

Wye Forest Federation

Redbrook Church of England Primary School

St Briavels Parochial Church of England Primary School



Complaints Policy and Procedure.

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Introduction

This complaints procedure guidance and policy is accessible on the school website and paper copies can be provided to complainants on request.

Under section 29 of the Education Act (2002) Governing Bodies are required to have a procedure in place to deal with complaints. The School Standards and Framework Act (1998) provides additional requirements of Governing Bodies to establish and publish procedures for handling complaints relating to the school.

The federation's policy and procedure should be used to deal with complaints relating to the school and any facilities or services the school provides. It ensures that all interested parties have access to a clear process for dealing with complaints and shows exactly what should happen when a complaint is made and how long this process should take.

The aims of this procedure and policy are:

- To recognize the importance and value of feedback
- To provide parents/ carers and the wider community with a clear way of contacting us regarding any complaints/ concerns they may have.
- To use feedback from complaints to understand what may have caused the problem and where necessary learn from these issues to prevent the same thing happening again.

The difference between a concern and a complaint

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

A complaint may be defined as *'an expression of dissatisfaction, however made, about actions taken or a lack of action.'*

It is in everyone's interest that concerns and complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to use the formal stages of the complaints procedure. The two schools of The Wye Forest Federation (St Briavels and Redbrook) take concerns seriously and will make every effort to resolve the matter as quickly as possible.

If you have difficulty discussing a concern with a particular member of staff, we will respect your views. In these cases, the Executive Headteacher will refer you to another member of staff. Similarly,

if the member of staff directly involved feels unable to deal with the concern, they will refer you to another member of staff. The member of staff may be more senior but does not have to be. The ability to consider the concern objectively and impartially is more important.

We understand however, that there are occasions when people would like to raise concerns formally. In this case, the Wye Forest Federation will attempt to resolve the issue internally, through the stages outlined within this complaints procedure.

Who can make a complaint?

This complaints procedure is not limited to parents or carers of children who are registered at the school. Any person, including members of the public, may make a complaint to the Wye Forest Federation about any provision of facilities or services that we provide. Unless complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions), we will use this complaints procedure.

Complaints and appeals about the treatment of pupils, or any events relating to individual pupils, should normally be only accepted from parents with children currently registered at the school. If for whatever reason, the pupil(s) concerned are no longer able to attend the school or have been withdrawn from the school roll, the complaints must be received no later than three months after the events to which the complaint pertains (see Time Scales below).

How to raise a complaint

A concern or complaint can be made in person, in writing (by using the form included in this document and/ or by letter) or by telephone. They may also be made by a third party acting on behalf of the complainant, as long as they have appropriate consent to do so.

Concerns should be raised with the class teacher, the Deputy Headteacher or the Executive Headteacher. If the issue remains unresolved, the next step is to make a formal complaint.

Complainants should not approach individual governors to raise concerns or complaints. Governors have no power to act on an individual basis and it may also prevent them from considering complaints at Stage 2 of the procedure.

Complaints against school staff (except the headteacher) should be made in the first instance, to the Executive Headteacher via the school office. Please place the form and/ or letter in an envelope and mark as Private and Confidential.

Complaints that involve or about the headteacher) should be addressed to the Chair of Governors via the school office. Please place the form and/ or letter in an envelope and mark as Private and Confidential.

Complaints about the Chair of Governors, any individual governors or the whole governing body should be addressed to the Clerk to the Governing Body via the school office. Please place the form and/ or letter in an envelope and mark as Private and Confidential.

For ease of use, a template Complaints Form is included at the end of this procedure. If anyone requires help in completing this form, please contact the school office. A third party organization such as the Citizens Advice can also provide assistance.

In accordance with equality law, we will consider making reasonable adjustments if required, to enable complainants to access and complete this complaints procedure. For instance, providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations.

Anonymous Complaints

We will not investigate anonymous complaints. However, an informal approach may be made to the headteacher or Chair of Governor. If it is decided that the complaint warrants an investigation then a complaint must be submitted as outlined in this policy.

