



Committed to Excellence, Equality and Enjoyment

Wykeham Primary School

Complaints Policy

Following DfE Best Practice Advice for School
Complaints – January 2016

Updated: November 2018

Presented and Agreed by Governors: February 2019

Signed by Co Chair of
Governors:

Signed by Headteacher:

Review Date: November 2020

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, religion, belief, ability, 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.

Wykeham Primary School has the highest regard for the safety of the children in our care and will carry out its duties to safeguard and promote the welfare of children at all times.

If any person, including parents (or carers) of pupils, or members of the public do, however, have a complaint, they can expect it to be treated by the School fairly and in accordance with this procedure.

The School aims to:

- Deal with complaints promptly;
- Resolve a complaint by informal means if possible;
- Be impartial;
- Ensure that a thorough investigation is carried out; and
- Provide redress where appropriate.

The School will make its complaints procedure available on its website. It will also ensure that anyone who requests it is sent a copy of this document.

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 the School and to any community facilities or services that the School provides.
- 1.2.** Wykeham Primary School values comments from parents, carers and members of the public (“the Complainant”). As a School we always strive to develop effective partnerships and we take complaints or concerns very seriously.
- 1.3.** A distinction is drawn between concerns and complaints. A ‘concern’ is “an expression of worry or doubt over an issue considered to be important for which reassurances are sought.” A ‘complaint’ is “an

expression of dissatisfaction however made, about actions taken or a lack of action.” If you have a concern, you should raise this with a member of staff and the School will endeavour to address all concerns informally and provide reassurance.

- 1.4.** A complaint may be made about the School as a whole, about a specific department or about an individual member of staff. Parents, carers and members of the public can be assured that all complaints will be treated fairly and confidentially. No child will be penalised for a complaint that parents raise in good faith.
- 1.5.** 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.
- 1.6.** Any person may make a complaint about the School and any provision of facilities or services that the School provides, unless separate statutory procedures apply (such as for statutory assessments of special educational needs; safeguarding; whistleblowing; staff grievances and/or disciplinary matters; school re-organisation proposals; exclusions; and/or admissions). If the complaint relates to third party providers offering services on the School premises, the Complainant must use the third parties own complaints procedure.

2. Roles and Responsibilities.

2.1. The Complainant

The Complainant 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; and
- treats all those involved in the complaint with respect.

2.2. The Headteacher (or complaints co-ordinator)

The Headteacher (or 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 2018 and Freedom of Information Act 2000;

- liaise with staff members, Chair of Governors and Clerk to ensure the smooth running of the complaints procedure; and
- keep records.

2.3 The Investigator

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; and
 - interviewing staff and children and other people relevant to the complaint.
- 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; and
- responding to the complainant in plain and clear language.

The Investigator should make sure that they:

- conduct interviews with an open mind and are prepared to persist in the questioning; and
- keep notes of interviews.

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; and
- notify all parties of the panel's decision.

2.5 The Panel Chair

The Panel Chair has a key role in ensuring that:

- 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; and
- written material is seen by everyone in attendance – if a new issue arises it may be useful to give everyone the opportunity to consider it and it may require a short adjournment.

3. Raising a Complaint - Timeframe

- 3.1** Complaints must be made within 3 months of the incident that gave rise to the complaint. The School will consider later complaints at its discretion only in exceptional circumstances.
- 3.2** All complaints will be acknowledged within two days if received during term time and as soon as practicable during holiday periods. The School's aim is to complete the first stage of the procedure within 7 days of receipt of the complaint and the second stage within a further 21 days if the complaint is lodged during term time and as soon as practicable during holiday periods.
- 3.3** The School will endeavour to complete the third stage of the procedure within a further 28 days if the appeal is lodged during term-time and as soon as practicable during holiday periods.

4. Informal Stage 1

- 4.1** The Complainant can raise a complaint by contacting their child's class teacher or the Headteacher. This should be by letter, or by telephone or email via the school office (admin@wykeham.brent.sch.uk or 0208 450 8425 or) or in person by appointment.
- 4.2** Many complaints 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.
- 4.3** 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).
- 4.4** The School will endeavour to give a prompt response to any complaint received in accordance with the above timescales.

- 4.5** If you are uncertain about who to contact, please seek advice from the school office or the Clerk to the Governing Body.

5. Formal Stage 2

- 5.1.** If your complaint is not resolved at the informal stage you must put the complaint in writing 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. If the complaint is about the Chair of Governors or any individual governor it should be made in writing to the Clerk to the Governing Body. 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 1. 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. 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 of Governors may invite you to a meeting to clarify your concerns and to seek a 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.
- 5.2.** If necessary arrangements will be made for the matter to be fully investigated. Where the investigation reveals misconduct by a member of staff, it will be dealt with by the Headteacher or Chair of Governors under disciplinary procedures.
- 5.3.** The School aims to complete the second stage within a further 21 days if this stage of the complaint is lodged during term time and as soon as practicable during holiday periods.
- 5.4.** 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 5 days of receiving notice of the outcome, and include a statement specifying any perceived failures to follow the procedure.

