



Complaints Policy

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Approved by: Full Governing Board 29.2.23

This policy is in accordance with Section 29 of the Education Act 2002 and should be used in conjunction with the DFE Best Practice Advice for School Complaints Procedures 2020

Introduction:

The majority of issues raised by parents, the community or pupils, are concerns rather than complaints. Walmley Junior School is committed to taking concerns seriously, at the earliest stage, in the hope of keeping the number of formal complaints to a minimum and without needing formal procedures. However, depending on the nature of the complaint, you may wish or be asked to follow the school's formal complaints procedure. For the school to be able to investigate a concern or a complaint, it needs to be made as soon as possible after an incident arises and this period should not exceed three months. Any incident older than 3 months will not be investigated unless the school considers it to be an exceptional case.

The prime aim of Walmley Junior School's statement is to resolve the complaint as fairly and speedily as possible. Formal complaints will be dealt with in a sensitive, impartial and confidential manner. Malicious complaints may incur appropriate action by the school.

The following information outlines the stages that can be used to resolve complaints.

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 generally defined as 'an expression of dissatisfaction however made, about actions taken or a lack of action'.

The Walmley Junior School Complaints Policy has four main stages.

In summary they are as follows: -

- Stage 1 – A concern is raised informally with a staff member.
- Stage 2 – Formal complaint heard by the most appropriate member of staff
- Stage 3 – Complaint is heard by headteacher.
- Stage 4 – Complaint is heard by Governing Body's Complaints Appeal Panel.

Stage 1 – Raising a concern

Concerns can be raised with the school at any time and will often generate an immediate response, which will resolve the concern. The school requests that parents make their first contact the class teacher or phase deputy headteacher. On some occasions the concern raised may require investigation, or discussion with others, in which case you will receive an informal but informed response within a day or two. The majority of concerns will be satisfactorily dealt with in this way. However, if you are not satisfied with the result at Stage 1, please write to or call the school within 10 school working days and state what you would like the school to do. The school will then look at your complaint at the next stage.

Stage 2 – Complaint heard by the most appropriate member of staff

Formal complaints shall be put in writing and addressed to the Headteacher, who may refer this to a phase deputy headteacher. The complaint will be logged, including the date it was received. The school will normally acknowledge receipt of the complaint within 2 school working days of receiving it. In many cases this response will also report on the action the school has taken to resolve the issue. Alternatively, a meeting may be convened to discuss the matter further. This meeting will normally take place within 10 school working days. The aim will be to resolve the matter as speedily as possible. However, if you are not satisfied with the result at Stage 2, please write to or call the school within 10 school working days of getting our response. You will need to tell the school why you are still not satisfied and what you would like the school to do.

Stage 3 – Complaint heard by headteacher

If the matter has not been resolved at Stage 2, the headteacher will arrange further investigation. Following the investigation, the headteacher will normally give a written response within 10 school working days. If you are dissatisfied with the result at Stage 3, you should let the school know within 10 school working days of getting the response.

Stage 4 – Complaint heard by the Governing Board Appeal Panel

If the matter has still not been resolved at Stage 3, then you should write to the Chair of Governors giving details of the complaint. The Chair, or a nominated Governor, will convene a complaints panel. The hearing will normally take place within 10 school working days of the receipt of the written request for Stage 4 investigation.

The aim of the Appeal Panel hearing is to impartially resolve the complaint and to achieve reconciliation between the school and the complainant. All parties will be notified of the Panel's decision in writing within three school working days after the date of the hearing. The letter will also contain what you need to do if you wish to take the matter further.

The decision of the Appeal Panel is final. If a complainant tries to re-open the same issue, which has already been heard at an appeal meeting, the Chair of Governors can inform them that the procedure has been completed and that the matter is now closed.

N.B. In cases where the matter concerns the conduct of the headteacher, a letter of complaint should be addressed to the Chair of Governors who will inform the Headteacher. The Chair will arrange for the matter to be investigated. In cases where the matter concerns the conduct of The Chair of Governors or a member of the Governing Board, the letter of complaint should be made in writing to the Clerk of the Governing Board. This letter will be passed on by the office administrator. The Governors appeal hearing is the last school-based stage of the complaints process.

