



# Windale Primary School

## Complaints Policy

Document Control	
Document Title	Complaints Policy
Summary of changes	No changes.
Date of original issue	April 2019
Name of Originator	Katie Geran-Haq
Name of responsible Group	Senior Leadership Team
Next Review Date	March 2027

### Declaration of Adoption

This document has been reviewed by the Senior Leadership Team and has been formally adopted.

Windale Primary School recognises that parents may, from time to time, have normal and legitimate concerns about their child's education and may not be satisfied with their child's school. It is important that we work together to resolve these concerns, aiming to do so informally where possible and to ensure that all pupils are happy and fulfilled at school.

This document sets out the process for raising a complaint and how it will be dealt with by Windale Primary School.

### 1. Stage 1: Informal Complaint

Our intention is that the vast majority of concerns can be raised and dealt with informally before there is a need to raise a more formal complaint. Parents and carers are encouraged to make their concerns known to the school informally at an early stage so that they can be addressed in the spirit of partnership. Effective and fair resolution of concerns usually requires they are brought to the School's attention promptly and should therefore be brought within 3 months of the relevant events.

In the first instance, a concern should be raised with the member of staff most closely involved, such as the child's class teacher or Phase Leader. If that does not provide a satisfactory outcome, then an informal complaint should be made to the Headteacher with a view to resolving the issue informally before moving to the formal stage.

If the concern is regarding the Head Teacher then an informal complaint can be made to the Chair of the Local Governing Body (LGB).

Where someone is not satisfied with the response they have received informally, a formal complaint may be made.

**If a parent is claiming that a member of staff has harmed their child, this is an allegation not a complaint and should be dealt with differently – please see below.**

Windale Primary School will take seriously complaints from any party, but must prioritise complaints from parents, and complaints from parents must include the stages set out in this document.

There are special arrangements for dealing with the following matters which are subject to separate statutory / in-school procedures and **must not** be dealt with under standard complaints procedures:

- Child Protection and Safeguarding (including allegations)
- Admissions
- Exclusions
- Special Educational Needs where there is a Statement of Educational Need or an Education and Health Care Plan
- Whistleblowing
- Staff grievances and disciplinary procedures

## **2. Stage 2: Formal Complaint**

A formal complaint must be made in writing, to the Headteacher. However, Windale Primary School has regard for the Equalities legislation (Equality Act 2010) and will not restrict complainants to having to make their complaints in writing where they are unable to do so. In such circumstances complaints can be made verbally. In order to take forward the complaint on a formal basis the School will produce a written summary of the issues which it will agree with the parent before proceeding. In cases where the School receives a written complaint which is not sufficiently clear, it reserves the right to seek further clarification from the parent before considering the complaint at Stage 2.

If the complaint relates directly to the actions of the Headteacher, the formal letter should be directed to the Chair of the LGB.

The School takes all concerns and complaints seriously and deals with issues in a respectful, impartial and non-adversarial manner. The School will acknowledge the complaint within 5 school days of receipt. Windale Primary School expects a full and fair investigation of the issue to be undertaken, and no one is penalised for making a complaint in good faith. Complainants should be given a full written response to their complaint usually within 10 school days of the acknowledgement of receipt, as well as information about how to appeal if they so wish.

### **3. Stage 3: Local Governing Body Appeal Panel**

Where a complainant is not satisfied with the response to their formal complaint at Stage 2, they may ask for it to be heard by the school's Local Governing Body Complaints Appeal Panel. This is Stage 3 of the complaints process and will consist of at least three people not directly involved in the matters detailed in the complaint, and one panel member must be independent of the management and running of the School. Parents must be informed how to request an appeal and the timescales which apply. We would generally expect appeal requests to be made within 10 school days of receiving the written response at Stage 2.

Parents are welcome to attend the panel and may be accompanied if they wish. The panel cannot be made up solely of LGB members because they are not independent of the management and running of the academy.

It is Windale Primary School's intention that all complaints are resolved by this point, either to the complainant's satisfaction, or with an otherwise appropriate outcome that balances the rights and duties of pupils, with a hearing taking place usually within 15 school days of an appeal being requested. The subsequent written findings and recommendations from the panel should then follow within a further 10 school days after the panel hearing.

#### **Written Records**

The regulations governing school complaints sets out specific requirements regarding written copies of complaints, the panel hearing and the decision. These are set out below and the School must ensure they adhere to these in order to ensure full compliance with the regulations:

- Schools must keep a written record of all complaints made in accordance with the formal stages of the school's complaints procedure. This must include a record of whether the complaint was resolved following a formal procedure or proceeded to a panel hearing.
- The records must also detail action taken by the school as a result of those complaints (regardless of whether they are upheld).
- Where the complaint proceeds to a panel, a copy of the panel's findings and recommendations must be provided to the complainant and, where relevant, the person complained about.
- Records of panel findings and recommendations must also be made available for inspection on the school premises by United Learning and the Headteacher.
- Correspondence, statements and records relating to individual complaints must be kept confidential except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access to them.

