

WILMSLOW HIGH SCHOOL COMPLAINTS POLICY

Policy Type: Governing Body

Managed by: Headteacher

Governors' Link Committee: Personnel – although complaints can relate to other committee responsibilities

Date of Policy: Summer 2016

Review schedule: Annual review of operations. DfE guidance review due January 2018

Review records:

Personnel 27.06.16	Personnel 4.12.17	Personnel 12.02.18	
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1. **Introduction**

- 1.1 This complaints procedure is made pursuant to s.29 of the Education Act 2002 which requires governing bodies of all maintained schools (including academies) and maintained nursery schools to have in place a procedure for dealing with all complaints relating to their school and to any community facilities or services that the school provides.
- 1.2 This policy is based on the Cheshire East Borough Council model complaints policy and procedure which has been produced by the Local Authority following consultation with Cheshire East Association of Primary Heads; Cheshire East Association of Secondary Heads; Cheshire East Association of Special School Heads; Cheshire East Association of Governing Bodies; Cheshire East school workforce Trade Unions; the Diocese Of Chester; and the Diocese of Shrewsbury.
- 1.3 This policy takes into account current Department for Education guidance.
- 1.4 All references to working days refer to days when the school is open to pupils and for staff training days.
- 1.5 The Governing Body will ensure a copy of the procedure is published on the school website and will also be available on request from the school office.

2. **Scope of the Procedure**

- 2.1 This policy can be used by you if you are a parent/carer of a registered pupil at the school or if you are a member of the wider community or a person representing an ex- pupil of the school.

The Complaints Procedure covers all complaints about any provision of facilities or services that the school provides except in the following cases where there are separate procedures:

- Admissions to School
- Statutory Assessment of SEND
- School Reorganisation Proposals
- Matters likely to require a Child Protection Investigation
- Exclusion of children from school
- Whistleblowing
- Staff grievances and disciplinary procedures
- Complaints about services provided by other organisations who may use school premises or facilities.

2.2 Complaints will normally be dealt with following the 4 stages set out below.

3. General Principles

- 3.1 All complaints will be dealt with in a transparent way and as quickly as is reasonably practical. You will be kept informed during the investigation of your complaint and of the outcome except where this is confidential e.g. in the case of a staff disciplinary process.
- 3.2 It is important that complaints are dealt with as expeditiously as possible. The school will normally expect you to raise your complaint within 12 term time calendar weeks of the event/matter complained of unless the Headteacher or Chair of Governors agrees there are exceptional reasons for not doing so. All correspondence to the school or governors should be by email or letter care of the school office and not to the home address of any governor.
- 3.3 The timescales for dealing with your complaint within this procedure will be adhered to as far as is reasonably practicable. Where this is not possible you will be informed, within the specified timescale, as to why this is the case, and given a revised timescale for dealing with your complaint.
- 3.4 The school has appointed a school's complaints co-ordinator whose role is to have responsibility for the operation and management of the school's complaints procedure in line with **"Best Practice Advice for School Complaints Procedures 2016"** (DfE January 2016)
- 3.5 The governing body recognises that complaints may provide helpful insights and feedback for

the Headteacher and staff, as well as the governing body, and as such support improvement in processes and practice.

4. Resolving complaints

4.1 At each stage in the procedure the school will want to consider the ways in which your complaint can be resolved which may include acknowledging that your complaint is valid in whole or in part. 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;
- an undertaking to review school policies in light of the complaint.

4.2 At each stage you will be asked to state what action you feel might resolve the issue.

5. Serial and Persistent complaints

5.1 The school defines serial and persistent complaints as follows:

- Complaints which are obsessive, persistent, harassing, prolific, repetitious or abusive
- Complaints which demand outcomes which are unrealistic or beyond reason
- Complaints which are pursued in an unreasonable manner
- Complaints which are designed to cause disruption, inconvenience or annoyance
- Complaints which lack any serious purpose or value.

5.2 The school may judge your complaint to be pursued in an ‘unreasonable manner’ where your frequency of contact with the school hinders the consideration of the complaint and/or impedes the ability of the Headteacher and school to meet the needs of all pupils equitably.