Escalating the complaint beyond the school

If, having completed the complaints process, you remain dissatisfied with the school's response you may wish to refer your complaint to:

- The local authority. Note that the local authority will only consider the process followed by the school in line with this published complaints procedure, and not the substance of

the complaint or the reasonableness of the decision made by the school, unless it finds compelling reason to do so.

- The secretary of state via the School Complaints Unit (SCU) of the DfE. The secretary of state has a duty to consider all complaints raised but will only intervene where the governing board has acted unlawfully or unreasonably and where it is expedient or practical to do so.

- Ofsted, who can consider complaints about the school as a whole, but not complaints about individual pupils.

Unreasonable Complainants

Walmley Junior School 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 the school. 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.

Walmley Junior School defines unreasonable complainants as ‘those who, because of the frequency or nature of their contacts with the school, hinder our consideration of their or other people’s complaints’.

A complaint may be regarded as unreasonable when the person making the complaint:-

- 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 while still wishing their complaint to be resolved;
- refuses to accept that certain issues are not within the scope of a complaints procedure;
- insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice;
- introduces 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;
- 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, 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.

A complaint 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 a 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.

If the behaviour continues, the headteacher will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after 6 months.

In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. This may include banning an individual from Walmley Junior School

Barring from the School

Although fulfilling a public function, schools are private places. The public has no automatic right of entry. Schools will therefore act to ensure they remain a safe place for pupils, staff and other members of their community.

If a parent's behaviour is a cause for concern, a school can ask the person to leave the school premises. In serious cases, the headteacher or the local authority can notify them in writing that their implied licence to be on school premises has been temporarily revoked subject to any representations that the parent may wish to make. Schools should always give the parent the opportunity to formally express their views on the decision to bar in writing.

The decision to bar will then be reviewed, taking into account any representations made by the parent, and either confirmed or lifted. If the decision is confirmed, the parent will be notified in writing, explaining how long the bar will be in place.

Anyone wishing to complain about being barred can do so, by letter or email, to the headteacher or Chair of Governors. However, complaints about barring cannot be escalated to the Department for Education. Once the school's own complaints procedure has been completed, the only remaining avenue of appeal is through the Courts; independent legal advice must therefore be sought.

Complaints not in scope of this policy

A complaints procedure should cover all complaints about any provision of facilities or services that a school provides with the exceptions listed below, for which there are separate (statutory) procedures.

Exceptions	Who to contact
<ul style="list-style-type: none"> • Admissions to schools • Statutory assessments of Special Educational Needs (SEN) • School re-organisation proposals • Matters likely to require a Child Protection Investigation 	<p>Concerns should be raised direct with local authorities (LA). For school admissions, it will depend on who is the admission authority (either the school or the LA). Complaints about admission appeals for maintained schools are dealt with by the Local Government Ombudsman.</p>
<ul style="list-style-type: none"> • Exclusion of children from school 	<p>Further information about raising concerns about exclusion can be found at: www.gov.uk/schooldiscipline-exclusions/exclusions.</p>
<ul style="list-style-type: none"> • Whistleblowing 	<p>Schools have an internal whistleblowing procedure for their employees and voluntary staff. Other concerns can be raised direct with Ofsted by telephone on: 0300 123 3155, via email at: whistleblowing@ofsted.gov.uk or by writing to: WBHL, Ofsted Piccadilly Gate Store Street Manchester M1 2WD. The Department for Education is also a prescribed body for whistleblowing in education.</p>
<ul style="list-style-type: none"> • Staff grievances and disciplinary procedures 	<p>These matters will invoke the school's internal grievance procedures. Complainants will not be informed of the outcome of any investigation.</p>
<ul style="list-style-type: none"> • Complaints about services provided by other providers who may use school premises or facilities. 	<p>Providers should have their own complaints procedure to deal with complaints about service. They should be contacted direct.</p>