written material and send it to the parties in advance of the hearing;
- meet and welcome the parties as they arrive at the hearing;
- record the proceedings;
- circulate the minutes of the panel hearing;
- notify all parties of the panel's decision;
- liaise with the Complaints Co-ordinator.

The Panel Chair has a key role in ensuring that:

- the meeting is minuted;
- the remit of the panel is explained to the complainant and both they and the school have the opportunity of putting their case without undue interruption;
- the issues are addressed;
- key findings of fact are made;
- parents/carers and others who may not be used to speaking at such a meeting are put at ease – this is particularly important if the complainant is a child;
- the meeting is conducted in an informal manner with everyone treated with respect and courtesy;
- the layout of the room will set the tone – care is needed to ensure the setting is informal and not adversarial;
- the panel is open-minded and acts independently;
- no member of the panel has an external interest in the outcome of the proceedings or any involvement in an early stage of the procedure;
- both the complainant and the school are given the opportunity to state their case and seek clarity;
- written material is seen by everyone in attendance – if a new issue arises it would be useful to give everyone the opportunity to consider and comment upon it and may require a short adjustment in timing of the hearing;
- liaise with the Clerk and Complaints Co-ordinator

### **3. Raising a Concern or Complaint**

#### **3.1 Informal Stage/Stage 1**

- Parents can raise concerns by contacting their child's class teacher or the Headteacher. This should be by letter, or by telephone or email via the school office (0208 450 8425 or [admin@wykeham.brent.sch.uk](mailto:admin@wykeham.brent.sch.uk)) or in person by appointment.
- Many concerns can be resolved by simple clarification or the provision of information and it is anticipated that most complaints will be resolved at this informal stage. The complainant will be asked at the earliest stage what they think might resolve the issue. If your

complaint remains unresolved, it should be raised with the Headteacher (or to the Chair of Governors, if the complaint is about the Headteacher) to investigate and respond to you.

- In the case of serious concerns it may be appropriate to address them directly to the Headteacher (or to the Chair of Governors, if the complaint is about the Headteacher).
- The school will endeavour to give a prompt feedback in response to any complaint received.
- If you are uncertain about who to contact, please seek advice from the school office or the Clerk to the Governing Body.

#### **4. Formal Stage/ Stage 2**

- 4.1.** If your concern or complaint is not resolved at the informal stage you must put the complaint in writing and pass it to the Headteacher (or to the Clerk to the Governing Body, for the attention of the Chair, if the complaint is about the Headteacher), who will be responsible for ensuring that it is investigated appropriately. You should include details which might assist the investigation, such as names of potential witnesses, dates and times of events, and copies of relevant documents. You may choose to use the Formal Complaints Form in Appendix 2. It is very important that you include a clear statement of the actions that you would like the school to take to resolve your concern. Without this, it is much more difficult to proceed. Please pass the completed paperwork, in a sealed envelope to the Headteacher or to the Clerk to the Governing Body, as appropriate. The Headteacher (or Chair) may invite you to a meeting to clarify your concerns and to seek an informal resolution. If you accept that invitation, you may be accompanied, by a friend (not a member of the legal profession or the media) if you wish, to assist you in explaining the nature of your concerns.
- 4.2.** It is possible that your complaint will be resolved through a meeting with the Headteacher [or Chair]. If not arrangements will be made for the matter to be fully investigated, using the appropriate procedure. In any case you should learn in writing, usually within 10 working days of the school receiving your formal complaint, how the school intends to proceed. This notification should include an indication of the anticipated timescale. Any investigation will begin as soon as possible and when it has been concluded, you will be informed in writing of its conclusion.
- 4.3.** If you are not happy with the response provided by the Headteacher [or Chair to Governors] the complaint can be referred to the Governing Body for review. Any such request must be made in writing to the Clerk to the Governing Body, within 10 school days of receiving notice of the outcome, and include a statement specifying any perceived failures to follow the procedure. The procedure described below will be followed.

Complaints need to be considered and resolved as quickly, and efficiently as possible.

- 4.4. A dissatisfied complainant will always be given the opportunity to complete the complaints procedure in full.
- 4.5. Complaints against the Headteacher are usually first dealt with by the Chair of Governors. Complaints against the Chair of Governors or any individual governor should be made by writing to the Clerk of the Governing Body.