#### **End of Formal Process**

Windale Primary School recognises there may be very rare occasions when the complainant feels that the individual school and the LGB have failed to appropriately address their complaint and that they must escalate it beyond the LGB. They can do

this by contacting United Learning's Central Office where the complaint will be picked up by a designated representative who will investigate and respond to the concern.

Please be aware that Central Office won't get involved **unless** there is clear evidence that all other stages have been exhausted. The complainant should be directed to contact the London Reception at [Reception.London@unitedlearning.org.uk](mailto:Reception.London@unitedlearning.org.uk) or 01832 864 477, who will ensure the complaint is sent confidentially to the appropriate designated Central Office representative (typically at Director level). A brief overview of the issue, the school involved, and the steps taken thus far to resolve it, should be set out. The earlier steps in the complaints process must have been completed and a formal response given by the LGB before this escalation route is used, and it should be initiated within 10 school days of the LGB panel's decision being communicated to the complainant. All records from the panel hearing must be shared with designated Central Office representative.

Once the designated Central Office representative have details of the complaint, he / she will investigate further, including a review of the complaint and the action taken by the school up to this point. They will then give a direction and ensure the complainant is appropriately informed.

The decision of the designated representative is final and binding. Complainants will be given a written response to their complaint usually within 15 school days from the receipt of the complaint by United Learning's Central Office.

### **Complaints about members of the Local Governing Body**

A complaint about a member of the Local Governing Body should be sent in a sealed letter to the Chair of Governors of the school. The Chair of Governors will investigate the issue and give a written response to the complainant usually within 15 school days from receipt of the letter.

A complaint about the Chair, or where the complainant believes their complaint about a member of the LGB has not been satisfactorily addressed by the Chair, should be sent to the Chair of Trustees for ULT, Nigel Robson (academies). The Chair of Trustees will either investigate the issue themselves or nominate a representative to do so on their behalf, and a written response will be given to the complainant usually within 15 school days from receipt of the letter.

### **Complaints about ULT Central Office**

If the complaint relates to a member of central office, then the complaint should be directed to the Company Secretary at [company.secretary@unitedlearning.org.uk](mailto:company.secretary@unitedlearning.org.uk), clearly marked as a complaint in the subject box. The complaint will initially be passed to the relevant line manager to deal with.

As with complaints dealt with by schools, United Learning expects all concerns and complaints raised about central office colleagues to be dealt with in a respectful, impartial and non-adversarial manner usually within 10 school days. A full and fair investigation of the issue will be undertaken.

In the event that the complaint is not resolved satisfactorily with the line manager and the person concerned, the complaint will be reviewed by the Company Secretary who will investigate and aim to respond within a further 10 school days.

#### **4. The Role of the Department for Education**

Parents of pupils at United Learning academies who are not satisfied about the handling of their complaint should be signposted to the DFE's School Complaints Form. A key element of any review by ESFA / DFE will be whether or not the complaint has been handled in accordance with the academy's own complaints policy, and whether the academy complies with regulation and its funding agreement.

#### **5. Vexatious Complaints**

There will be occasions when, despite all stages of the procedures having been followed, and Central Office having investigated, the complainant remains dissatisfied. If the complainant tries to reopen the same issue, the relevant United Learning Director and the Chair of the LGB will inform them in writing that the procedure has been exhausted and that the matter is now closed.

If the complainant writes again on the same issue, then the correspondence may be recognised as vexatious and there will be no obligation on the part of the school or Central Office to respond. Should a complainant raise an entirely new, separate complaint however, it must be responded to in accordance with the complaint's procedure. It is not the complainant who is vexatious; it is the correspondence.

#### **6. Regulatory Bodies**

Individuals are also free to make a complaint directly to the relevant regulatory body.

##### *Academies*

- OFSTED: Piccadilly Gate, Store St, Manchester M1 2WD
- Phone: 0300 123 4666 or e-mail [enquiries@ofsted.gov.uk](mailto:enquiries@ofsted.gov.uk)

#### **7. Written Records and Confidentiality**

Windale Primary School keeps confidential, accurate written records, for at least three years, of all complaints, the action taken and at what stage they were resolved. United Learning central office also keeps accurate written records for any complaints that get escalated there. A record of complaints and their outcomes is reviewed regularly by the Headteacher so that any patterns can be identified and appropriate interventions made.

All correspondence, statements and records relating to individual complaints are kept confidential wherever possible, except where the Secretary of State or a body conducting an inspection under section 162A of the 2002 Education Act, as amended, requests access to them.

Windale Primary School is committed to ensuring that the application of this policy is non-discriminatory in line with the UK Equality Act (2010).