



Complaints Policy

Reviewed: January 2019

Signed by Chair of Governors:

Date of next review: January 2020

WESTGATE ACADEMY COMPLAINTS POLICY

1. Introduction

All school staff are dedicated to giving all children the best possible education and caring effectively for their health, safety and welfare at all times. We are committed to working in close partnership with parents/guardians, each carrying out his/her own particular responsibilities to help pupils gain the most from their time in school. We also desire to have good relations with our neighbours and the wider community.

All teachers work very hard to ensure that each child is happy at school and is making good progress; they always want to know if there is a problem, so that they can take action before it seriously affects the child's progress and welfare.

"A complaint is an expression of dissatisfaction made either orally or in writing and formally received by the Academy about the standard of service, actions or lack of action by the Academy or staff affecting an individual or group"

This policy document sets out the procedures to be followed in the event of complaints by parents/guardians.

2. Aims and Objectives

Westgate aims to be fair, open and honest when dealing with any complaint. We give careful consideration to all complaints and deal with them as swiftly as possible. We aim to resolve any complaint through dialogue and mutual understanding and, in all cases, we put the interests of the child above all other issues. We aim to provide sufficient opportunity for any complaint to be fully discussed and resolved.

3. Application

This policy applies to all sections of the school. The policy applies to current parents or legal guardians of current pupils and may at the school's discretion apply to a parent/carer whose child has recently left the school. Separate procedures apply in the event of school admissions; exclusions; statutory SEN assessments; child protection procedures; public examinations; school re-organisation proposals.

The procedures set out below may be adapted as appropriate to meet the policy aims and circumstances of each case.

Please let us know if you have any cause for concern or dissatisfaction as soon as possible. We recognise that a difficulty which is not resolved quickly and fairly can soon become cause of resentment which would be damaging to relationships and to our school culture.

If you are concerned about the safety of your child, you should immediately notify the person you believe is best placed to take urgent action and confirm this in writing to the Headteacher.

4. Process of five stages

This policy sets out a five stage complaints procedure:

Stage 1: Informal raising of a concern raised orally or in writing to a member of staff, usually the class teacher

Stage 2: Formal complaint in writing to the Headteacher

Stage 3: Formal complaint in writing to the Chair of the Governing Body

Stage 4: Reference to the Complaints Committee

Stage 5: If you are dissatisfied with the decision of the Committee, you may contact the Education Funding Agency (EFA) to review the handling of the complaint.

5. Timescales

We aim to resolve any concerns or complaints in a timely manner. The timescales for each stage of the procedures are set out below. When this policy refers to working days, we mean Monday to Friday, when the school is open during term-time. Some of the procedures are therefore likely to take considerably longer during the holidays when personnel are likely to be on holiday. The dates of terms are published on the school's website.

6. Stage 1 - informal concern/complaint

6.1. Initial concerns or difficulties: We expect and hope that most concerns or difficulties can be resolved informally. Certain serious complaints such as discrimination, harassment or victimisation are taken very seriously and may need to be dealt with at Stage 2 without action at Stage 1. **If a complaint is about the Headteacher then this will be dealt with at Stage 3 automatically by writing to the Chair of Governors and the process followed would be as presented below. In this instance all correspondence will be dealt with between the Chair and the Complainant.**

6.2. Notification: In the first instance and if appropriate, please raise your concern or difficulty with the class teacher.

6.3. Acknowledgement: We will acknowledge a notification by telephone, e-mail or letter within five working days of receipt during term-time and as soon as practicable if received during the holidays. A concern raised orally will not necessarily be acknowledged in writing but a written record will be made.

6.4. Unresolved concerns: A concern which has not been resolved by informal means within 15 working days should be notified in writing as a formal complaint which will be dealt with in accordance with Stage 2 below.

7. Stage 2: formal complaint

7.1. Notification: An unresolved complaint under Stage 1, a complaint which requires investigation, dissatisfaction with some aspect of the school's policies or procedures should be made in writing with full details and sent to the Headteacher with all relevant documents and your full contact details. *Indicate also what resolution you would like at this stage.*

7.2. Acknowledgement: Your complaint will be acknowledged by telephone, email or letter within five working days during term time, indicating the action that is being taken and the likely time scale.

7.3. Investigation: The Headteacher may ask a senior member of staff to act as Investigator and may involve one or more of the Governing Body (but not all of the Governing Body). The Investigator may request additional information from you and will probably wish to speak to you and others involved personally. The outcome of the investigation will be recorded in writing and the Headteacher will notify you by letter of their decision and the reasons for it.