Time Scales

You must raise the complaint within 3 months of the incident, or where a series of associated incidents have occurred, within 3 months of the last of these incidents. We will only consider complaints made outside of this timeframe if exceptional circumstances apply.

Complaints Received Outside of Term Time

We will consider complaints made outside of term time to have been received on the first school day after the holiday period.

Scope for this Complaints Procedure

Exceptions	Who to contact
• Admissions to schools • Statutory assessments of Special Educational Needs • School re-organisation proposals	Concerns about admissions, statutory assessments of Special Educational Needs, or school re-organisation proposals should be raised with Shire Hall.
• Matters likely to require a Child Protection Investigation	Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance. If you have serious concerns, you may wish to contact the local authority designated officer (LADO) who has local responsibility for safeguarding or the Multi-Agency Safeguarding Hub (MASH).
• Exclusion of children from school*	Further information about raising concerns about exclusion can be found at: School exclusions: guide for parents - GOV.UK (www.gov.uk) *complaints about the application of the behaviour policy can be made through the school's complaints procedure.

Whistleblowing	We have an internal whistleblowing procedure for all employees, including temporary staff and contractors. The Secretary of State for Education is the prescribed person for matters relating to education for whistleblowers in education who do not want to raise matters direct with their employer. Referrals can be made at: www.education.gov.uk/contactus. Volunteer staff who have concerns about our school should complain through the school's complaints procedure. You may also be able to complain direct to the LA or the Department for Education (see link above), depending on the substance of your complaint.
Staff grievances	Complaints from staff will be dealt with under the school's internal grievance procedures.
Staff conduct	Complaints about staff will be dealt with under the school's internal disciplinary procedures, if appropriate. Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.
Complaints about services provided by other providers who may use school premises or facilities	Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct.
National Curriculum - content	Please contact the Department for Education at: www.education.gov.uk/contactus

If other bodies are investigating aspects of the complaint, for example the police, local authority (LA) safeguarding teams or Tribunals, this may impact on our ability to adhere to the timescales within this procedure or result in the procedure being suspended until those public bodies have completed their investigations.

If a complainant commences legal action against the Wye Forest Federation in relation to their complaint, we will consider whether to suspend the complaints procedure in relation to their complaint until those legal proceedings have concluded.

Resolving Complaints

At each stage in the procedure, the Wye Forest Federation wants to resolve the complaint. If appropriate, we will acknowledge that the complaint is upheld in whole or in part. In addition, we may offer one or more of the following:

- an explanation
- an admission that the situation could have been handled differently or better
- an assurance that we will try to ensure the event complained of will not recur
- an explanation of the steps that have been or will be taken to help ensure that it will not happen again and an indication of the timescales within which any changes will be made
- an undertaking to review school policies in light of the complaint

- an apology.

Withdrawal of a Complaint

If a complainant wants to withdraw their complaint, we will ask them to confirm this in writing.

Complaints Procedure: Stage 1

Formal complaints must be made to the Executive Headteacher (EHT) (unless they are about the headteacher), via the school office. This may be done in person, in writing (preferably on the Complaint Form and or by written letter), or by telephone.

The EHT will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within 5 working school days.

Within this response, the EHT will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. The EHT can consider whether a face to face meeting is the most appropriate way of doing this.

Note.' The headteacher may delegate the investigation to another member of the school's senior leadership team but not the decision to be taken.

During the investigation, the EHT (or investigator) will:

- if necessary, interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish
- keep a written record of any meetings/interviews in relation to their investigation
- gain a signature from interviewees to confirm that any written record is an accurate account

At the conclusion of their investigation, the EHT will provide a formal written response within 10 working school days of the date of receipt of the complaint.

If the EHT is unable to meet this deadline, they will provide the complainant with an update and revised response date.

The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions The Wye Forest Federation (or, if appropriate the individual school within the federation) will take to resolve the complaint.

The EHT will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 1.

Complaints about the Executive Headteacher or member of the governing body must be made to the Clerk, via the school office.

If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire governing body or
- the majority of the governing body

Stage 1 will be considered by an independent investigator appointed by the governing body or a representative from the Gloucester Diocesan Education Office. At the conclusion of their investigation, the independent investigator will provide a formal written response.

