COMPLAINTS POLICY
# Table of Contents

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Complaint Stages (detailed in Complaints Procedure)</td>
<td>8</td>
</tr>
<tr>
<td>Roles and Responsibilities of Independent Panel Members at Stage</td>
<td>4 - 9</td>
</tr>
<tr>
<td>Appendix A</td>
<td>11</td>
</tr>
<tr>
<td>Stage 1a: Complaint heard by staff member</td>
<td>11</td>
</tr>
<tr>
<td>Stage 1b: Complaint heard by head teacher (Or designated officer)</td>
<td>11</td>
</tr>
<tr>
<td>Stage 1c: Complaint heard by Chair of Governing Body</td>
<td>12</td>
</tr>
<tr>
<td>Stage 2: Complaint heard by Independent Panel of Governors</td>
<td>12</td>
</tr>
<tr>
<td>The Next Stages:</td>
<td>14</td>
</tr>
<tr>
<td>CONTACTS</td>
<td>15</td>
</tr>
<tr>
<td>Links</td>
<td>15</td>
</tr>
<tr>
<td>Appendix B - Complaint form</td>
<td>16</td>
</tr>
<tr>
<td>Appendix C – School Complaints Procedure – A guide for parents,</td>
<td></td>
</tr>
<tr>
<td>carers and members of the public</td>
<td>19</td>
</tr>
<tr>
<td>CONTACTS</td>
<td>20</td>
</tr>
</tbody>
</table>
COMPLAINT STAGES (detailed in Complaints Procedure)

Stage 1a: Expression of concern to relevant member of staff Informal

Satisfactory outcome reached?

No Yes → No further action

Stage 1b: Complainant makes a complaint to the Headteacher’s designated officer – Mr Allen

Headteacher’s Investigation

Investigation conducted and reported to the complainant

Satisfactory outcome reached?

No Yes → No further action

Stage 1c: Complainant meets with the Headteacher & Chair of Governing Body Headteacher and Chair of Governing Body’s Investigation

Investigation conducted and reported to the complainant

Satisfactory outcome reached?

No Yes → No further action

Stage 2: Complainant makes formal complaint to Governing Body Complaints Panel

Governors’ Panel

Panel meeting of Governors, Complainant and Headteacher

Satisfactory outcome reached?

No Yes → No further action

Next Stages: Complainant/School requests the involvement of
Beyond the Education Funding Authority

School

Satisfactory outcome reached?

No

Yes ➔ No further action

Complainant appeals to Ombudsman/Secretary of State

Roles and Responsibilities of Governor Panel Members at Stage 2

The Role of the Clerk

It is strongly recommended that any panel or group of governors considering complaints be clerked. The clerk would be the contact point for the complainant and be required 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;
- notify all parties of the panel's decision.

The Role of the Chair of the Governing Body or the Nominated Governor

The nominated governor role:

- check that the correct procedure has been followed;
- if a hearing is appropriate, notify the clerk to arrange the panel;

The Role of the Chair of the Panel:

The Chair of the Panel has a key role, ensuring that:

- the remit of the panel is explained to the parties and each party has the opportunity of putting their case without undue interruption;
- the issues are addressed;
- key findings of fact are made;
- parents and others who may not be used to speaking at such a hearing are put at ease;
- the hearing is conducted in an informal manner with each party treating the other with respect and courtesy;
- the panel is open minded and acting independently;
- no member of the panel has a vested interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure;
- each side is given the opportunity to state their case and ask questions;
- written material is seen by all parties. If a new issue arises it would be useful to give all parties the opportunity to consider and comment on it.
School Complaints Procedure

Complaints about the headteacher or whole governing board
When a complaint is made against the whole governing board, they will be made aware of the allegations made against them and respond to any independent investigation.

Complaints against the headteacher will be dealt with by a suitably skilled member of the governing board at stage 1 of the complaints process, then by a committee of members of the governing board at stage 2.

Complaints about Governors
The complaint must be sent to the clerk to the governing board, who will then arrange for the complaint to be heard. The complaint will be heard by a suitably skilled and impartial member of the governing board at stage 1, then by a committee of members of the governing board at stage 2.
Any complaints against the entire board, or that involve the chair and vice chair, should also be sent to the clerk and will be heard by the Directors of the Trust.
A complaints coordinator can provide administrative support in place of a clerk.

Complaints about School staff
Complaints against school staff are dealt with by the headteacher at stage 1, then by a committee of members of the governing board at stage 2.

Complaints about the curriculum
Complaints about the delivery of the curriculum need to be sent to the school and they will be dealt with using the complaints procedure.
Any complaints about the content of the national curriculum should be sent to the DfE.