Written records will be kept of all meetings and interviews held in relation to your complaint, including a written record of the Headteacher's decision.

7.4. Timeframe: The Headteacher will aim to inform you of the outcome of any investigation and their decision and reasoning within 28 working days from the receipt of the complaint.

8. Stage 3 - reference to the Chair of the Governing Body

8.1. Notification: If you are dissatisfied with the Headteacher's decision under Stage 2 of the procedure, your complaint may be renewed in writing to the Chair of the Governing Body (the Chair). This is an optional stage and it may be more appropriate for your complaint to be referred to Stage 4. If you do wish to invoke Stage 3 then please write to the Chair within five working days of receiving the Headteacher's decision at Stage 2.

Your letter should include full details of your complaint and enclose all relevant documents as well as your full contact details. *Indicate also what resolution you would like at this stage.*

8.2. Acknowledgement: Your letter will normally be acknowledged by telephone, email or letter within five working days of your letter being received during term time. The Chair will indicate the action that is being taken and the likely time-scale.

8.3. Action by the Chair: The Chair will usually arrange for your complaint to be investigated following procedures equivalent to those at Stage 2 above. When the Chair is satisfied that he/she has established all of the material facts, so far as is practicable, he/she will notify you of his/her decision and the reasons for it.

8.4. Timeframe: The Chair will aim to provide you with a response within ten working days of receiving your letter during term time.

9. Stage 4 – reference to the Complaints Committee

9.1. Overview: A Complaints Committee is a review of the decisions taken by the Headteacher and where relevant the Chair. **If your complaint is regarding the Headteacher it will be considered by the Complaints Committee.** The Panel will not consider any new areas of complaint which have not been previously raised as part of the complaints procedure. *Indicate also what resolution you would like at this stage.*

9.2. Notification: If you are not satisfied with the Chair's decision under Stage 3, or the Headteacher's decision under Stage 2, you may ask for the complaint to be

referred to the Complaints Committee by writing to the Clerk to the Governors, within five working days of receiving the Chair's or Headteacher's decision. Your request will usually only be considered if you have completed the procedures at Stages 1 and 2. Please ensure that you include a copy of all relevant documents and your full contact details with your letter.

9.3 Acknowledgement: The Clerk to the Governors will write an acknowledgement letter that will explain the process which is to be followed and the expected timescale for that process - please see the section 'Governors' Complaints Committee Procedure'. Where your complaint is considered under written representations, this process may take up to twenty-eight school working days to allow for the collection of representations and evidence. The Governors' Complaints Committee will consider your complaint and write to advise you of the outcome within the timescale provided by the Clerk to Governors.

9.4 Composition of the Committee: The Clerk to the Governors will be responsible for convening the Committee as soon as reasonably practicable. The Committee will normally consist of a minimum of three individuals from the Governing Body who have no prior knowledge of the circumstances of the complaint. It is appreciated that it may not always be possible to find governors with no knowledge at all. However, the Governing Body should use their best endeavours to find governors who are as impartial as can be.

9.5 Timescales: We will use our best endeavours to address complaints in a timely and efficient manner; however, there will be times when timescales may need to be adjusted. If, at any stage of the process, we believe we are unable to meet the timescales which have been provided to you, the Clerk will contact you to explain the reasons for any delay and to provide you with a new timescale for the conclusion of that part of the process.

9.6 Notice of Hearing and Committee Response: Governors effectively have two options available. They can choose to deal with the complaint by means of an oral hearing or through written representations, but in making their decision they must be sensitive to any needs the complainant has. ***The LA advises that, wherever possible and appropriate, it should be through written representations.***

9.7 Written Representations If the governors do not wish to hold an oral hearing - that decision being at the discretion of the Complaints Committee - the consideration will proceed by way of written representations. Should the governors choose to adopt this procedure, the Clerk to the Governors will write to the complainant, outlining the procedure. The complaint will be forwarded to the Headteacher who will then have 7 working days in which to respond. That response will then, in turn, be sent to the complainant for comment, any responses to be provided within 7 working days. Finally, that response will go to the Headteacher who has 7 working days in which to respond to the Clerk. A copy of the Headteacher's final response should be sent to the complainant. All the responses are then put before the Complaints Committee for consideration. For the avoidance of doubt, all communication should be through the Clerk to the Governors, neither party should send their response to the other directly.

