

Malvern Wyche C of E Primary School



Complaints procedure

Approved by:

Full Governing Board

Date: 15th
March 2023

Signed: Dan Eglin Chair of Governors

A handwritten signature in black ink, appearing to read 'D Eglin', is written below the text 'Signed: Dan Eglin Chair of Governors'.

Contents

1. Aims	3
2. Legislation and guidance	4
3. Definitions and scope	4
4. Roles and responsibilities	5
5. Principles for investigation	6
6. Stages of complaint (not complaints against the headteacher or governors)	7
7. Complaints against the headteacher, a governor or the governing board	11
8. Referring complaints on completion of the school's procedure	12
9. Persistent complaints	14
10. Record keeping	15
11. Learning lessons	15
12. Monitoring arrangements	15
13. Links with other policies	16

1. Aims

1.1 As a school with a Christian foundation, Malvern Wyche C of E Primary aims to lift the hearts and broaden the horizons of those in its care, taking inspiration from Isaiah 40:31: "They will soar on wings like eagles."

1.2 The school's values are Safety, Trust, Respect, Inspiration, Value and Engagement. This spells out **STRIVE**, meaning that we try to do our best and try make things better, every day. Below we summarise how our values relate to the complaints procedure.

- a. Safety** The process should provide safety and security for all stakeholders, safeguarding physical, mental and emotional health, the confidentiality of information and the security of data. We will ensure that we keep the **safeguarding** and **GDPR duty** in focus as we respond to complaints.
- b. Trust** A complaints process may test relationships but may also strengthen relationships and faith in the process and the school. Complainants should trust us to do our duty with integrity; we should demonstrate that we can be trusted. We will ensure that we keep the **seven principles of public life** in focus as we respond to complaints.
- c. Respect** The complaints procedure should be carried out in a professional and business-like manner, based in mutual respect and promoting equality. Relationships are at the heart of this process. Language must be respectful and stakeholders must show each other the courtesy of listening. We will ensure that we keep the **equality duty** in focus as we respond to complaints.
- d. Inspiration** A complaint, whilst unfortunate, is an opportunity to grow as a community. How all stakeholders use the process should set an example to others; the school should also be reflective and willing to learn lessons and accept feedback. The school's conduct in dealing with a complaint should inspire stakeholder confidence in its staff, leadership and governance. We will ensure that we keep the **quality of education** in focus as we respond to complaints.
- e. Value** We expect all stakeholders to value the complaints process and show that they value the school and its staff by allowing the school to continue its work unhindered. The school will openly show that it values the relationship with the complainant by working actively to maintain it.
- f. Engagement** The complaints procedure should be engaged with and adhered to by stakeholders. Participants should engage with all services and stages of procedure openly in the spirit of fairness and in the pursuit of resolution and good relationships.

NB: Malvern Wyche C of E Primary School will promote respectful communications and relationships at all times and with all stakeholders and we expect this to be reciprocated. Malvern Wyche C of E Primary School will not tolerate communications with its employees which it regards to be abusive, whether verbally or in writing and will act to ensure that communications with the school are appropriate and respectful, including where necessary involving the governing board and wider services as necessary.

1.3 Our school aims to meet its statutory obligations when responding to complaints from parents of pupils at the school, and others.

1.31 When responding to complaints, we aim to:

- a. Be impartial and non-adversarial,
- b. Facilitate a full and fair investigation by an independent person or panel, where necessary
- c. Address all the points at issue and provide an effective and prompt response
- d. Respect complainants' desire for confidentiality
- e. Treat complainants with respect and courtesy
- f. Ensure that any decisions we make are lawful, rational, reasonable, fair and proportionate, in line with the principles of administrative law
- g. Keep complainants informed of the progress of the complaints process
- h. Consider how the complaint can feed into school improvement evaluation processes

1.4 We try to resolve concerns or complaints by informal means wherever possible. Where this is not possible, formal procedures will be followed.

1.5 The school will aim to give the complainant the opportunity to complete the complaints procedure in full.

1.6 To support this, we will make sure we publicise the existence of this policy and make it available on the school website.

1.7 Throughout the process, we will be sensitive to the needs of all parties involved, and make any reasonable adjustments needed to accommodate individuals.