Parents can withdraw their child from any aspects of RE – if parents are not satisfied with the handling of a request to withdraw their child from RE, they should be advised to follow the school’s complaints procedure.

Collective worship
Complaints should be directed to the Rotherham Local authority.

GDPR
Before disclosing information regarding a complaint to a third party, school will obtain written consent from the complainant. Notes of all meetings and telephone calls may be kept and referred to later for clarity of points.

Recording meetings
Consent must be obtained from all involved parties before conversations or meetings are recorded.
The school has the right to decide whether a meeting can be recorded or not.
Appendix A

School Complaints Procedure

Stage 1a: Complaint heard by staff member

It is in everyone’s interest 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 the complaint will escalate. To that end, if staff are made aware of the procedures, they know what to do when they receive a complaint.

It would assist the procedure if the school respected the views of a complainant who indicates that he/she would have difficulty discussing a complaint with a particular member of staff. In these cases, the complaint can be referred to another staff member. Where the complaint concerns the head teacher, the complaint can be referred to the chair of governors. The complainant should be advised to do this.

Similarly, if the member of staff directly involved feels too compromised to deal with a complaint, consideration should be given to referring the complainant to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the complaint objectively and impartially is crucial.

When a Governor has been approached as first point of contact, the next step would be to refer the complainant to the appropriate person and advise them about the procedure. It would be useful if governors did not act on an individual complaint outside the formal procedure or be involved at the early stages in case they are needed to sit on a panel at a later stage of the procedure.

Stage 1b: Complaint heard by head teacher's representative (designated officer Mr Allen)

If a complainant considers that they have not received a satisfactory response they can refer their complaint to the head teacher. (Or chair of governors if the complaint is about the head teacher) At this stage it is useful to ask the complainant to complete a complaints form (Appendix B) or put their complaint in writing. In some cases, the head teacher has already been involved in looking at the matter; in others it is his/her first involvement. In either case, it is helpful for the head teacher (or the person designated to investigate) to use guidelines to ensure consistency among cases, and to make sure that nothing happens at this stage which could make it difficult for later stages to proceed smoothly.

One of the reasons for having various “stages” in a complaints procedure is to reassure complainants that their grievance is being heard by more than one person.

The head teacher (or designate) acknowledges the complaint orally or in writing within 3 school days of receiving confirmation that the complaint is now to be dealt with at stage 2. The acknowledgement should give a brief explanation of the school’s complaint procedure and a target date for providing a response to the complaint. All effort should be made to respond to a complainant within 10 school days, if for any reason it is considered that this will not be possible the complainant should be advised.
Stage 1c: Complaint heard by Chair of Governing Body and Headteacher

The next stage of the complaints procedure should the complainant remain dissatisfied is to address the complaint to the Chair of the Governing Body (or designated Governor). At this stage the original complaint should be considered not just the handling of the complaint at an earlier stage. They should acknowledge the complaint, orally or in writing within 10 school days and invite the complainant to meet with him/her and the head teacher to find a way forward.

This committee is not a form of legal proceedings and therefore it is recommended that neither the complainant or the school will bring legal representation.

Any relevant documentation, including information that the head teacher’s has in relation to the complaint to date should be provided for the Chair of the Governing Body prior to the meeting.

The Chair of the Governing Body should keep written records of meetings, telephone conversations, and other documentation relating to the complaint.

Once all the relevant facts have been established, from the original investigation and this further meeting, the Chair of the Governing Body should adjourn the meeting and produce a written response to the complainant to discuss/resolve the matter directly.

A written response includes a full explanation of the decision and the reasons for it. Where appropriate, this should include what action the school will take to resolve the complaint. The complainant is advised that should s/he wish to take the complaint further s/he should notify the Chair of the Governing Body within two weeks of receiving the outcome letter.

Stage 2: Complaint heard by Independent Panel of Governors

The complainant needs to write to the Chair of the Governing Body advising of their wish to escalate their complaint. The Chair, or a nominated governor, will convene an Independent Governing Body complaints panel. The panel will include at least one member who is independent of the management and running of the academy. This should be within 20 school days of receiving the complaint. The complaint should be acknowledged in writing within 3 days. The letter should also explain that the complainant has the right to submit any further documents relevant to the complaint. These must be received in time for the documents to be sent to the three members of the panel.

