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# Weobley Schools' Federation

## Complaints Procedure

**November 2022**

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Most parents and carers have a positive relationship with schools however sometimes a problem may arise. Governing Bodies of schools are required by law under the Education Act 2002 (Section 29) to establish a procedure which deals with complaints. This procedure will be used by the School's Governing Body and the Senior Leadership Team when dealing with general complaints; it is for parents, carers and members of the public to use to raise informal and formal complaints with the school and the Governing Body. All complainants will be treated seriously and courteously and given the time they need to be heard. It is important that complainants have confidence in the procedure and know that their concerns and complaints will be investigated fully and impartially.

All parties need to be clear about the difference between a **concern** (*an expression of worry or doubt over an issue considered to be important for which reassurances are sought*) and a **complaint** (*an expression of dissatisfaction however made, about actions taken or a lack of action*). Concerns should be handled if at all possible, without the need for formal procedures. In most cases, the class teacher will receive the first approach and may be able to resolve an issue immediately. The existence of a complaints procedure should not be seen as a way of undermining efforts to resolve a concern informally.

The formal complaints procedure will need to be used where initial attempts to resolve the issue have been unsuccessful and the person raising the issue remains dissatisfied and wishes to take the matter further.

### **Who is the Procedure for?**

The procedure is for everyone (parents, carers and members of the public) to use to raise informal and formal general comments or complaints with the school and the Governing Body. Complainants will be treated seriously and courteously and given the time they need to be heard. It is important that complainants have confidence in the procedure and know that their concerns and complaints will be investigated fully and impartially.

If a complainant needs some kind of support in order to raise a concern or complaint, then every effort should be made to ensure this is available to enable them to fully participate in the process. (This could include provision of a translation of the procedure, provision of an interpreter etc.)

### Scope of this Complaints Procedure

This procedure covers all complaints about any provision of community facilities or services by The Weobley Schools' Federation, other than complaints that are dealt with under other statutory procedures, including those listed below.

Exceptions	Who to contact
<ul style="list-style-type: none"> <li>• Admissions to schools</li> <li>• Statutory assessments of Special Educational Needs</li> <li>• School re-organisation proposals</li> </ul>	<p>Concerns about admissions, statutory assessments of Special Educational Needs, or school re-organisation proposals should be raised with Herefordshire Local Authority.</p>
<ul style="list-style-type: none"> <li>• Matters likely to require a Child Protection Investigation</li> </ul>	<p>Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance.</p> <p>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).</p>
<ul style="list-style-type: none"> <li>• Exclusion of children from school*</li> </ul>	<p>Further information about raising concerns about exclusion can be found at: <a href="http://www.gov.uk/school-discipline-exclusions/exclusions">www.gov.uk/school-discipline-exclusions/exclusions</a>.</p> <p><i>*complaints about the application of the behaviour policy can be made through the school's complaints procedure.</i></p>
<ul style="list-style-type: none"> <li>• Whistleblowing</li> </ul>	<p>We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors.</p> <p>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: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a>.</p> <p>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.</p>
<ul style="list-style-type: none"> <li>• Staff grievances</li> </ul>	<p>Complaints from staff will be dealt with under the school's internal grievance procedures.</p>
<ul style="list-style-type: none"> <li>• Staff conduct</li> </ul>	<p>Complaints about staff will be dealt with under the school's internal disciplinary procedures, if appropriate.</p> <p>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.</p>
<ul style="list-style-type: none"> <li>• Complaints about services provided by other providers who may use school premises or facilities</li> </ul>	<p>Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct.</p>
<ul style="list-style-type: none"> <li>• National Curriculum - content</li> </ul>	<p>Please contact the Department for Education at: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a></p>

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 Weobley Schools 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.

