

# Weatherhead High School

A high performing academy providing excellence for all

## Complaints Policy

(in conjunction with the Peninsula Multi Academy Trust)

Document Owner	Headteacher
Committee	Curriculum
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## 1. Aims

Our school aims to meet its statutory obligations when responding to complaints from parents of pupils.

When responding to complaints, the school will aim to:

- Be impartial and non-adversarial
- Facilitate a full and fair investigation by an independent person or panel, where necessary
- Address all the points at issue and provide an effective and prompt response
- Respect complainant's desire for confidentiality
- Treat complainants with respect
- Keep complainants informed of the progress of the complaints process
- Consider how the complaint can feed into the school's improvement evaluation processes.

We try to resolve concerns or complaints by informal means wherever possible. Where this is not possible, formal procedures will be followed.

The school will aim to give the complainant the opportunity to complete the complaints procedure in full.

To support this, we will ensure that we publicise the existence of this policy and make it available on the school website.

### 1.1. Scope

Stage 1 – Informal Resolution to a Concern

Stage 2 – Formal Complaint – heard by Headteacher or appropriate member of staff

Stage 3 – Formal Complaint – heard by Appeal Panel/Complaints Committee

Stage 4 – Formal Complaint – heard by CEO (Chief Executive Officer – Peninsula MAT)

Stage 5 – Formal Complaint directed to ESFA (Education & Skills Funding Agency)

## 2. Legislation and Guidance

This document meets the requirements set out in part 7 of the schedule to the Education (Independent School Standards) Regulations 2014, which states that we must have and make available a written procedure to deal with complaints from parents of pupils at the school.

It is also based on guidance published by the Education and Skills Funding Agency (ESFA) on creating a complaints procedure that complies with the above regulations, and refers to good practice guidance on setting up complaints procedures from the Department for Education (DfE).

Weatherhead High School will ensure its policy complies with its Funding Agreement and Articles of Association.

## 3. Definitions

The DfE guidance explains the difference between a concern and a complaint.

A **concern** is defined as “an expression of worry or doubt over an issue considered to be important for which reassurances are sought”.

The school will resolve concerns through day-to-day communication as far as possible.

A **complaint** is defined as “an expression of dissatisfaction, however made, about actions taken or a lack of action”.

The school should look to resolve complaints informally where possible and at the earliest possible stage.

The school acknowledges, however, that there may be occasions when complainants would like to raise their concerns formally. This policy, in conjunction with Peninsula Multi Academy Trust Policy, outlines the procedure relating to the handling of such complaints.

This policy does not cover complaints procedures relating to:

- Admissions
- Statutory assessments of Special Educational Needs (SEN)
- Safeguarding matters
- Exclusion
- Whistle-blowing
- Staff grievances
- Staff discipline

Please see separate policies for procedures relating to these types of complaint available from the school website or main school office.

Arrangements for handling complaints from parents of children with SEN about the school's support, are within the scope of the SEND policy, but also covered generally, within this document. Such complaints should be made to the SENCO in the first instance; Parents/Carers will then be referred to the Complaints Policy and SEND Policy as appropriate, which includes information about the rights of parents of pupils with disabilities who believe that the school has discriminated against their child.

Complaints about services provided by other providers who use school premises or facilities should be directed to the provider concerned.

## **4. Principles for investigation**

When investigating a complaint, the school will try to clarify:

- What has happened
- Who was involved
- What the complainant feels would put things right

We will attempt to address complaints as quickly as possible. To achieve this, realistic and reasonable time limits will be set for each action within each stage.

Where further investigations are necessary, new time limits will be set and the complainant will be sent details of the new deadline with an explanation for the delay.

We expect complaints to be made as soon as possible after an incident arises and no later than 3 months afterwards. Exceptions to this time frame may be considered, in circumstances where there were valid reasons for not making a complaint within that time and the complaint may still be investigated in a fair manner for all involved. We will consider such circumstances on an individual basis.

## **5. Stages of complaint (not complaints against the Headteacher or a Governor)**

### **Stage 1: informal Resolution to a Concern**

Weatherhead High School will take informal concerns seriously and make every effort to resolve the matter quickly. It may be the case that the provision or clarification of information will resolve the issue.

The complainant should raise the complaint as soon as possible with the relevant member of staff or the Headteacher as appropriate, either in person or by letter, telephone or email. If the complainant is unclear who to contact or how to contact them, they should contact the main school office.

The school will acknowledge informal complaints within 3 school days, and investigate and provide a response within 15 school days.