## **5. Recording Complaints**

- 5.1. Schools must ensure that they comply with their obligations under the Equality Act 2010. It is common practice to ask for complaints to be made by using a complaint form or in writing, however the complainant may have communication preferences due to disability or learning difficulties and schools must allow alternative methods of contact:
- 5.2. A complaint may be made in person, by telephone, or in writing. In order to prevent any later challenge or disagreement over what was said, brief notes of meetings and telephone calls are kept and a copy of any written response added to the record. Where there are communication difficulties, schools may wish to use recording devices to ensure the complainant is able to access and review the discussions at a later point;
- 5.3. Schools will record the progress of the complaint and the final outcome. The Headteacher should be responsible for these records and hold them centrally.
- 5.4. Schools should be aware that complainants have a right to copies of these records under the Freedom of Information and Data Protection Acts.
- 5.5. Complaints will not be shared with the whole Governing Body, except in very general terms, in case an appeal panel needs to be organised. If the whole Governing Body is aware of the substance of a complaint before the final stage has been completed, the school will arrange for an independent panel to hear the complaint. A different school may be asked to help or the local Governor Services team at the LA.
- 5.6. A complainant has the right to request an independent panel, if they believe there is likely to be bias in the proceedings. The School will consider the request but ultimately, the decision is made by the governors.
- 5.7. Panel Member Panellists will need to be aware that: it is important that the review panel hearing is independent and impartial, and that it is seen to be so. No governor may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it. The aim of the hearing, which will be held in private, will always be to resolve

the complaint and achieve reconciliation between the school and the complainant;

- 5.8. If the child is the complainant, the panel will ask in advance if any support is needed to help them present their complaint. Where the child's parent is the complainant, the panel will give the parent the opportunity to say which parts of the hearing, if any, the child needs to attend.
- 5.9. The parent will be advised however that agreement might not always be possible. If the parent wishes the child to attend a part of the meeting which the panel considers not to be in the child's best interests. The welfare of the child is paramount. Children will be interviewed in the presence of another member of staff, or in the case of serious complaints (e.g. where the possibility of criminal investigation exists) in the presence of their parents/carers. However, it might not always be possible to conduct an interview in case it prejudices a Designated Officer (was LADO) or police investigation. Care will be taken in these circumstances not to create an intimidating atmosphere. Children will be told what the interview is about and that they can have someone with them.
- 5.10. Where the Headteacher's investigation reveals misconduct by a member of staff, it will be dealt with by the Headteacher under disciplinary procedures. Where the complaint cannot be resolved by the Headteacher to the satisfaction of the complainant, he/she should be asked to put the complaint in writing to the Chair of Governors who will seek to resolve the complaint by investigating the matter.
- 5.11. The Chair of Governors will interview the Headteacher to see what actions he/she has undertaken to resolve the problem. The Chair of Governors may also interview others he/she considers necessary and consider written submissions as appropriate. The Chair of Governors will propose a resolution of the complaint in writing to the complainant. If the complaint has not been resolved the parent will be advised of their right to make a formal complaint which will be heard by a committee of governors, acting on behalf of the Governing Body drawn from the membership of the 'First Committee'. The committee must decide whether the Headteacher and/or Chair of Governors carried out a proper investigation or that there should be a reinvestigation of the complaint. The decision of the committee is final and there will be no further steps in the process. Some complaints fall outside the school's complaints procedure, for example, staff grievances or disciplinary procedures (see: Appendix 1 Complaints not in Scope)

## **6. Serial and Persistent Complainants**

- 6.1. Wykeham Primary School will do its best to be helpful to people who raise a complaint or concern or a request for information. However, in cases where the school is contacted repeatedly by an individual making the same points, or who asks them to reconsider their position, the schools will follow an appropriate protocol.

- 6.2.** If a complainant tries to re-open the same issue, the Chair of Governors can inform them that the procedure has been completed and that the matter is now closed.
- 6.3.** If the complainant contacts the school again on the same issue, then the correspondence may be viewed as 'serial' or 'persistent' and the school may choose not to respond. More information about dealing with vexatious requests for information is available on the Information Commissioner's Office (ICO) website.
- 6.4.** Under no circumstances should an individual be marked as serial for exercising their democratic right to refer their complaint to their local MP regardless of which stage the complaint has reached. The application of a 'serial or persistent' marking will be against the subject or complaint itself rather than the complainant.
- 6.5.** The decision to stop responding will never be taken lightly. The school may take the decision to stop responding when the school has taken into account the following:
- taken every reasonable step to address the complainant's needs;
  - the complainant has been given a clear statement of the school's position and their options (if any);
  - they are contacting the school repeatedly but making substantially the same points each time.
- If the school has decided that it is appropriate to stop responding to the complainant, the complainant will be informed by letter.
- 6.6.** Wykeham Primary School is committed to dealing with all complaints fairly and impartially, and to providing a high quality service to those who complain. We will not normally limit the contact complainants have with the school. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening. Whenever possible, the Headteacher or Chair of Governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.
- 6.7.** If the behaviour continues the Headteacher will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact the school causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after 6 months. In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. This may include banning an individual from the school.
- 6.8.** Although fulfilling a public function, schools are private places. The public has no automatic right of entry. The Headteacher will therefore act to ensure the school remains a safe place for pupils, staff and other members of their community. The decision to bar will then be reviewed,