2. Legislation and guidance

2.1 This document meets the requirements of section 29 of the Education Act 2002, which states that schools must have and make available a procedure to deal with all complaints relating to their school and to any community facilities or services that the school provides.

2.2 It is also based on guidance for schools on complaints procedures from the Department for Education (DfE), including the model procedure, and model procedure for dealing with serial and unreasonable complaints.

3. Definitions and scope

3.1 The DfE guidance explains the difference between a concern and a complaint:

- a. A **concern** is defined as “an expression of worry or doubt over an issue considered to be important for which reassurances are sought”,
- b. A **complaint** is defined as “an expression of dissatisfaction, however made, about actions taken or a lack of action”.

3.2 Scope of this procedure

3.21 The school intends to resolve complaints informally where possible, at the earliest possible stage.

3.22 There may be occasions when complainants would like to raise their concerns formally. This policy outlines the procedure relating to handling such complaints.

3.23 This policy does **not** cover complaints procedures relating to:

- a. Admissions (appeals are handled by the Local Authority¹)
- b. Statutory assessments of special educational needs (SEN)²
- c. Safeguarding matters
- d. Suspension and permanent exclusion
- e. Whistle-blowing
- f. Staff grievances
- g. Staff discipline
- h. School re-organisation proposals
- i. Curriculum
- j. Collective worship

3.24 Please see our separate policies or Local Authority guidance, for procedures relating to these types of complaint.

3.25 Complaints about services provided by other providers who use school premises or facilities should be directed to the provider concerned.

4. Roles and responsibilities

4.1 The complainant

The complainant will get a more effective and timely response to their complaint if they: a.

Follow these procedures,

- b. Co-operate with the school throughout the process, and respond to deadlines and communication promptly,
- c. Ask for assistance as needed,
- d. Treat all those involved with respect,
- e. Do not publish details about the complaint on social media.

4.2 The investigator

An individual will be appointed to look into the complaint and establish the facts. This person is the **complaint investigator**. They will:

- a. Interview all relevant parties, keeping notes,
- b. Consider records and any written evidence and keep these securely,
- c. Prepare a comprehensive report to the headteacher or complaints committee, which includes the facts and potential solutions.

¹ https://www.worcestershire.gov.uk/info/20632/school_admissions_policies_and_appeals

² https://www.worcestershire.gov.uk/info/20617/tribunal_send_local_offer#:~:text=You%20must%20have%20a%20certificate,later%2C%20to%20register%20an%20appeal.

4.3 The complaints co-ordinator

4.31 The complaints co-ordinator can be:

- a. The headteacher
- b. The designated complaints governor
- c. Any other staff member providing administrative support

4.32 The complaints co-ordinator will:

- a. Keep the complainant up to date at each stage in the procedure
- b. Make sure the process runs smoothly by liaising with
 - i. staff members,
 - ii. the headteacher,
 - iii. chair of governors, iv. clerk
 - v. local authority.
- c. Be aware of issues relating to:
 - i. Sharing third party information
 - ii. Additional support needed by complainants, for example interpretation support or where the complainant is a child or young person
- d. Keep records

4.4 Clerk to the governing board The

clerk will:

- a. Be the contact point for the formal complainant and any complaints committee, including circulating the relevant papers and evidence before complaints committee meetings,
- b. Arrange a complaints hearing, should one be necessary at stage 3,
- c. Record and circulate the minutes and outcome of any hearing.

4.5 Committee chair

The committee chair will:

- a. Chair the meeting, ensuring that everyone is treated with respect throughout
- b. Make sure all parties see the relevant information, understand the purpose of the committee, and are allowed to present their case.

5. Principles for investigation

When investigating a complaint, we will try to clarify:

- a. What has happened,
- b. Who was involved,

- c. What the complainant feels would put things right.

5.1 Time scales

5.11 The complainant must raise the complaint within 3 months of the incident. If the complaint is about a series of related incidents, they must raise the complaint within 3 months of the last incident.

5.12 We will consider exceptions to this timeframe in circumstances where there were valid reasons for not making a complaint at that time and the complaint can still be investigated in a fair manner for all involved.