6 Formal Stage 3

- 6.1** If the Complainant refers the complaint to the governing body for review, it will be heard by a panel of governors, acting on behalf of the Governing Body drawn from the membership of the 'First Committee' made up of [3] governors. The Panel hearing is independent and impartial. No governor may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it.
- 6.2** The Clerk to the Panel will acknowledge the complaint and schedule a hearing to take place as soon as practicable. If the Panel deems it

necessary, it may require that further particulars of the complaint or any related matter be supplied in advance of the hearing. Copies of such particulars shall be supplied to all parties normally not later than five days prior to the hearing.

- 6.3** The Complainant may attend the hearing and be accompanied to the hearing by one other person if they wish. This may be a relative or friend. Legal representation will not normally be appropriate.
- 6.4** If a 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. 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.
- 6.5** After due consideration of all the facts they consider relevant, the Panel will make findings and may make recommendations. The Panel may either dismiss the complaint if the Panel considers the complaint is not made out; or uphold the complaint if the Panel considers the complaint is made out.
- 6.6** The School will endeavour to complete the third stage of the procedure within a further 28 days if the appeal is lodged during term-time and as soon as practicable during holiday periods. The Panel will write to the parents following the hearing informing them of its decision and the reasons for it, normally within seven days of the hearing. A copy of the Panel's findings will be sent by electronic mail or otherwise given to the Complainant and, where relevant, the person complained about.
- 6.7** It is not within the powers of the Panel to make any financial reward, nor to impose sanctions on staff, pupils or parents. The Panel may make recommendations on these or other issues to the full Governing Body. The decision of the Panel is final.
- 6.8** Complaints should 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.
- 6.9** 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.
- 6.10** If an independent panel is appointed, it must follow the same procedure above in reaching a decision. The decision of the independent panel is final.

7 Recording Complaints

7.1 The School will ensure that it complies with its obligations under the Equality Act 2010. Although we provide a complaint form, the Complainant does not have to use it and we will accept alternative methods of contact. 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, notes of meetings and telephone calls will be kept and a copy of any written response added to the record.

7.2 The School will keep a written record of all complaints and at what stage of the procedure they are resolved. The School will keep records of the following information:

- . Date when the complaint was raised
- . Name of Complainant and any parent/pupil concerned
- . Description of the complaint
- . Records of all the investigations
- . Witness statements (if appropriate)
- . Name of staff handling the issue at each stage
- . Final outcome
- . Any action taken by the School as a result of the complaint
- . Copies of all correspondence on the issue

7.3 The School will consider any requests for information under the Freedom of Information Act 2010 and Data Protection Act 2018 as appropriate.

8 Unreasonable Complainants

8.1 Wykeham Primary School will do its best to be helpful to people who raise a complaint or concern. However, in cases where the School is contacted by an individual who makes an unreasonable complaint the School will follow an appropriate protocol.

8.2 A complaint may be regarded as unreasonable if the Complainant:

- . Refuses to co-operate with the complaints investigation process while still wishing their complaint to be resolved;
- . Refuses to accept that certain issues are not within the scope of a complaints procedure;
- . Insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice;
- . Introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on, or raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales;
- . Makes unjustified complaints about staff who are trying to deal with the issues;
- . Changes the basis of the complaint as the investigation proceeds;

- Makes excessive demands on school time by either frequent, lengthy, complicated and/or stressful contact with staff regarding the complaint;
- Repeatedly makes the same complaint and refuses to accept previous findings (despite investigations or responses concluding that the complaint is groundless or has been addressed); or
- Seeks an unrealistic outcome.

8.3 A complaint may also be considered unreasonable if the Complainant acts:

- Maliciously;
- Aggressively, using threats, intimidation or violence;
- Using abusive, offensive or discriminatory language;
- Making defamatory statements;
- Knowing it to be false; or
- Publishing information such as on social media websites and/or in newspapers.

8.4 Where, at any stage, a complaint is deemed by the Headteacher (or Chair of the Governors if about the Headteacher or another governor), to be unreasonable, the School may take any of the following actions:

- Implement a limited communications strategy;
- Advise that a third party act on the Complainant's behalf;
- Inform them that the procedure has been completed and that the matter is now closed; and/or
- Notify the parent that the complaint procedure will not be implemented and that there will be no further response to their complaint.

8.5 Where aggression or abusive behaviour has been used, the School may:

- Ask the parent to leave the School premises;
- Inform the police; and/or
- Bar them from being on the School premises.

8.6 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.

9 School Complaints Unit

If the Complainant has completed the School complaints process and remains dissatisfied, they have the right to refer their complaint to the Secretary of State. The Secretary of State has a duty to consider complaints raised but will only intervene where the Governing Body has acted unlawfully or unreasonably and where it is expedient or practical to do so.

The School Complaints Unit can be contacted by writing to:

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

10 Monitoring and Review.

- 10.1** 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.
- 10.2** 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.
- 10.3** 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 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 (if appropriate):	
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:	
For Office Use only	
Date acknowledgement sent:	
Name of member of staff sending acknowledgment:	
Complaint referred to:	
Name of member of staff referring complaint:	
Date complaint referred:	