taking into account any representations made by the parent, and either confirmed or lifted. If the decision is confirmed the parent will be notified in writing, explaining how long the bar will be in place. Anyone wishing to complain about being barred can do so, by letter or email, to the Headteacher or Chair of Governors. However, complaints about barring cannot be escalated to the Department for Education. Once the school's own complaints procedure has been completed, the only remaining avenue of appeal is through the Courts; independent legal advice must therefore be sought.

## **7. Monitoring and Review.**

- 7.1.** The Governors monitor the complaints procedure, in order to ensure that all complaints are handled properly. The Headteacher logs all complaints received by the school and records how they were resolved. Governors examine this log on an annual basis.
- 7.2.** Information and feedback regarding the effectiveness of our policy across the school comes from a variety of sources including informal and formal reports from staff, parents, pupils and visitors; feedback from the School Council; feedback from classroom observations and from questionnaires from for parents, staff and pupils.
- 7.3.** The feedback from monitoring procedures will be used to evaluate the success of our strategies, to help us to make adjustment when necessary. It will also be used to identify good practice and to provide support and staff development where necessary.

## Appendix 1

### Complaints not in scope of the procedure

1. Admissions to schools
2. Statutory assessments of Special Educational Needs (SEN)
3. School re-organisation proposals
4. Concerns or matters likely to require a Child Protection Investigation should be raised direct with local authorities (LA). For school admissions, it will depend on who is the admission authority (either the school or the LA). Complaints about admission appeals for maintained schools are dealt with by the Local Government Ombudsman.
5. For complaints about Child Protection Conferences the Brent LSCB procedures will be followed, as outlined in the Child Protection Conference Complaints Procedure. Individual complaints should not be raised at a governors' meeting without prior warning. If the problem cannot be resolved, the matter should be referred to the Headteacher who will meet with the complainant and investigate the complaint with a view to seeking a mutually acceptable resolution of the problem.
6. Exclusion of children from school. Further information about raising concerns about exclusion can be found at: [www.gov.uk/schooldiscipline-exclusions/exclusions](http://www.gov.uk/schooldiscipline-exclusions/exclusions).
7. Whistleblowing Schools have an internal whistleblowing procedure for their employees and voluntary staff.
8. Other concerns can be raised direct with Ofsted by telephone on: 0300 123 3155, via email at: [whistleblowing@ofsted.gov.uk](mailto:whistleblowing@ofsted.gov.uk) or by writing to: WBHL, Ofsted Piccadilly Gate Store Street Manchester M1 2WD. The Department for Education is also a prescribed body for whistleblowing in education.
9. Staff grievances and disciplinary procedures. These matters will invoke the school's internal grievance procedures.
10. The Governing Body ensures that any third party providers offering community facilities or services through the school premises, or using school facilities, have their own complaints procedure in place.
11. Conflict between estranged parents over the application of parental responsibility will be addressed using advice from 'Understanding and Dealing with Issues Relating to Parental Responsibility' to properly approach issues concerning parental responsibility.

## Appendix 2 Formal Complaints Form

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

Your Name:	
Pupil's Name:	
Pupil's Class:	
Your relationship to the Pupil:	
Address:	
Postcode:	
Daytime Tel Number:	
Evening Tel Number:	
Please give details of your complaint here:	
What actions, if any, have you taken to try and resolve your complaint?	

What actions do you feel might resolve the problem?	
Are you attaching any paperwork?	
Signature:	
Date:	
<b>For Office Use only</b>	
Date acknowledgement sent	
Name of member of staff sending acknowledgment:	
Complaint referred to:	
Name of member of staff referring complaint:	
Date complaint referred:	