5.13 Timeframes will work on the principle of school working days, for the reason that staff and pupils may not always be available for interview and investigation during weekends and holidays and the investigation is likely to be carried out by employees within their directed and paid working time.

5.14 When complaints are made out of term time, we will consider them to have been received on the first school day after the holiday period. Where complaint procedures timelines stretch over holidays, we will apply the principle of "school working days" and, unless directed otherwise by the Local Authority, will not include weekends and school holidays in timeframes.

5.15 If at any point we cannot meet the timescales we have set out in this policy, we will:

- a. Set new time limits with the complainant
- b. Send the complainant details of the new deadline and explain the delay.

5.2 Complaints about our fulfilment of early years requirements

5.21 We will investigate all written complaints relating to the school's fulfilment of the Early Years Foundation Stage requirements, and notify the complainant of the outcome within 28 days of receiving the complaint. The school will keep a record of the complaint (see section 10) and make this available to Ofsted on request.

5.22 Parents and carers can notify Ofsted if they believe that the school is not meeting Early Years Foundation Stage requirements, by calling 0300 123 4666, or by emailing enquiries@ofsted.gov.uk. An online contact form is also available at <https://www.gov.uk/government/organisations/ofsted#org-contacts>.

5.23 We will notify parents and carers if we become aware that the school is to be inspected by Ofsted. We will also supply a copy of the inspection report to parents and carers of children attending the setting on a regular basis.

6. Stages of complaint (not complaints against the headteacher or governors)

6.1 Stage 1: informal

6.11 The school will take informal complaints seriously and make every effort to resolve matters quickly. It may be the case that the provision or clarification of information will resolve the issue.

6.12 The complainant should raise the informal complaint as soon as possible, with the relevant member of staff, or the headteacher as appropriate, either in person or by letter, telephone or email. If the complainant is unclear who to contact or how to contact them, they should contact the school office by telephone or by email on 01684 573205 or office@wyche.worcs.sch.uk.

6.13 The school will acknowledge informal complaints within 2 school days, and investigate and provide a response within 5 school days.

6.14 The informal complaint stage will involve a meeting between the complainant and a relevant member/member of staff. This may be a teacher, the deputy head, the headteacher, or a combination of these, as appropriate.

6.15 If the complaint is not resolved informally, it will be escalated to a formal complaint.

6.2 Stage 2: formal

6.21 Formal complaints can be raised:

- a. By letter or email (to office@wyche.worcs.sch.uk)
- b. Over the phone (01684573205)
- c. In person
- d. By a third party acting on behalf of the complainant

6.22 The complainant should provide details such as relevant dates, times, and the names of witnesses of events, alongside copies of any relevant documents, and what they feel would resolve the complaint.

6.23 If complainants need assistance raising a formal complaint, they can contact the school office on 01684 573205 or at office@wyche.worcs.sch.uk.

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

6.25 The headteacher (or designated member of the senior leadership team) will call a meeting to clarify concerns, and seek a resolution. The complainant may be accompanied to this meeting, and should inform the school of the identity of their companion in advance.

6.26 In certain circumstances, the school may need to refuse a request for a particular individual to attend any such meeting – for example, if there is a conflict of interest. If this is the case, the school will notify the complainant as soon as they are aware, so that the complainant has the opportunity to arrange alternative accompaniment.

6.27 The headteacher (or other person appointed by the headteacher for this purpose) will then conduct their own investigation. The written conclusion of this investigation will be sent to the complainant within 10 school days, from the date of the receipt of the complaint. The complainant must acknowledge receipt of the conclusion in order to ensure the procedure is being followed by both sides.

If the complainant wishes to proceed to the next stage of the procedure, they should inform the clerk to the governing board within 5 school days of receiving the outcome.

6.3 How to escalate a complaint to Stage 3 – Complaint Panel

6.31 If the complainant is not satisfied after the conclusion of a stage 2 formal complaint, they may choose to escalate the complaint to the next level, a Stage 3 Complaint Panel. Complainants who wish to proceed to Stage 3, should inform the clerk to the governing board (governors@wyche.worcs.sch.uk) in writing, in hard copy or email, within 5 school days of the delivery of the written conclusion of Stage 2. Requests received outside of this timeframe will be considered in exceptional circumstances.

