

Complaints Procedure

Key points and summary

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.

This procedure 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. Trustee means any member of the Board of Trustees.

This procedure 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

The emphasis is to understand, investigate and resolve the complaint as early as possible.

The formal process has three stages:

- Stage 1. Complaint heard by the Headteacher or an appropriate member of senior staff appointed by the Headteacher
- Stage 2. Complaint heard at a Local Governing Body Panel Hearing that includes at least one person who is independent of the management and running of the school.
- Stage 3. Complaint Heard by a Panel of the Board of Trustees that includes at least one person who is independent of the management and running of the school.

Scope and applicability

This procedure applies to all complaints received by the school, irrespective of who makes the complaint. This procedure therefore applies to complaints received from parents of students and to complaints from any other individual.

This procedure applies to all staff, governors, and trustees.

Concerns and complaints

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.

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.

Concerns should normally be raised with the member of 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.

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.

Complaints should be recorded, either by the individual (writing to the Headteacher or completing the Complaint Form as attached Appendix 1), or by a member of staff following an informal meeting with the individual.

Note – if the complaint concerns the Headteacher any correspondence should be addressed to the Chair of Governors.

All complaints, including all Complaint Forms, will be held by the Headteachers' PA or appointed Complaints Co-ordinator.

All correspondence and material relating to a complaint is confidential.

Investigating complaints

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

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.

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.

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.

At any stage the Headteacher is able to consider whether a complaint is vexatious, unreasonably persistent, or whether the complainant has engaged or is engaging in unreasonable behaviour in accordance with this procedure.

Stages of complaint

Informal Stage – Initial complaints and Minor Concerns

In many cases, a concern can be resolved quickly and will not reach the stage of becoming a formal complaint. In most cases an individual member of Trust staff will receive the first approach. It is helpful when staff are able to resolve issues on the spot, including apologising where necessary and appropriate. Concerns relating to individual schools should be raised with the school directly.

Should the matter not be resolved informally within 10 school days or as soon as reasonably practicable during school holidays, or where the complainant is not satisfied with the response to the complaint raised informally, the complainant may proceed with Stage 1 of this Procedure.

Stage 1: Complaint heard by appropriate senior member of staff appointed by the Headteacher

A party who wishes to complain about an aspect of a school within the Trust should write to the Headteacher with details of the complaint. The Headteacher will investigate the matter or delegate the investigation to another senior member of staff, who will:

- Review the initial complaint and how it was handled (informal stage - if applicable).
- 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 to clarify information if necessary.
- Clarify what the complainant feels would put things right.
- Formally meet with persons involved in the matter (allowing them to be accompanied if they wish).
- Keep detailed written records of their investigation.
- When he/she is satisfied that, so far as is reasonably practicable, that they have all the necessary information, give a decision in writing. The complainant will be informed of this decision together with written reasons for the decision in accordance with the timeframe identified below.

The following timeframes will be adhered to for complaints heard by School staff under Stage 1 of this Procedure

- A formal complaint in writing will be acknowledged by telephone on the date of receipt if practicable and in writing within three school days or as soon as reasonably practicable during school holidays.
- Formal response will be provided within 10 school days of receipt of the written complaint wherever practicable. If it is not possible to respond to the complainant within this timeframe, a letter explaining the reasons for this and an expected full response date will be issued.

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.

If the complaint is not resolved, the complainant has the option of seeking a Local Governing Body Panel Hearing in Stage 2.

Stage 2: Complaint Heard by Panel of the Local Governing Body

If the complainant remains dissatisfied with the outcome of stage 1, they should write to the Chair of the Local Governing Body of the school, giving full details of the complaint enclosing all relevant supporting documentation within 10 working days of receipt of the decision under Stage 1.

A request for a panel hearing will usually only be considered if the complainant has invoked Stage 1.

The Chair or nominated School Governor will, once in receipt of the complaint, schedule a hearing to take place as soon as practicable and normally within 10 school days or as soon as reasonably practicable during school holidays. The Chair or nominated Governor will arrange for the Panel to be convened to consider the matter at the hearing.

The Panel will consist of at least two Governors who have not been involved in any previous consideration of the complaint. At least one of the members of the panel must be independent of the management and running of the School.

After due consideration of all facts the Panel considers relevant, the Panel will reach a decision on the balance of probabilities as to whether or not the complaint is made out.

The Panel can:

- Dismiss the complaint in whole or in part if the complaint is not made out.
- Uphold the complaint in whole or in part if the complaint is made out.
- Decide on the appropriate action to be taken to resolve the complaint.
- Recommend changes to systems or procedures to ensure that problems of a similar nature do not recur.

It is recognised that the complainant may 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 satisfy the complainant that his or her complaint has been taken seriously.