### **General Principles**

The procedure for handling complaints is intended to:-

- be easily accessible and well publicised
- be simple to understand and use
- encourage resolution of problems by informal means, wherever possible
- be impartial and non-adversarial
- allow swift handling with established time-limits for action and keeping people informed of the progress
- ensure a full and fair investigation
- respect individuals' desire for confidentiality
- address the key issues raised, provide an effective response and appropriate action
- be used by staff and governors consistently, appropriately and confidently.
- require written records of all meetings that take place in relation to both concerns and complaints
- provide information to the school's senior leadership team so that services can be improved

### **The Stages of the Complaints Process:**

The school Complaints Process has four defined stages:

- Stage 1:           The complaint is heard informally by a staff member (not the subject of the complaint)
- Stage 2:           The complaint is formally heard by the Executive Headteacher / Head of School. If the complaint is about the Executive Headteacher/Head of School, this should move directly to Stage 3
- Stage 3:           The complaint is formally heard by the Chair of Governors
- Stage 4:           The complaint is heard by a Governing Body's Complaints Panel

### **Dealing with Complaints**

Schools need to be clear about the difference between a concern and a complaint. Taking informal concerns seriously at the earliest stage will reduce the numbers that develop into formal complaints. However, formal complaints should always follow the complaints procedure.

We will not normally investigate anonymous complaints. However, the Executive Headteacher/Head of School or Chair of Governors, if appropriate, will determine whether the complaint warrants an investigation.

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

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

### **Resolving complaints**

At each stage in the procedure, all parties should keep in mind ways in which a complaint can be resolved. It would be useful if complainants state what actions they feel might resolve the problem at any stage.

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.

### **Serial and Unreasonable Complaints:**

There may be occasions when, despite all stages of the procedures having been followed, the complainant remains dissatisfied. If the complainant tries to reopen the same issue, the Chair of the Governing Body is able to inform them in writing that the procedure has been exhausted and that the matter is now closed.

Problems may arise where the complainants are unreasonable and are not seeking to have a situation remedied but instead are determined to extract retribution for some real or imagined wrong. Complainants will be advised in writing of the school policy for handling unreasonably persistent, harassing or abusive complainants. (see Annex A)

### **Standards for handling complaints:**

- We can receive complaints by letter or email, or alternatively if required during a face to face meeting
- You can expect to be treated with courtesy, respect and fairness at all times.
- We expect that you will also treat our staff dealing with your complaint with the same courtesy, respect and fairness
- We will treat your complaint in confidence within the school.
- We will deal with your complaint promptly.
- We will acknowledge receipt of a written complaint within five working days; you can expect to have a full reply within 20 working days.
- We will not treat you less favourably than anyone else because of your:
  - sex or legal marital or same-sex partnership status: this includes family status, responsibility for dependants, and gender (including gender reassignment, whether proposed, commenced or completed)
  - sexual orientation
  - colour or race: this includes ethnic or national origin or nationality
  - disability
  - religious or political beliefs, or trade union affiliation
  - any other unjustifiable factors, for example language

### **Third Party Reporting:**

Complainants may wish to have a third party act on their behalf. A third party is any person or organisation acting on behalf of or making enquiries for the complainant. For example, third parties may include:

- advice organisations
- professionals such as social workers, community psychiatric nurses or doctors, solicitors
- family members or friends
- interpreters for second language
- interpreters for the deaf

Where a third party is helping a complainant with a particular complaint, we need written consent to that effect. Where we have this authority, we will endeavour to take all possible steps to keep the third party informed of progress on the complaint.

### **Confidentiality:**

All complaints received will be dealt with confidentially and in accordance with the requirements of the Data Protection Act 1998, subject to the need to disclose information as required by statutory authorities, and/or as a result of statutory, legal or parliamentary obligations placed on the Commission.

## **Complaints Procedure**

### **1. Informal**

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. Anyone, (parents, carers or members of the public), must feel able to raise a concern or make a comment about what goes on in school with members of staff, the Executive Headteacher, Head of School or other nominated senior member of staff, without formality. Informal complaints can be made in person, by telephone or in writing.