6.32 Complaints can be escalated by contacting the clerk to the governing board: a.

By letter or email

- b. Over the phone
- c. In person
- d. Through a third party acting on behalf of the complainant

6.33 The clerk will need the details of the complaint as set out above, as well as details from the complainant on how they feel the previous stage of the procedure has not addressed their complaint sufficiently, and what they feel would resolve the complaint.

6.35 The clerk will acknowledge receipt of the request within 7 school days.

6.34 Stage 3 will involve a complaint panel. After the panel has fully investigated and come to a conclusion, this conclusion will be communicated in writing to the complainant within 10 school days of the meeting, or by a date mutually agreed and minute with the complainant at the panel.

6.4 Stage 3 Complaint panel: Convening the panel

6.41 The review panel will consist of the first 3 members of the governing board available, who don't have direct knowledge of the complaint. These individuals will have access to the existing record of the complaint's progress (see section 10). The governors will select a panel chair from among themselves.

6.42 If not enough impartial governors are available, with the assistance of the Local Authority, we will seek panel members from other schools, the local authority or the diocese. We will make sure the governors we source are suitably skilled and can demonstrate that they are independent and impartial.

6.43 The complainant must have reasonable notice of the date of the review panel. The clerk will aim to find a date within 10 school days of the request, where possible.

6.44 If the complainant rejects the offer of 3 proposed dates without good reason, the clerk will set a date. The hearing will go ahead using written submissions from both parties.

6.45 Any written material will be circulated to all parties at least 4 school days before the date of the meeting.

6.5 At the Stage 3 Complaint Panel meeting

6.51 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 will be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.

6.52 At the review panel meeting, the complainant and representatives from the school, as appropriate, will be present. Each will have an opportunity to set out written or oral submissions prior to the meeting.

6.53 The complainant must be allowed to attend the panel hearing and be accompanied by a suitable companion if they wish. We don't encourage either party to bring legal representation, but will consider it on a case-by-case basis. For instance, if a school employee is called as a witness in a complaint meeting, they may wish to be supported by their union. All attendees will be bound by GDPR legislation and confidentiality.

6.54 Representatives from the media are not permitted to attend.

6.55 At the meeting, each individual will have the opportunity to give statements and present their evidence, and witnesses will be called as appropriate to present their evidence.

6.56 The panel, the complainant and the school representative will be given the chance to ask and reply to questions. Once the complainant and school representatives have completed presenting their cases, they will be asked to leave and evidence will then be considered.

6.57 The panel will then put together its findings and recommendations from the case. The panel will also provide copies of the minutes of the hearing and the findings and recommendations to the complainant and, where relevant, the subject of the complaint, and make a copy of the findings and recommendations available for inspection by the headteacher.

6.6 The outcome

- 6.61 The committee can:
- a. Uphold the complaint, in whole or in part

- b. Dismiss the complaint, in whole or in part

6.62 If the complaint is upheld, the committee will:

- a. Decide the appropriate action to resolve the complaint
- b. Where appropriate, recommend changes to the school's systems or procedures to prevent similar issues in the future

6.63 Those involved in the complaints panel will be informed of the decision by the clerk in writing within 10 school days.

7. Complaints against the headteacher, a governor or the governing board

7.1 Stage 1: informal complaint against headteacher, governor or governing board

7.11 Complaints made against the headteacher or any member of the governing board should be directed to the clerk to the governing board in the first instance.

7.12 If the complaint is about the headteacher or 1 member of the governing board (including the chair or vice-chair), a suitably skilled and impartial governor will carry out the steps at stage 1 (set out in section 6 above).

7.2 Stage 2: formal

7.21 If the complaint is:

- a. Jointly about the chair and vice-chair or
- b. The entire governing board or
- c. The majority of the governing board

7.22 An independent investigator will carry out the steps in stage 2 (set out in section 6 above). They will be appointed by the governing board and will write a formal response at the end of their investigation.