Stage 2

If the complainant is dissatisfied with the outcome at Stage 1 and wishes to take the matter further, they can escalate the complaint to Stage 2.

A request to escalate to Stage 2 must be made to the Clerk, in writing (not email) via the school office, within 5 working school days of receipt of the Stage 1 response.

The Clerk will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within 5 working school days.

Requests received outside of this time frame will only be considered if exceptional circumstances apply.

The Stage 2 Review or Appeal of the outcome of Stage 1 might take different forms, depending on the nature and complexity of the complaint:

- Investigation/Review of the complaint by Chair of Governors
- Review and hearing by the regular WFF Complaints Panel
- Review by an Independent Panel of Governors, including external membership where necessary

In certain cases, where the complaint is about particularly sensitive and/or complex issues that might lie outside the scope of governors to investigate, an appeal may, by agreement with the complainant, take the form of an independent investigation, for example:

- A Local Authority investigation and review
- Commissioning of an Independent Appeal Investigation

In the case of such investigations, the oral and written evidence from those involved, together with any relevant witnesses, will be submitted to the investigating officer rather than at a hearing to a panel of Governors.

Once an appeal has been made, the investigation will only deal with evidence relating to the original complaint. No further complaints about other matters not raised at the time can be taken into account

Complaints Procedure: Stage 2

The Clerk will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within 20 working school days of receipt of the Stage 2 request. If this is not possible, the Clerk will provide an anticipated date and keep the complainant informed.

If the complainant rejects the offer of three proposed dates, without good reason, the Clerk will decide when to hold the meeting. It will then proceed in the complainant's absence on the basis of

written submissions from both parties.

The complaints committee will consist of at least three governors with no prior involvement or knowledge of the complaint. Prior to the meeting, they will decide amongst themselves who will act as the Chair of the Complaints Committee. If there are fewer than three governors from available, the Clerk will source any additional, independent governors through another local school or through their LA's Governor Services team, in order to make up the committee. Alternatively, an entirely independent committee may be convened to hear the complaint at Stage 2.

The committee will decide whether to deal with the complaint by inviting parties to a meeting or through written representations, but in making their decision they will take into account the form of the Stage 2 investigation and be sensitive to the complainant's needs. In taking into account the form of the Stage 2 investigation, the committee will consider who has investigated the appeal and the thoroughness of the evidence-gathering process.

If the complainant is invited to attend the meeting, they may bring someone along to provide support. This can be a relative or friend. Generally, we do not encourage either party to bring legal representatives to the committee meeting. However, there may be occasions when legal representation is appropriate.

For instance, if a school employee is called as a witness in a complaint meeting, they may wish to be supported by union and/or legal representation.

Note. Complaints about staff conduct will not generally be handled under this complaints procedure. Complainants will be advised that all conduct complaints will be considered under staff disciplinary procedures, if appropriate, but outcomes will not be shared with them.

Representatives from the media are not permitted to attend.

At least 10 working school days before the meeting, the Clerk will:

- confirm and notify the complainant of the date, time and venue of the meeting, ensuring that, if the complainant is invited, the dates are convenient to all parties and that the venue and proceedings are accessible
- request copies of any further written material to be submitted to the committee at least 5 working school days before the meeting.

Any written material will be circulated to all parties at least 5 working school days before the date of the meeting. The committee will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

The committee will also not review any new complaints at this stage or consider evidence unrelated to the initial complaint to be included. New complaints must be dealt with from Stage 1 of the procedure.

The meeting will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own disability or special needs require it. Prior knowledge and consent of all parties attending must be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.

The committee will consider the complaint and all the evidence presented. The committee can:

- uphold the complaint in whole or in part
- dismiss the complaint in whole or in part.
- =

If the complaint is upheld in whole or in part, the committee will:

- decide on the appropriate action to be taken to resolve the complaint
- where appropriate, recommend changes to the school's systems or procedures to prevent similar issues in the future.

The Chair of the Committee will provide the complainant and the Wye Forest Federation with a full explanation of their decision and the reason(s) for it, in writing, within 10 working school days.