The governors’ appeal hearing is the last school-based stage of the complaints process, and is not convened to merely rubber-stamp previous decisions. Therefore, individual complaints should not be considered by the full governing body as serious conflicts of interest can arise; for example, in exceptional circumstances a complaint may result in disciplinary action against a member of staff, and governors may be required to give an unprejudiced hearing to an appeal by the member of staff concerned. Similarly, some governors might have knowledge of the problem which led to the complaint and would be unable to give unbiased consideration to the issue.

Many complaints are inevitably seen by parents as being “against” a particular member of staff and their actions. However, all complaints which reach this stage will have done so because the complainant has not been satisfied by the head teachers and/or the Chair of the Governing Body’s response at the earlier stages of the
procedure, and it may be appropriate for the Governing Body to consider the complaint is against the school rather than against the member of staff whose actions led to the original complaint.

The governing body may nominate a number of members with delegated powers to hear complaints at that stage, and set out its terms of reference.

These can include:

- drawing up its procedures;
- hearing individual appeals;
- making recommendations on policy as a result of complaints.

The procedure adopted by the panel for hearing appeals would normally be part of the school’s complaints procedure. The panel can be drawn from the nominated members and may consist of three or five people. The panel may choose their own chair.

**The Remit of the Governor Panel**

The panel can:

- dismiss the complaint in whole or in part;
- uphold the complaint in whole or in part;
- decide on the appropriate action to be taken to resolve the complaint;
- recommend changes to the school’s systems or procedures to ensure that problems of a similar nature do not recur.

There are several points which any member of the complaints panel needs to remember:

- It is important that the panel 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. In deciding the make-up of the panel, governors need to try and ensure that it is a cross-section of the categories of governor and sensitive to the issues of race, gender and religious affiliation and ensure that at least one member of the panel is independent of the management and running of the academy.

- The aim of the hearing, which needs to be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant. However, it has to be recognised the complainant might not be satisfied with the outcome if the hearing does not find in their favour. It may only be possible to establish the facts and make recommendations which will satisfy the complainant that his or her complaint has been taken seriously. If either party wishes to introduce previously undisclosed evidence or witnesses, it is in the interests of natural justice to adjourn the meeting so that the other side has time to consider and respond to the new evidence.

- An effective panel will acknowledge that many complainants feel nervous and inhibited in a formal setting. Parents often feel emotional when discussing an issue that affects their child. The panel chair will ensure that the proceedings are as welcoming as possible. The layout of the room will set the tone and care is needed to ensure the setting is informal and not adversarial.
● Extra care needs to be taken when the complainant is a child. Careful consideration of the atmosphere and proceedings will ensure that the child does not feel intimidated. The panel needs to be aware of the views of the child and give them equal consideration to those of adults. Where the child’s parent is the complainant, it would be helpful to give the parent the opportunity to say which parts of the hearing, if any, the child needs to attend.

● The members of the panel need to be aware of the complaints procedure.

**Notification of the Panel’s Decision**

The chair of the panel needs to ensure that the complainant is notified of the panel’s decision, in writing, with the panel’s response; this is usually within 15 school days. The letter needs to explain if there are any further rights of appeal and, if so, to whom they need to be addressed. The school should ensure that a copy of all correspondence, statements and records relating to individual complaints are kept. These records should be kept separately from the pupils personal records, and are kept confidential.

**The Next Stages:**

Complainants can contact the Educational Funding Agency to act as an independent mediator. **It must be understood and made clear however to the complainant that any decision reached by the Governing Body is final and binding; further referral through the Educational Funding Agencies complaints procedure is unable to be actioned.**

**The Secretary of State for Education and Skills** can receive complaints under Section 496 of the Education Act, 1996, on the grounds that a Governing Body or Children and Young People Services is acting or is proposing to act unreasonably, or under Section 497 of the same Act, on the grounds that either the Governing Body or Children and Young People Services has failed to discharge its duties under the said Act. The Secretary of State may contact the Governing Body or Children and Young People Services for more information in order to consider the complaint further. These powers relate to County Schools and Voluntary Schools and Grant-Maintained Schools and City Technology Colleges.

**CONTACTS:**

[https://form.education.gov.uk/fillform.php?self=1&form_id=cCCNJ1xSfBE&noLoginPrompt=1](https://form.education.gov.uk/fillform.php?self=1&form_id=cCCNJ1xSfBE&noLoginPrompt=1)
APPENDIX B – Complaint Form

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

Your name:

Pupil’s name:

Your relationship to the pupil:

Address:

Postcode:

Daytime telephone number:
Evening telephone number:

Please give details of your complaint

What action, if any, have you already taken to try and resolve your complaint? (who did you speak to and what was the response?)