7.3 Stage 3: review panel

If the complaint is:

- a. Jointly about the chair and vice-chair or
- b. The entire governing board or
- c. The majority of the governing board

A committee of independent governors will hear the complaint. They will be sourced from local schools; the local authority or diocese will carry out the steps at stage 3 (set out in section 6 above).

8. Referring complaints on completion of the school's procedure

8.1 If the complainant is unsatisfied with the outcome of the school's complaints procedure, they can refer their complaint to the DfE.

8.2 The DfE will not re-investigate the matter of the complaint. It will look at whether the school's complaints policy and any other relevant statutory policies that the school holds were adhered to. The DfE also looks at whether the school's statutory policies adhere to education legislation.

8.3 The DfE will intervene where a school has:

- a. Failed to act in line with its duties under education law
- b. Acted (or is proposing to act) unreasonably when exercising its functions

8.4 If the complaints procedure is found to not meet regulations, the school will be asked to correct its procedure accordingly.

8.5 For more information or to refer a complaint, see the following webpage: <https://www.gov.uk/complain-about-school>

8.6 We will include this information in the outcome letter to complainants.

9. Unreasonable and Persistent complaints

9.1 Most complaints raised will be valid, and therefore we will treat them seriously. However, a complaint may become unreasonable if the person:

- a. Has made the same complaint before, despite it having already been resolved by following the school's complaints procedure
- b. Makes a complaint that is obsessive, persistent, harassing, prolific, defamatory, derogatory, abusive, insulting, offensive or repetitive
- c. Uses threats, coercion or ultimatums, verbally, physically or in writing in a manner designed to intimidate or influence school staff to take a preferred line of action or to force a desired outcome.
- d. Unreasonably insists on pursuing a complaint that is unfounded, or out of scope of the complaints procedure
- e. Pursues a valid complaint, but in an unreasonable manner e.g. refuses to articulate the complaint, refuses to co-operate with this complaints procedure, or insists that the complaint is dealt with in ways that are incompatible with this procedure and the timeframes it sets out
- f. Makes a complaint designed to cause disruption, annoyance or excessive demands on school time.³ Where a complainant has escalated their complaint to other bodies or organisations without seeking to resolve their complaint through the school complaints process first, the school may wait to consider their complaint until after the external processes have resolved.
- g. Dictates or seeks unrealistic outcomes or actions, or pursues a solution that lacks any serious purpose or value or which the school is unable to provide

9.2 Steps we will take in response to unreasonable or persistent complainants

9.21 We will take every reasonable step to address the complainant's concerns, and give them a clear statement of our position and their options. We will maintain our role as an objective arbiter throughout the process, including when we meet with individuals. We will follow our complaints procedure as normal (as outlined above) wherever possible.

9.22 If the complainant continues to contact the school in a disruptive way, we may put communications strategies in place. We may:

- a. Give the complainant a single point of contact via an email address appointed ~~(by the school)~~ in consultation with the Local Authority and / or Diocese,
- b. Limit the number of times the complainant can make contact, such as a fixed number per term,
- c. Ask the complainant to engage a third party to act on their behalf, such as [Citizens Advice](#).

³NB: sharing information about the complaint [with other individuals] either prior to a complaint being submitted or during the process could prejudice the complaints process.

- d. Put any other strategy in place as necessary, advised and quality assured by the Local Authority and Diocese.

9.3 Stopping responding

9.31 We may stop responding to the complainant regarding a specific complaint when all of these factors are met:

- a. We believe we have taken all reasonable steps to help address their concerns
- b. We have provided a clear statement of our position and their options
- c. The complainant contacts us repeatedly, and we believe their intention is to cause disruption or inconvenience.

9.32 Where we stop responding, we will inform the individual that we intend to do so. We will also explain that we will still consider any new complaints they make.

9.33 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 our school site.

9.4 Duplicate complaints

9.41 If we have resolved a complaint under this procedure and receive a duplicate complaint on the same subject from a partner, family member or other individual, we will assess whether there are aspects that we hadn't previously considered, or any new information we need to consider.