The informal stage will involve a meeting between the complainant and an appropriate senior member of staff eg

- Subject / teacher concerns – Curriculum Leader or Curriculum SLT Mentor as appropriate
- Tutor concerns – Year Leader, KS3 Director, KS4 Director or Student Services SLT as appropriate
- Administration, Buildings, Health & Safety, Non-curriculum or pupil based complaints – Business Manager or Premises Manager as appropriate

If the complaint is not resolved informally, it will be escalated to a formal complaint.

### **Stage 2: Formal Complaint heard by Headteacher or appropriate member of staff**

The formal stage involves the complainant putting the complaint in writing, usually to the Headteacher and/or the subject of the complaint. This letter should provide details such as relevant dates, times and the names of witnesses of events, alongside copies of any relevant documents. The complainant should also state what they feel would resolve the complaint.

The Headteacher (or other person appointed by the Headteacher for this purpose) will then conduct their own investigation. The written conclusion of this investigation will be sent to the complainant within 15 school days.

If the complainant is not satisfied with the response and wishes to proceed to the next stage of this procedure, they should inform the Chair of Governors of the Local Governing Body (LGB) in writing within 10 school days of receiving the written conclusion.

### **Stage 3: Formal Complaint heard by Appeal Panel / Complaints Committee**

Complaints will be escalated to the Panel/Committee hearing stage if the complainant is not satisfied with the response to the complaint at Stage 2.

The Panel will be appointed by or on behalf of the Trust Board and will consist of at least 3 LGB members who have not been directly involved in the matters detailed in the complaint. At least 1 Panel Member must be independent of the management and running of the school. The Panel cannot be made up solely of LGB members, as they are not independent of the management and running of the school.

The Panel will have access to the existing record of the complaint's progress (see section 8).

The complainant will have reasonable notice of the date of the Review Panel; however, the Review Panel reserves the right to convene at their convenience, rather than that of the complainant. At the Review Panel meeting, the complainant and representatives from the school as appropriate will be present. Each party will provide written or oral submissions and/or evidence for consideration, 5 school days prior to the meeting.

The complainant will be allowed to attend the Panel hearing and be accompanied if they wish.

At the meeting, each individual will have the opportunity to give statements and present their evidence and witnesses will be called, as appropriate, to present their evidence.

The Panel, the complainant and the school's representative(s) will be given the chance to ask and reply to questions. Once the complainant and school representative(s) have presented their cases, they will be asked to leave and evidence will then be considered by the Panel alone.

The Panel must then put together its findings and recommendations from the case. The Panel will also provide a copy of the findings and recommendations to the complainant and, where relevant, the individual who is the subject of the complaint and make a copy available for inspection by the CEO and Headteacher. If considered appropriate, the Panel may provide a verbal finding on the day, if not, the school will inform those involved of the decision, in writing, within 10 school days.

#### **Stage 4: Formal Complaint directed to the CEO (Peninsula MAT)**

If the complainant has exhausted the complaints procedure and remains dissatisfied, a complaint may be referred to the CEO of the Peninsula Multi Academy Trust, this may also include complaints against the Chair of Governors or Headteacher.

The CEO will consider the complainant's objections and reasons for their continued dissatisfaction and will consider the evidence and findings of the previous complaint process. A decision based on the available evidence will be made. The CEO will use the legal approach of 'on the balance of probabilities' when reaching a decision. A decision will be issued in writing within 10 working days.

If, however, upon reviewing the previous, available evidence the CEO is of the opinion that further information is required, a meeting will be called purely to address areas of clarification. The Complainant and the school's representative as involved in the original complaint process, will be invited to join the CEO for the purposes of clarification. Provided additional time is not required to clarify matters following this meeting, the CEO will issue their decision within 10 school days.

The CEO's decision shall be final.

#### **Stage 5: Formal Complaint directed to ESFA**

Should the complainant still remain dissatisfied, the matter can be referred to ESFA. The ESFA will check whether the complaint has been dealt with properly by the Trust and/or school. The ESFA will not overturn a school's decision about a complaint. However, it will look into:

- Whether there was undue delay, or the school did not comply with its own complaints procedure.
- Whether the school was in breach of its Funding Agreement with the Secretary of State.
- Whether the school has failed to comply with any other legal obligation.

If the school did not deal with the complaint properly, it will be asked to re-investigate the complaint. If the school's complaints procedure is found to not meet regulations, the school will be asked to correct its procedure accordingly.

For more information or to refer a complaint, see the following webpage:

<https://www.gov.uk/complain-about-school>

## **6. Complaints against the Headteacher or a Governor of the school's Local Governing Body**

Complaints made against the Headteacher should be directed to the Chair of Governors of Weatherhead High School's Local Governing Body.