The letter to the complainant will include details of how to contact the Department for Education if they are dissatisfied with the way their complaint has been handled by the Wye Forest Federation.

If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire governing body or
- the majority of the governing body

Stage 2 will be heard by a committee of independent governors.

The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions the Wye Forest Federation will take to resolve the complaint.

The response will also advise the complainant of how to escalate their complaint should they remain dissatisfied.

Next Steps

If the complainant believes the school did not handle their complaint in accordance with the published complaints procedure or they acted unlawfully or unreasonably in the exercise of their duties under education law, they can contact the Department for Education after they have completed Stage 2.

The Department for Education will not normally reinvestigate the substance of complaints or overturn any decisions made by the Wye Forest Federation. They will consider whether the Wye Forest Federation has adhered to education legislation and any statutory policies connected with the complaint.

The complainant can refer their complaint to the Department for Education online at: www.education.gov.uk/contactus, by telephone on: 0370 000 2288 or by writing to:

Department for Education
Piccadilly Gate
Store Street
Manchester M1 2WD.

Complaint Form

Please complete and return to the school office. This will be passed on to the intended recipient who will acknowledge receipt and explain what action will be taken.

Your name:
Pupil's name (if relevant):
Your relationship to the pupil (if relevant):
Address: Postcode: Day time telephone number: Evening telephone number:
Please give details of your complaint, including whether you have spoken to anybody at the school about it.

What actions do you feel might resolve the problem at this stage?

Are you attaching any paperwork? If so, please give details

Signature:

Date:

Official Use Only

Date Acknowledgement Sent:

By Whom:

Complaint referred to:

Date

Roles and Responsibilities

Complainant

The complainant will receive a more effective response to the complaint if they:

- explain the complaint in full as early as possible
- co-operate with the school in seeking a solution to the complaint
- respond promptly to requests for information or meetings or in agreeing the details of the complaint
- ask for assistance as needed
- treat all those involved in the complaint with respect
- refrain from publicising the details of their complaint on social media and respect confidentiality.

Investigator

The investigator's role is to establish the facts relevant to the complaint by 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
- interviewing staff and children/young people and other people relevant to the complaint
- a consideration of records and other relevant information and analysing information
- liaising with the complainant and the complaints co-ordinator as appropriate to clarify what the complainant feels would put things right.

The investigator should:

- 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
- gain signed agreement of the interviewee that the notes or minutes kept of an interview are an accurate record of what was said
- ensure that any papers produced during the investigation are kept securely pending any appeal
- be mindful of the timescales to respond
- prepare a comprehensive report for the headteacher or complaints committee that sets out the facts, identifies solutions and recommends courses of action to resolve problems.

The headteacher or complaints committee will then determine whether to uphold or dismiss the complaint and communicate that decision to the complainant, providing the appropriate escalation details.

Complaints Co-ordinator (The EHT and/ or a designated governor)

- The complaints co-ordinator should:
- ensure that the complainant is fully updated at each stage of the procedure
- liaise with staff members, EHT, Chair of Governors, Clerk and LAs (if appropriate) to ensure the smooth running of the complaints procedure
- be aware of issues regarding:
 - sharing third party information

- additional support. This may be needed by complainants when making a complaint including interpretation support or where the complainant is a child or young person
- keep records.

Clerk to the Governing Body

The Clerk is the contact point for the complainant and the committee and should:

- ensure that all people involved in the complaint procedure are aware of their legal rights and duties, including any under legislation relating to school complaints, education law, the Equality Act 2010, the Freedom of Information Act 2000, the Data Protection Act (DPA) 2018 and the General Data Protection Regulations (GDPR)
- set the date, time and venue of the meeting, ensuring that the dates are convenient to all parties (if they are invited to attend) and that the venue and proceedings are accessible
- collate any written material relevant to the complaint (for example; stage 1 paperwork, school and complainant submissions) and send it to the parties in advance of the meeting within an agreed timescale
- record the proceedings
- circulate the minutes of the meeting
- notify all parties of the committee's decision.