5.3 Where the Headteacher, and/or Chair of Governors, or other nominated governor judges a complaint to be persistent and unreasonable, and that the school has taken every reasonable step to address the complainants needs, s/he will take such actions as they consider appropriate

which may include rejecting the complaint and/or restricting communication between you and the school.

- 5.4 Any such decision will be communicated to you in writing with the reasons for it and a clear statement of the school's position.
- 5.5 Where you seek to reopen a matter the same as, or similar to, a matter previously considered under the procedure the Chair of Governors has the right to inform you that the procedure has been exhausted and the matter is closed.

6. Stages of the Procedure

- 6.1 Many concerns and minor complaints can be resolved quickly and informally through the class teacher or another member of staff, depending upon the nature of the complaint. Unless there are exceptional circumstances every effort will be made by the school to have a full discussion with you and resolve the issues informally before moving into the formal stages of this procedure.

Stage 1 (Informal) Initial concern

- 6.2. You should raise your concern/issue by appointment with the class teacher/form tutor/person complained of as soon as possible. The purpose of the meeting should be to establish the nature of the concern and to seek a realistic solution to the problem. The staff member may, if they consider it appropriate, or if so directed by their line manager/headteacher, refer you to a more senior or experienced member of staff who will try to resolve your concern informally. Where a particular member of staff (e.g. your child's class teacher) is the subject of the complaint you may choose to have your concerns addressed by a different member of staff.
- 6.3 If your concern is not resolved through such discussion you should seek an appointment with the headteacher or with a member of the senior leadership team, a deputy headteacher or assistant headteacher. The purpose of this meeting is to establish the nature of your ongoing concern and hopefully resolve it to your satisfaction. It is for the Headteacher to determine which staff members should attend any such meeting
- 6.4 You should note that individual governors are unable to act on a complaint outside of the procedure set out in this document.
- 6.5 If initial attempts to resolve your issues informally are unsuccessful and you remain

dissatisfied you may wish to invoke the formal complaints procedure set out below.

7. Stage 2 (formal) – Complaint heard by the head teacher/or senior member of staff

- 7.1 If you remain dissatisfied either with the way in which your concerns have been handled or your issue remains unresolved you may wish to ask the head teacher/or senior member of staff, or an appropriate third party as decided by the headteacher to hear your complaint.
- 7.2 The head teacher/or senior member of staff may ask another member of staff to assist with collating information as part of the investigation but the decision on the action to be taken will be made by the head teacher/senior member of staff.
- 7.3 In order to facilitate an efficient and effective response, formal complaints should be made by completion of the school's complaint form which you may download and print from the school website or obtain from and return to the school office addressed to the head teacher or senior member of staff. Where appropriate, in order to comply with the Equality Act 2010, this complaint form can be completed by a member of the school staff following a face-to-face or telephone conversation.
- 7.4 The head teacher/senior member of staff, or other member of staff nominated by him/her, will contact you within 10 working days of receiving your complaint, or as soon as is reasonably practical to arrange a meeting with you at a mutually convenient time. You will be permitted to bring a friend or representative with you at this stage. Where necessary the head teacher/senior member of staff, or other nominated member of staff, will carry out a full investigation into the issues raised. The head teacher/senior member of staff will give a written response to you within 10 working days of this meeting or as soon as is reasonably practical thereafter. Where you decline the offer of a meeting this response will be made as soon as possible after you notify the school that you do not wish to meet. Normally this will be within 10 working days. Where you remain dissatisfied with this response, the complaint should move to the third stage of the procedure.
- 7.5 Where your complaint is against the head teacher, the chair of governors, another governor or the Governing Body as a whole, the complaint will move straight to the third stage of the procedure.

8. Stage 3 (formal) – Complaint heard by the Chair of Governors/other governor

- 8.1 If you are not satisfied with the response of the head teacher/senior member of staff or where paragraph 3.5 applies, you should write to the Chair of Governors. Complaints against the Chair of Governors or any individual governor should be made in writing to the Clerk to the

Governing Body. You may write by letter or email via the school office. You must not contact individual governors at their home address.