Where a complaint is against any member of the Local Governing Body, it should be made in writing to the Clerk to the Local Governing Body who will bring it to the attention of the Chair of Governors.

Where the complaint is against the Chair of Governors, it should be made in writing and addressed to the Chair of the School Board and the CEO.

Where a complaint is against the CEO, this should be made in writing and addressed to the Chair of the School Board.

## **7. Persistent complaints**

Where a complainant tries to re-open the issue with the Trust of the school after the complaints procedure has been fully exhausted and the school has done everything it reasonably can in response to the complaint, the Chair of Governors, Headteacher or CEO will inform the complainant that the matter is closed.

If the complainant subsequently contacts the Trust or school again about the same issue, the school can choose not to respond. The normal circumstance in which we will not respond is if:

- The school has taken every reasonable step to address the complainant's needs, *and*

- The complainant has been given a clear statement of the school's position and their options (if any), *and*
- The complainant is contacting the school repeatedly but making substantially the same points each time

However, this list is not intended to be exhaustive.

Further, the Trust or the school will be most likely to choose not to respond if:

- We have reason to believe the individual is contacting the school with the intention of causing disruption or inconvenience, and/or
- The individual's letters/emails/telephone calls are often or always abusive or aggressive, and/or
- The individual makes insulting personal comments about, or threats towards, school staff

**Note: This Policy is supplemented by the policy – Abusive, Threatening and/or Violent Behaviour on School Premises and in communication with School Policy and Procedure**

Unreasonable behaviour which is abusive, offensive or threatening may constitute an unreasonably persistent complaint.

Once the school has decided that it is appropriate to stop responding, the complainant will be informed in writing, either by letter or email.

The school will ensure when making this decision that complainants making any new complaint are heard, and that the school acts reasonably.

**Unreasonably persistent complaints**

The school reserves the right to reject frivolous or vexatious complaints at any time. The Office of the Independent Adjudicator has defined frivolous or vexatious complaints as follows:

- Complaints which are obsessive, persistent, harassing, prolific, repetitious.
- Insistence upon pursuing unmeritorious complaints and/or unrealistic outcomes beyond all reason.
- Insistence upon pursuing meritorious complaints in an unreasonable manner.
- Complaints which are designed to cause disruption or annoyance.
- Demands for redress which lack any serious purpose or value.

**8. Record-keeping**

The school will record the progress of all formal complaints, including information about actions taken at all stages of investigation, the stage at which the complaint was resolved and the final outcome. The records will also include copies of letters and emails and notes relating to meetings and phone calls.

This material will be treated as confidential and held centrally, and will be viewed only by those involved in investigating the complaint or on the Review Panel.

This is except where the Secretary of State (or someone acting on their behalf) or the complainant requests access to records of a complaint through a Freedom of Information (FOI) Request or under the terms of the General Data Protection Regulations 2018 (GDPR), or where the material must be made available during a school inspection.

Records of complaints will be kept in accordance with record maintenance guidelines.

The details of the complaint, including the names of individuals involved, will not be shared with the whole Local Governing Body of the school in case a review Panel needs to be organised at a later point.

Where the respective Local Governing Body is aware of the substance of the complaint before the review Panel stage, the school will (where reasonably practicable) arrange for an Independent Panel to hear the complaint.

Complainants also have the right to request an Independent Panel if they believe there is likely to be bias in the proceedings. The decision to approve this request is made by the Local Governing Body, who will not unreasonably withhold consent.

## **9. Learning lessons**

The Local Governing Body will review any underlying issues raised by complaints with the Headteacher and/or Senior Leadership Team, where appropriate and respecting confidentiality, to determine whether there are any improvements that the school can make to its procedures or practice to help prevent similar events in the future.

## **10. Monitoring arrangements**

The Local Governing Body or sub-committee thereof, will monitor the effectiveness of the complaints procedure in ensuring that complaints are handled properly. The Local Governing Body or committee will track the number and nature of complaints, and review underlying issues as stated in section 9.

The complaints records are logged and managed by the Headteacher.

This policy will be reviewed by the Headteacher and full Local Governing Body every 2 years or following changes in legislation.

At each review, the policy will be approved by the Headteacher and the full Local Governing Body.

## **11. Links with other policies**

Policies dealing with other forms of complaints include:

- Child protection and safeguarding policy and procedures
- Admissions policy
- Exclusions policy
- Staff grievance procedures
- Staff disciplinary procedures
- SEN policy and information report

Complainants should seek a copy of such policies from either the school office or via the school's website.