9.7 Attendance for oral hearing: Every effort will be made to enable the hearing to take place within ten working days of the receipt of your request; however the Committee will not normally sit during half term or the school holidays. As soon as reasonably practicable and in any event at least seven working days before the Hearing, the Clerk to the Governors, will send you written notification of the date, time and place of the Hearing, together with brief details of the Committee members who will be present. All other parties will also be notified when this will take place including the Headteacher. You may be invited to attend the hearing and if this happens, you may be accompanied by one other person such as a relative, teacher or friend. You must notify who your accompanied person is prior to the Hearing, along with their occupation. Please notify the Clerk to the Governors, at least five working days before the Hearing.

9.8 The role of the Committee: The Committee's task is to establish the facts surrounding the complaints that have been made by considering the documents provided by both parties and any representations made by you if pertinent, the Headteacher or the Chair. They may also request any relevant confidential evidence and statements from all the parties involved.

If, after establishing the facts, the Committee consider that the complaint is upheld, they will uphold the complaint. If the Committee decide that the complaint is not upheld, they will dismiss the complaint. They will make these decisions on the balance of probabilities and from the evidence provided.

9.9 Hearing: The Hearing will be chaired by one member of the Committee (chosen by themselves) and will be conducted in an informal manner. The Hearing will be conducted in such a way as to ensure that all those present have the opportunity of asking questions and making comments in an appropriate manner. If the complainant attends the meeting, or any other relevant parties including the Headteacher, any person who is dissatisfied with any aspect of the way the Hearing is conducted must say so before the proceedings go any further and his/her comment will be minuted by the Clerk. As the Hearing is meant to be investigatory, then the persons giving evidence or representations will usually attend separately.

9.10 Conduct: If the complainant attends the meeting, they are expected to be polite and show courtesy, restraint and good manners, or after due warning, the Hearing may be adjourned or terminated at the discretion of the chair of the Committee. If terminated, the decision will stand.

9.11 Adjournment: The chair of the Committee may, at his/her discretion, adjourn the Hearing for further investigation of any relevant issue. This may include an adjournment to take legal advice or to establish more evidence. If this does occur all parties involved will be notified with the reasons explained, and may themselves be asked to answer further questions or to provide more evidence.

9.12 Private proceeding: The Hearing is a private proceeding. No notes or other records or oral statement about any matter discussed in or arising from the Hearing shall be made available directly or indirectly to the press or other media. Minutes of the meeting will be taken by the Clerk.

9.13 Decision: After due consideration of the matters discussed at the Hearing, the Committee will reach a decision unless there is an agreed position. The Committee's decision, findings and any recommendations may be notified to you orally at the Hearing if appropriate or subsequently if not appropriate. The decision will be confirmed in writing or by e-mail to you within seven working days of the Hearing, as well as to the Chair of the Governing Body, the Headteacher and where relevant, any person about whom the complaint has been made. If you do not wish to receive the decision by e-mail, a copy will be given or posted to you. Reasons for the decision will be given and the decision may include recommendations. Providing the procedures as laid down in the complaints policy are followed then there is no right of appeal following this decision. The decision of the Committee will be final. The decisions, findings and any recommendations will be available for inspection on the school premises by the Governing Body and the Headteacher.

10. Stage Five - EFA

If you are dissatisfied with the decision of the Panel, you may contact the Education Funding Agency (EFA) to review the handling of the complaint. Please note the EFA cannot review or overturn a school's decision about a complaint as this is usually final but they will look at whether the school considered the complaint appropriately. The Department for Education has a webpage on complaints which sets out the ways in which you can contact the EFA. Please note that, unless your complaint is about the governors' response or lack of response, your complaint will generally have to be considered first by the governing body of the school.

11. Confidentiality

Correspondence, statement and records relating to individual complaints will be kept confidential except to the extent required by law. Under the Data Protection Act, complainants can request to have sight of all documents relating to their complaint. It is important that the complaint and associated papers are not attached to a child's file as they do not relate to the child.

12. OTHER MATTERS:

Safeguarding Referrals Schools have a duty to safeguard and promote the welfare of their pupils under section 175 of the Education Act 2002. Where members of staff have a concern about the welfare of a child, they have a duty to make a referral to the appropriate organisation, usually Local Authority Children's Social Care Services. It is not for the school to investigate or make a judgment about possible abuse or neglect but they must refer any concerns they may have. As such, complaints about safeguarding referrals made in accordance with a statutory duty will not be considered under this procedure.

Time Limits for Raising Complaints You should make the school aware of your complaint as soon as possible after the matter or incident has occurred that you wish to complain about. Usually, we would expect you to do this within three months of the incident occurring and if you do not contact the school within that time, we will not usually consider your complaint.