Most concerns, comments and complaints can usually be resolved informally by contacting the appropriate member of staff, the Executive Headteacher / Head of School or other nominated senior member of staff at the school, and do not develop into formal complaints. The ability to consider the complaint objectively and impartially is crucial.

Anyone who wishes to raise a concern should ask for an appointment to meet with an appropriate member of staff at an agreed time. At the meeting, the nature of the concern should be clarified and brief details recorded.

The parties involved should discuss and be encouraged to offer their view of what would be a realistic resolution to the problem.

If the member of staff first contacted cannot deal with the matter personally, he/she may need to refer the matter to a colleague. Before doing so, the nature of the concern should be clarified, details recorded (name of person, contact address or phone number, nature of concern, date when concern raised and date(s) of any relevant incident or event) and the person should be notified of the likely time-scale of a response.

If the matter cannot be resolved at this stage, and the person wishes to take the matter further, they should be given clear information about how to proceed with a formal complaint.

Please note: Complainants should not approach individual governors to raise concerns or complaints. They have no power to act on an individual basis and it may also prevent them from considering complaints at the later stages of the procedure.

## **2. Formal Complaint heard by the Executive Headteacher / Head of School**

All formal complaints should be submitted to the Executive Headteacher / Head of School, unless the complaint is in respect of the Executive Headteacher / Head of School, in which case it should be submitted to the Chair of Governors (Stage 3).

All written complaints should be formally acknowledged within **five school days**, and a full written response should be sent within **twenty school days**. If this is not possible for any reason, i.e. the complaint is complex, the complainant should be notified of the delay, and reason in writing, and a new expected response date should be provided.

If the matter cannot be resolved at this stage, and the complainant wishes to take the matter further, they should be given clear information about how to proceed with a formal complaint at Stage 3.

## **3. Formal Complaint heard by the Chair of Governors**

All formal complaints which remain unresolved following an investigation carried out by the Executive Headteacher / Head of School or are complaints about the Executive Headteacher / Head of School should be submitted to the Chair of Governors for further consideration.

All written complaints should be formally acknowledged within **five school days**, and a full written response should be sent within **twenty school days**. If this is not possible for any reason, i.e. the complaint is complex, the complainant should be notified of the delay, and reason in writing, and a new expected response date should be provided.

If the matter cannot be resolved at this stage, and the complainant wishes to take the matter further, they should be given clear information about how to proceed with a formal complaint at Stage 4.

## **4. Hearing by Complaints Panel**

An issue that has not been resolved through informal and formal procedure (Stages 1, 2 and 3) will escalate to a full investigation by a Governing Body's Complaints Panel who will be charged with seeing the complaint through. The Education Act 2002 (Section 29) requires Governing Bodies to establish these procedures and hear complaints. This committee will be the last school-based stage of the Complaints Process.

The complainant should write to 'The Clerk to the Governing Body' (marking it 'private and confidential – complaint') giving details of the complaint and asking for it to be dealt with at Stage 4. The Clerk to the Governing Body or Chair of the Panel should write to the complainant within five school days of receipt and advise them of the name of the Governor who will chair the Stage 4 panel, and outline the timescales for the process. The Chair of the Panel will then convene a meeting of the Governing Body Complaints Panel, usually within 20 school days of receipt of the letter. If there is a longer delay, the complainant needs to be informed and given an estimated date of when the committee will meet.

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 federation governors 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.

Individual complaints would not be heard by the whole Governing Body at any stage, as this could compromise the impartiality of any panel set up for a disciplinary hearing against a member of staff following a serious complaint.

The Panel 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 be sensitive to the complainant's needs. The date, time and venue of the hearing, should be agreed to ensure that they are convenient and accessible to all parties..

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 any staff 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.

The Chair should arrange for copies of all the relevant documentation to be sent to all people invited, ensuring that everyone has copies to read through at least 5 school days before the date of the meeting.