- 8.2 The Chair/Vice Chair/nominated governor will contact you within 10 working days to offer to meet with you as soon as possible to discuss your concerns.
- 8.3 The Chair/Vice Chair/nominated governor will review the investigation and head teacher/senior member of staff decision and may confirm this decision or reach a different decision. The governor may choose to reinvestigate the complaint in whole or in part. The governor may take advice initially from the Cheshire East Council Governance and Liaison Service, which may consult other LA officers.
- 8.4 Where paragraph 3.5 applies the Chair/Vice Chair/nominated governor will conduct an investigation into the complaint. S/he should take appropriate advice in doing so.
- 8.5 The Chair/Vice Chair/nominated governor will communicate his/her response in writing to you as soon as possible but, in any case, within 10 working days of the meeting referred to in paragraph 4.2. If this is not reasonably practicable, you will be informed in writing, with reason(s) for the delay.
- 8.6 Where you decline the offer of such a meeting the governor will inform you of the outcome of the investigation within 10 working days of your notification that you do not wish to meet or as soon as is reasonably practicable afterwards.
- 8.7 Where you are dissatisfied with this response the complaint should move to the appeal stage of the procedure.

9 Appeal to the Governing Body Stage

- 9.1 If you wish to appeal against the decision made at the formal stage you must indicate your intention to do so within 10 working days of receipt of the outcome of the formal stage.
- 9.2 You must do this by sending a written appeal to the Clerk to the Governing Body, either by letter or email. This should state the original complaint and your reasons for appealing the outcome of the previous stages.
- 9.3 A governors' appeal panel will be convened, consisting of three governors who have had no previous involvement in consideration of the complaint. A complaints appeal meeting will be held in accordance with the procedure attached as **Appendix A**.
- 9.4 If the whole governing body is aware of the substance of the complaint, the school will arrange an independent panel to hear the complaint. The school will also consider a request from a

complainant for an independent panel. The decision on this will be made by the governors.

9.5 The meeting of the governors' panel should take place as soon as possible, but in any case a date and time should be set and communicated to you within 20 working days of receipt of your request for an appeal. Every reasonable effort will be made by the clerk to agree the date and time with you. Normally the appeal hearing will take place at the school, but for practical reasons an alternative venue may be arranged by the clerk. The governors' decision will be communicated in writing to you as soon as possible but, in any case, within 5 working days of the meeting. The Panel can

- Dismiss your complaint in whole or in part;
- Uphold your 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 problems of a similar nature do not happen again.

You will have no further right to appeal this decision within the school although you may be able to seek a review of the Governor's appeal panel in certain circumstances to the external bodies listed below.

10. Opportunities to Request a Review

Complaining to the Secretary of State

10.1 If you believe that the Governing Body has acted unreasonably you can complain in writing to the Secretary of State for Education. You should write to The Schools Complaints Unit (SCU) Department for Education, 2nd Floor Piccadilly Gate, Manchester, M1 2WD.

Complaining to Ofsted

10.2 Ofsted has powers to investigate certain types of complaint from parents to help them to decide whether to inspect a school.

Before complaining to an external body it would usually be expected that **all** stages of this procedure had been exhausted.

11. The Role of the Cheshire East Information Advice and Support Service

11.1 The Cheshire East Information, Advice & Support Service(CEIAS) helps parents/carers whose children have difficulties with learning, medical needs or mental health problems, from 0 to 25.

The service is confidential and offers impartial advice and information to enable parents and carers to make decisions about their child's education. This includes supporting parents with complaints to schools or the Local Authority.

11.2 The service can help you consider what your complaint is about and the options available to you to resolve it, including more informal measures that can be explored in the first instance. If you wish, the service can explain how to put a letter/case together to take the matter forward. Someone from the service can attend meetings with you to offer support but will not speak on your behalf or make decisions for you. The service also offers support after meetings have taken place to consider the conclusions of the meeting and if you feel a satisfactory outcome was achieved. If not you may have further options to consider.

11.3 Contact details for the service are 03001235166.

The service can be contacted at:

CEIAS, Floor 4, c/o Municipal Buildings, Earle Street, Crewe, Cheshire CW1 2BJ

Date of adoption by Personnel Committee of Governing Body: 27th June 2016