Committee/ Complaints Panel Chair

The committee's chair, who is nominated in advance of the complaint meeting, should ensure that:

- both parties are asked (via the Clerk) to provide any additional information relating to the complaint by a specified date in advance of the meeting
- the meeting is conducted in an informal manner, is not adversarial, and that, if all parties are invited to attend, everyone is treated with respect and courtesy
- complainants 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/young person
- the remit of the committee/complaint panel is explained to the complainant
- written material is seen by everyone in attendance, provided it does not breach confidentiality or any individual's rights to privacy under the DPA 2018 or GDPR.
- If a new issue arises it would be useful to give everyone the opportunity to consider and comment upon it; this may require a short adjournment of the meeting
- both the complainant and the school are given the opportunity to make their case and seek clarity, either through written submissions ahead of the meeting or verbally in the meeting itself
- the issues are addressed
- key findings of fact are made
- the committee is open-minded and acts independently
- no member of the committee has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure
- the meeting is minuted
- they liaise with the Clerk (and complaints co-ordinator, if the school has one).

Committee/ Complaints Panel Member

Committee/complaints panel members should be aware that:

- the meeting must be independent and impartial, and should be seen to be so
- No governor may sit on the committee if they have had a prior involvement in the complaint or in the circumstances surrounding it.
- the aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant
- We recognise that the complainant might not be satisfied with the outcome if the meeting does not find in their favour. It may only be possible to establish the facts and make recommendations.
- many complainants will feel nervous and inhibited in a formal setting
- Parents/carers often feel emotional when discussing an issue that affects their child.
- extra care needs to be taken when the complainant is a child/young person and present during all or part of the meeting
- Careful consideration of the atmosphere and proceedings should ensure that the child/young person does not feel intimidated.
- The committee should respect the views of the child/young person and give them equal consideration to those of adults.
- If the child/young person is the complainant, the committee should ask in advance if any support is needed to help them present their complaint. Where the child/young person's parent is the complainant, the committee should give the parent the opportunity to say which parts of the meeting, if any, the child/ young person needs to attend.
- However, the parent should be advised that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting that the committee considers is not in the child/young person's best interests.
- the welfare of the child/young person is paramount.

Wye Forest Federation Policy for managing serial and unreasonable complaints

The Wye Forest Federation 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 any members of the school community to tolerate unacceptable behaviour and will take action to protect them from that behaviour, including that which is abusive, offensive or threatening.

The Wye Forest Federation 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 may

- also seek 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.

Where a complainant tries to re-open the issue with 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 the Federation Governing Body (or other appropriate person in the case of a complaint about the Chair) will inform the complainant that the matter is closed.

If the complainant subsequently contacts the 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,
- The complainant has been given a clear statement of the school's position and their options (if any)
- The complainant is contacting the school repeatedly but is either making substantially the same points each time, making further associated complaints repeatedly or including further information amounting to minor variations on an earlier complaint that has already been dealt with.

However, this list is not intended to be exhaustive. The school will be most likely to choose not to respond if:

- The school has 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 and/or potentially libelous personal comments about, makes threats or makes any act of intimidatory behaviour towards any member of the school community, including other parents of children currently registered at the school

Unreasonable behaviour which is abusive, offensive, threatening, potentially libelous or intimidatory may constitute an unreasonable and/or persistent complaint.

Whenever possible, appropriate and safe the headteacher or Chair of Governors will discuss any concerns with the complainant before applying an 'unreasonable' marking.

The Executive Headteacher or Chair of Governors will write to the complainant explaining that their behaviour is unreasonable and ask them to change it. For complainants who excessively contact one or both of the school in the Wye Forest Federation 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. The school will ensure when making this decision that complainants making any new complaint(s) are heard, and that the school acts reasonably.

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 one or both of the schools in the Wye Forest Federation.

Complaint campaigns

Where the school receives a large volume of complaints about the same topic or subject, especially if these come from complainants unconnected with the school, the school may respond to these complaints by:

Publishing a single response on the Federation website
Sending a template response to all of the complainants

If complainants are not satisfied with the school's response, or wish to pursue the complaint further, the normal procedures will apply.