9.42 If we are satisfied that there are no new aspects, we will:

- a. Tell the new complainant that we have already investigated and responded to this issue, and that the local process is complete
- b. Direct them to the DfE if they are dissatisfied with our original handling of the complaint

9.43 If there are new aspects, we will follow the complaints procedure again.

9.5 Complaint campaigns

9.51 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:

- a. Publishing a single response on the school website
- b. Sending a template response to all of the complainants

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

10. Record keeping

10.1 The school will record the progress of all complaints, including information about actions taken at all stages, the stage at which the complaint was resolved, and the final outcome. The records will also include copies of letters and emails, and notes relating to meetings and phone calls.

10.2 This material will be treated as confidential and held centrally, and will be viewed only by those involved in investigating the complaint or on the review panel.

10.3 This is except where the secretary of state (or someone acting on their behalf) or the complainant requests access to records of a complaint through a freedom of information (FOI) request or through a subject access request under the terms of the Data Protection Act, or where the material must be made available during a school inspection.

10.4 Records of complaints will be kept securely, only for as long as necessary and in line with data protection law, our privacy notices, GDPR Statement and record retention schedule.

10.5 The details of the complaint, including the names of individuals involved, will not be shared with the whole governing board in case a review panel needs to be organised at a later point.

10.6 Where the governing board is aware of the substance of the complaint before the review panel stage, the school will (where reasonably practicable) arrange for an independent panel to hear the complaint.

10.7 Complainants also have the right to request an independent panel if they believe there is likely to be bias in the proceedings. The decision to approve this request is made by the governing board, who will not unreasonably withhold consent.

11. Learning lessons

The governing board will review any underlying issues raised by complaints with the headteacher where appropriate, and respecting confidentiality, to determine whether there are any improvements that the school can make to its procedures or practice to help prevent similar events in the future.

12. Monitoring arrangements

12.1 The governing board will monitor the effectiveness of the complaints procedure in making sure that complaints are handled properly. The governing board will track the number and nature of complaints, and review underlying issues as stated in section 11.

12.2 The complaints records are logged and managed by the headteacher.

12.3 This policy will be reviewed by the full governing board every 2 years, sooner if monitoring suggests a need for timely review or if guidance changes.

12.4 At each review, the policy will be approved by the full governing board.

13. Links with other policies

Policies dealing with other forms of complaints include:

- a. Child protection and safeguarding policy and procedures
- b. Admissions policy
- c. Suspension and permanent exclusion policy
- d. Staff grievance procedures
- e. Staff disciplinary procedures
- f. Staff Code of Conduct
- g. Behaviour Policy
- h. Positive handling policy
- i. SEN policy and information report
- j. GDPR Statement and privacy notices

APPENDICES

1 Initial complaint form p. 20

2 Complaints panel decision letter p22

What action, if any, have you already taken to try and resolve your complaint. (Include who you spoke to and what was the response)?

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

Date acknowledgement sent:

By whom:

Complaint referred to:

Appendix 2

Malvern Wyche C of E Primary School Complaints Panel decision letter

Re: decision from the complaints panel

Dear [name of complainant],

I am writing to inform you of the outcome of your complaint hearing on [date], attended by:

- [Insert names of those who attended]

The following evidence was considered:

- [Summarise the evidence considered as part of the hearing]

After reviewing the evidence, the panel has [insert the outcome, which may be:]

- Upheld the complaint and, as a result, has recommended to the governing board that the school's policies are reviewed.
- Not seen enough evidence to reach a conclusion. No further action will be taken on this occasion.
- Judged the complaint to be unsubstantiated. No further action will be taken.
-

Provide reasons for the decisions you made.

In all scenarios where complaints are dismissed and no further action will be taken, explain: Maintained schools:

If you're unsatisfied with this outcome, you can refer your complaint to the Department for Education (DfE). The DfE will not re-investigate the matter of your complaint, but will look at whether our complaints policy and any other relevant statutory policies that we hold were followed properly. The DfE also looks at whether our statutory policies adhere to education legislation.

It may direct us to re-investigate the complaint where it is clear the school has acted unlawfully or unreasonably.

For more information or to refer a complaint, see the following webpage:

<https://www.gov.uk/complain-about-school>

Yours sincerely,

[Name of the clerk to governors/panel clerk], on behalf of the panel.

Signature: _____

Date: _____