What actions do you feel might resolve the problem at this stage?
Appendix C – School Complaints Procedure – A guide for parents, carers and members of the public

Most members of the community have a positive relationship with schools but sometimes things go wrong. It is important that you raise your concerns as soon as you can. By taking positive steps early on, we are more likely to be able to sort out your complaint.

All complaints are taken seriously and we have procedures in place for dealing with them. In most cases, we hope to be able to resolve your complaints/concerns at an early stage. Information below provides detail on all stages in the complaints procedure;

Stage 1a  Complaint heard by staff member

It is in everyone’s interest that complaints are resolved at the earliest possible stage.
The first point of contact for raising a concern or making a complaint would usually be to a class teacher, form tutor or head of year. If the complaint is about a head teacher you can refer your complaint directly to the Chair of the Governing Body.

Give consideration to exactly what the concern is and what you feel would put the situation right.

Once you have spoken about your concerns give the person handling the situation an opportunity to resolve it.

If you continue to be dissatisfied, you can request that your complaint be considered at Stage 2

**Stage 1b Complaint heard by head teacher (Or designated officer)**

At this stage it would be helpful to put your complaint in writing or complete the school’s complaints form. As well as complaint details and desired outcomes it is also helpful to include information about what you have already done about your complaint e.g. who you have spoken to about it and what happened as a result.

The head teacher (or designated officer) acknowledges the complaint orally or in writing within 3 school days.

All effort will be made to respond to a complainant within 10 school days, if for any reason it is considered that this will not be possible the head teacher should advise you.

**Stage 1c
Complaint heard by Chair of the Governing Body**

The next stage of the complaints procedure should the complainant remain dissatisfied is to address the complaint to the Chair of the Governing Body (or designated Governor). They should acknowledge the complaint, orally or in writing within 10 school days and invite you to meet with him/her and the head teacher (where appropriate) to find a way forward.

A full written response to your complaint will be given.

**Stage 2
Complaint heard by panel of Governors**

You need to write to the Chair of Governors advising of your wish to escalate the complaint within two weeks of receiving your response if you are still dissatisfied with the outcome. The Chair, or a nominated governor, will convene a Governing Body complaints panel. This will usually be within 20 school days of receiving the complaint. You will be invited to attend the panel to discuss your complaint. You may wish to be accompanied at the panel hearing.

The chair of the panel needs to ensure that you are notified of the panel’s decision, in writing, with the panel’s response; this is usually within 15 school days.
If you remain dissatisfied:

If you feel that we have not complied with our complaints procedure you can contact the Education Funding Agency who may be able to provide further advice.

You can refer your complaint to The Secretary of State for Education and Skills, however they will usually not consider a complaint unless the school has been given an opportunity to respond.

CONTACTS:

The Secretary of State for Education and Skills
Sanctuary Buildings
Great Smith Street
London SW1P 3BT Telephone number: 0870 0002288

Education Funding Agency
https://form.education.gov.uk/fillform.php?self=1&form_id=cCCNJ1xSfBE&noLoginPrompt=1

Appendix D
Policy for managing serial and unreasonable complaints

Wickersley School and Sports College 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 our 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.

Wickersley School and Sports College defines unreasonable behaviour as that which hinders our consideration of complaints because of the frequency or nature of the complainant’s contact with the school, such as, if the complainant:

• refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance
• refuses to co-operate with the complaints investigation process
• refuses to accept that certain issues are not within the scope of the complaints procedure
• insists on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice
• introduces trivial or irrelevant information which they expect to be taken into account and commented on
• 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, and seeks to have them replaced
• changes the basis of the complaint as the investigation proceeds
• repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed)
• refuses to accept the findings of the investigation into that complaint where the school's complaint procedure has been fully and properly implemented and completed including referral to the Department for Education
• seeks an unrealistic outcome
• makes excessive demands on school time by frequent, lengthy and complicated contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with
• uses threats to intimidate
• uses abusive, offensive or discriminatory language or violence
• knowingly provides falsified information
• publishes unacceptable information on social media or other public forums.

Complainants should try to limit their communication with the school that relates to their complaint, while the complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text), as it could delay the outcome being reached.

Whenever possible, the headteacher or Chair of Governors will discuss any concerns with the complainant informally before applying an ‘unreasonable’ marking.

If the behaviour continues, the headteacher will write to the complainant explaining that their behaviour is unreasonable and ask them to change it. For complainants who excessively contact Wickersley School and Sports College causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will be reviewed after six months.

In response to any serious incident of aggression or violence, we will immediately inform the police and communicate our actions in writing. This may include barring an individual from Wickersley School and Sports College.