Should the complaint be lengthy, it is wise for the Chair to speak with the complainant prior to the meeting and identify "bullet point issues of complaint." This should ensure that the relevant people attend the hearing.

It is recommended that the Panel meet prior to the hearing to agree any questions that they may have from the paperwork, and also to agree how questions will be raised during the hearing.

### **Proceedings at the Meeting:**

1. The Chair of the Complaints Committee will introduce him/herself and ask the people present to introduce themselves. It needs to be made clear at the start of the meeting, who can be present for what part of the meeting. The Chair will then explain the purpose and format of the meeting and advise those present that at any time they can ask for a short break. It should be noted that complainants may feel uncomfortable speaking in front of a large number of people, and therefore it may be more productive for people to be invited into part of the hearing only.
2. The complainant will be asked to give a verbal statement in support of his/her written letter of complaint and why he/she feels that the issue has not been resolved. He/she will be permitted to call witnesses and to produce relevant documentation.
3. The person subject to the complaint will be given the opportunity to ask questions:

- of the complainant on the evidence given by him/her and
  - of any of the witnesses the complainant has called on their evidence.
4. The Chair and other Complaints Panel members will take the opportunity to ask questions and seek clarification.
5. The person subject to the complaint will be given the right of reply, to state his/her case, to call witnesses and to produce relevant documentation.
6. The complainant will be given the opportunity to ask questions:
- of the person subject to the complaint on the evidence given by him/her
  - of any of the witnesses the person subject to the complaint has called on their evidence.
7. The Chair and other Complaints Panel members will take the opportunity to ask any further questions they may have. When the Complaints Panel members understand all the issues, the Chair will ask all parties to leave, except the members and the clerk.

#### **After the meeting:**

The Complaints Panel members then discuss the issues in private and will need to consider the information, come to a decision and suggest a way to resolve the issue taking into account the best interests of the child or children.

When the Complaints Panel have reached a decision the Chair will inform everyone concerned in writing of its conclusion as soon as possible, but in any event, within 10 school days of the meeting.

**The decision of the Complaints Panel is final.** They will report their findings to the Governing Body ensuring that any issues coming out of the investigation are put into action.

Once a Complaints Panel has heard a complaint and it is clear that correct procedures have been followed, that specific complaint cannot be reopened or re-heard. **The matter will then be closed as far as the school is concerned.** The complainant should also be made aware that there is no right of appeal to the Local Authority if the complainant is still dissatisfied. If a request is received in this respect, the complainant should be advised that they should write to:

The School Complaints Unit (SCU) Sanctuary Buildings  
Department for Education  
2nd Floor, Piccadilly Gate  
Manchester  
M1 2WD

#### **What will the Department for Education do?**

If a complaint has exhausted the local procedures, The School Complaints Unit will examine if the complaints policy and any other relevant policies were followed; they will also determine whether the policies adhere to education legislation. The Schools Complaints Unit will not re-investigate the substance of the complaint. This remains the responsibility of schools.

If legislative or policy breaches are found, the Schools Complaints Unit will report them to the school and the complainant and, where necessary, require remedial action to be taken. Failure to carry out remedial actions could ultimately result in a formal Direction being issued by the Secretary of State.

<b>Reviewed on:</b>	<b>November 2022</b>
<b>Reviewed at:</b>	<b>SLT 21.11.2022</b>
<b>By:</b>	<b>Executive Headteacher</b>
<b>To be reviewed:</b>	<b>November 2023</b>

## **ANNEX A**

# **Policy for managing serial and unreasonable complaints**

The Weobley Schools' 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 schools. 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.

The 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 schools, 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 schools 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 Executive Headteacher, The Head of School or Chair of Governors will discuss any concerns with the complainant informally before applying an '*unreasonable*' marking.

If the behaviour continues, the Executive Headteacher or Head of School will write to the complainant explaining that their behaviour is unreasonable and ask them to change it. For complainants who excessively contact any of the Federation schools 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 the Federation schools.