The Chair of the Panel will write to the complainant informing them of the Panel's decision and the reasons for this decision. The Panel's findings and, if any, recommendations will be sent by electronic mail or otherwise confirmed in writing to the complainant, the Headteacher, Local Governing Body, Chief Executive Officer of the Trust, and, where relevant, the person complained of.

The Panel's decisions, findings and any recommendations will also be made available for inspection on the School's premises.

The following timeframes will be adhered to for complaints heard by School Local Governing Body under stage 2:

- A formal complaint in writing will be acknowledged by telephone on the date of receipt if practicable and in writing within 3 working days of the notification of this escalation, or as soon as reasonably practicable during school holidays.
- A panel will be convened as soon as possible and normally within 10 school days (or as soon as practicable within the school holidays).
- The decision must be communicated within 20 working days notification of escalation to this stage.

Stage 3 - Complaint Heard by Panel of the Board of Trustees

If the complainant(s) remains dissatisfied with the response, or wishes to escalate the complaint, they should write to the Clerk to the Board of Trustees giving full details of the complaint enclosing all relevant supporting documentation within 10 working days of receipt of the decision under Stage 2.

A request for a panel hearing will usually only be considered if the complainant has invoked Stages 1 and 2.

The Chair or nominated Trustee will, once in receipt of the complaint, schedule a hearing to take place as soon as practicable and normally within 10 working days, or as soon as reasonably practicable during school holidays. The Chair or nominated Trustee will arrange for the Panel to be convened to consider the matter at the hearing.

The Panel will comprise of members of the Trust Board consisting of at least two people who have not been involved in previous consideration of the complaint. At least one of the members of the panel must be independent of the management and running of the school. Each of the Panel members shall be appointed by the Chair or nominated Trustee.

If the Panel deems it necessary, the Chair will arrange for the complaint to be further investigated.

Complainants may be accompanied to the hearing if they wish. This may be a relative, teacher or friend. Legal representation will not normally be necessary.

The aim of the hearing is for the Panel to review the decision reached at Stages 1 and 2, with the aim of resolving the complaint and to achieve reconciliation between the Trust and/or School and the complainant.

The Panel will not consider any new complaints that have not been raised as part of the initial complaint. After due consideration of all facts the Panel considers relevant, the Panel will reach a decision on the balance of probabilities as to whether or not the complaint is made out.

The Panel can:

- Dismiss the complaint in whole or in part if the complaint is not made out.
- Uphold the complaint in whole or in part if the complaint is made out.
- Decide on the appropriate action to be taken to resolve the complaint.
- Recommend changes to systems or procedures to ensure that problems of a similar nature do not recur.

It is recognised that the complainant may 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 satisfy the complainant that his or her complaint has been taken seriously.

The Chair of the Panel will write to the complainant informing them of the Panel's decision and the reasons for it, normally within 20 working days of notification of escalation to this stage.

The decision of the Panel will be final.

The Panel's findings and, if any, recommendations will be sent by electronic mail or otherwise confirmed in writing to the complainant, the Headteacher of the school, the Chief Executive Officer, the Trust Board and, where relevant, the person complained of. The Panel's decisions, findings and any recommendations will also be made available for inspection on the Trust's premises.

The following timeframes will be adhered to for complaints heard by the panel of the Trust Board under Stage 3:

- A formal complaint in writing will be acknowledged by telephone on the date of receipt if practicable and in writing within three school days or as soon as reasonably practicable during school holidays.
- A panel will be convened as soon as possible and normally within 10 school days (or as soon as practicable within the school holidays).
- Formal response will be provided within 20 school days of receipt of the written complaint wherever practicable. If it is not possible to respond to the complainant within this timeframe, a letter explaining the reasons for this and an expected full response date will be issued.

Confidentiality

In all stages of a complaint any correspondence, statements and records relating to individual complaints are to be kept confidential except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access to them.

ESFA

If, after all three stages have been completed, the complainant believes that the academy has not handled the complaint properly then the Education and Skills Funding Agency (ESFA) is able to investigate. Guidance can be found at <https://www.gov.uk/government/publications/complain-about-an-academy/complain-about-an-academy>

Vexatious and abusive complaints

The school has responsibilities to investigate concerns and complaints seriously and will do so professionally.

The school does not expect staff to tolerate unacceptable behaviour by complainants, which would include behaviour which is abusive, offensive or threatening.

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.

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

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.

Appendices

Appendix One: Complaint Form

Windsor Learning Partnership: Complaint form

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

Your Name:	
Student's Name:	
Your relationship to the student:	
Name of School:	
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	

<i>School use only</i>	
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 senior member of staff)	Date: Signature:
Stage 2 (Panel Hearing Governing Body)	Date: Signature:
Stage 3 (Panel Hearing, Board of Trustees)	Date: Signature:

Complaints Procedure for all schools within Windsor Learning Partnership