If your complaint relates to a continuing act, then occurrences outside of the three month time limit will usually be considered alongside the more recent occurrence. If

you feel there are exceptional circumstances that have prevented you from meeting the time limit, you can provide an explanation of these circumstances along with your complaint so that Governors can take them into account. The final decision rests with Governors as to whether your complaint will be considered when it is raised outside of the three month time limit. In addition, where your child is no longer on roll at the school and your complaint is considered exceptionally, it will usually only be possible to have your complaint considered under the final stage of the school's procedure.

13. Unreasonable Complainant Behaviour

Staff and Governors are keen to ensure that all genuine complaints are dealt with fairly and promptly and in accordance with our agreed procedures. We would again emphasise that most matters can be resolved by discussing issues with our staff at the informal stages of our procedure.

Regrettably, there are times when complainants raise issues with or about staff in ways which are unacceptable. This can cloud the concern at the heart of the complaint, which may result in the delay or hindrance of a resolution. It can also have an adverse effect on pupils, staff and the effective running of the school.

Examples of behaviours that we consider to be unacceptable are as follows:

- Refusing to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance;
- Making excessive demands on school time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with.
- Introducing trivial or irrelevant information which the complainant expects to be taken into account and commented on, or raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales.
- Making unjustified complaints about staff who are trying to deal with the issues and/or harassing individual staff members in a way which appears intended to cause personal distress rather than to find a resolution;
- Refusing to cooperate with the complaints procedure as set out in this policy; while still wishing their complaint to be resolved;
- Refusing to accept that certain issues are not within the scope of a complaints procedure;
- Changing the basis of the complaint as the consideration proceeds and/or making unjustified complaints about those trying to deal with the complaint;
- Pursuing unreasonable outcomes which are disproportionate to the nature of the matters in hand;
- Persisting in repetitious complaints when these have been previously determined under the school complaints procedure;
- Electronically recording meetings, telephone calls and conversations without the prior knowledge and consent of the other persons involved; A complainant's behaviour may also be considered unreasonable if the person making the complaint does so either face-to-face, by telephone or in writing or electronically:-
 - maliciously;
 - aggressively;
 - using threats, intimidation or violence;

- using abusive, offensive or discriminatory language;
- knowing it to be false;
- using falsified information;
- publishing unacceptable information in a variety of media such as in social media websites and newspapers.

Complainants should limit the numbers of communications with the school while a 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. In addition, the school expects that any person wishing to raise a concern or complaint will:

- Follow the school complaints procedure
- Treat all members of the school community with courtesy and respect
- Recognise the time constraints that staff operate under and allow them a reasonable amount of time in which to respond / address any issues.

Where a complainant raises a complaint in a manner which the school feels is unreasonable, actions may be taken to remedy this. The actions will be proportionate to the nature of the behaviour and may include:

- An informal approach to inform the person that the behaviour is unacceptable and needs to be modified.
- A formal written communication advising the person that the behaviour is unacceptable and appropriate action may be taken if the behaviour is not modified.
- A tailored communications strategy such as limiting the method and/or frequency of contact with staff / school personnel.
- A refusal to register and process further complaints about the same or similar subject matter where the matter has already been determined, or where complaints are vexatious, or where complaints are personally harassing, or deliberately targeted at one or more members of staff without good cause.
- Setting restrictions on the person's access to the school site

In respect of the last point, it should be noted that parents/carers and members of the wider community do not have an automatic right to enter school grounds and may be barred from entering the school site with immediate effect following any incident where behaviour has been verbally and/or physically aggressive.

In the event of such behaviour, the school will write to the person concerned to advise that his/her licence to enter the school premises has been temporarily revoked, subject to a review of the decision. The letter will invite the individual to put forward his/her views as to the ban and also advise how he/she can appeal the decision. The decision will then be reviewed and the ban either confirmed or lifted. If the decision is confirmed, the person will be notified in writing and advised how long the ban will be in place.

Any restrictions placed on a person as a result of this policy will be time limited, with a specified date as to when the restrictions will be reviewed and potentially lifted. The period of review will usually be three months; however, for more serious breaches, this may extend to a period of six months.

Again, we would emphasise that the Headteacher and Governing Body are committed to ensuring a full and fair consideration of all legitimate complaints and we recognise that the majority of parents/carers and members of the wider community will conduct themselves in accordance with this policy. However, we reserve the right to take any necessary actions under this policy in those rare cases where a person does not.

13. Arrangements for monitoring and evaluation

A summary of complaints received will be included in the Headteacher's termly report to the governors, with advice on any implications.

14. Equal Opportunity

We are committed to providing a teaching environment conducive to learning. Each child is valued, respected and challenged regardless of ability, race, gender, religion, social background, culture or disability. The Equality Act (2010) requires schools to promote equality of opportunity for all pupils.