



WOODBIDGE HIGH SCHOOL

Complaints Policy

March 2019

Introduction

Our objective is to provide a welcoming, safe, secure and calm environment for all students and staff at Woodbridge High School. Occasionally, situations occur which give cause for complaint.

In order to bring such occurrences to a speedy and satisfactory conclusion the school has adopted a complaints procedure based on advice from the Local Authority which is used by many other schools in Redbridge.

In accordance with the Department for Education, Woodbridge High School recommends any complaints are made at the earliest opportunity and certainly within a maximum time frame of 3 months. An early informal approach is often the best means of resolving minor problems.

All complainants and investigators should make reference to their roles as set out in Appendix A below, and to the notes and points for consideration in the use of this procedure in Appendix B.

If you need help putting your complaint into writing, please contact Frank Gordon, School Business Manager, for information about free help available to you.

Procedures (please refer to Appendix A for roles and responsibilities)

1. Stage One – The Informal Stage – local resolution of the problem

- 1.1 In the vast majority of cases a problem should be resolved by contacting the member of staff directly involved with the issue. Senior staff are also willing to help resolve complaints at the informal stage. The initial communication may be via telephone, in writing or in person by appointment.
- 1.2 If a problem cannot be satisfactorily resolved at a local level the complaint should be escalated to the next stage.

2. Stage Two – The Formal Stage

If the complaint relates to the actions of members of staff other than the Headteacher, parts 2.1 to 2.9 of this procedure apply. If the subject of the complaint is the Headteacher please refer to section 2.10 onwards of this procedure.

- 2.1 If there can be no local resolution of the problem a complaint should be made to the Headteacher in writing. The Complainant should include all details that might assist with resolution of the issue including dates and times of events, the identification of potential witnesses and copies of any relevant documentation.
- 2.2 On receipt of the complaint, the Headteacher (or another member of staff appointed by the Headteacher) will be responsible for carrying out an appropriate Investigation.
- 2.3 Within 5 school days, the Headteacher should write to the Complainant setting out who is conducting the Investigation. The Investigation should take no longer than 20 school days. However, in complex cases a longer timeframe may be required. If so, the Complainant should be advised this is likely to be the case.
- 2.4 The Investigator may feel it necessary to meet the Complainant to clarify the specific details of the complaint and any relevant background information. It is good practice for notes to be taken at any such meeting and agreed between the Investigator and Complainant.

- 2.5 The Investigator will then conduct a full and thorough investigation into the complaint. This may involve reviewing documentation, meeting students and interviewing members of staff. Before the Investigator meets with any member of staff the individual must be informed they may be accompanied by a colleague or representative of a recognised union or professional association.
- 2.6 At the conclusion of the Investigation, the Investigator will compile a report detailing their findings and any recommendations or actions they propose need to be considered.
- 2.7 Once a satisfactory Investigation has been concluded, the Headteacher will notify the Complainant in writing. The Complainant will be informed of any action that will be taken as a result of the complaint except where this would breach confidentiality. The Headteacher may feel it appropriate to meet the Complainant in person to communicate findings.
- 2.8 The outcome of the Investigation would usually be one of the following:
- The evidence indicates that the complaint was substantiated and is therefore upheld.
 - The complaint was substantiated in part and is therefore upheld in part.
 - There is insufficient evidence to reach a conclusion so the complaint is unproven.
 - The complaint is not substantiated by the evidence and is not upheld.

However, other outcomes may be found as appropriate and recommendations for action may be made.

- 2.9 In the outcome letter, the Complainant must be informed that if they are not satisfied with the Investigation they may request a Governors Complaints Review Panel examine the process followed by the Headteacher in handling the complaint. Any request must be made in writing to the Clerk to the Governing Body within 10 school days and include a statement specifying reasons for the review and any perceived failures arising from the initial Investigation.

If the formal complaint relates to the actions of the Headteacher:

- 2.10 A complaint about the actions of the headteacher should be made by in writing to the Chair of Governors. The complaint should include all details that might assist with resolution of the issue including dates and times of events, the identification of potential witnesses and copies of any relevant documentation.
- 2.11 On receipt of the complaint, the Chair of Governors (or another Governor appointed by the Chair of Governors) will be responsible for carrying out an appropriate Investigation.
- 2.12 Within 5 school days, the Chair of Governors should write to the Complainant setting out who is conducting the Investigation. The Investigation should take no longer than 20 school days. However, in complex cases a longer timeframe may be required. If so, the Complainant should be advised this is likely to be the case.
- 2.13 The Investigator may feel it necessary to meet the Complainant to clarify the specific details of the complaint and any relevant background information. It is good practice for notes to be taken at any such meeting and agreed between the Investigator and Complainant.
- 2.14 The Investigator will then conduct a full and thorough investigation into the complaint. This may involve reviewing documentation, meeting students and interviewing members of staff. Before the Investigator meets with any member of staff the individual must be informed

they may be accompanied by a colleague or representative of a recognised union or professional association.

- 2.15 At the conclusion of the Investigation, the Investigator will compile a report detailing their findings and any recommendations or actions they propose need to be considered.
- 2.16 Once a satisfactory Investigation has been concluded, the Chair of Governors will notify the Complainant in writing. The Complainant will be informed of any action that will be taken as a result of the complaint except where this would breach confidentiality. The Chair of Governors may feel it appropriate to meet the Complainant in person to communicate findings.
- 2.17 The outcome of the Investigation would usually be one of the following:
- The evidence indicates that the complaint was substantiated and is therefore upheld.
 - The complaint was substantiated in part and is therefore upheld in part.
 - There is insufficient evidence to reach a conclusion so the complaint is unproven.
 - The complaint is not substantiated by the evidence and is not upheld.

However, other outcomes may be found as appropriate and recommendations for action may be made.

- 2.18 In the outcome letter, the Complainant must be informed that if they are not satisfied with the Investigation they may request a Governors Complaints Review Panel examine the process followed by the Chair of Governors in handling the complaint. Any request must be made in writing to the Clerk to the Governing Body within 10 school days and include a statement specifying reasons for the review and any perceived failures arising from the initial Investigation.

Stage 3 - The Governors Review Panel

- 3.1 Review Panels are convened at the request of the Complainant to review the Investigations outlined in sections 2 of this policy and subsequent outcomes.
- 3.2 The Review Panel's role is not to undertake a re-investigation of the problems which led to the original complaint.
- 3.3 Any review of the process followed by the Headteacher (or another member of staff appointed by the Headteacher), or Chair of Governors (or another Governor appointed by the Chair of Governors) shall be by a Panel of at least 3 members of the Governing Body.
- 3.4 The role of the Review Panel is to review the supporting evidence (including all records, notes and other information considered) and processes of the investigations outlined in sections 2 and 3. The Panel is not permitted to do the following:
- To re-investigate the circumstances around the original complaint
 - To reach a definite view on a point of law
 - To criticise the Complainant for any contributory negligence that may have contributed to the difficulties
 - To be an alternative to a disciplinary hearing as far as staff are concerned
 - To hear any new complaints (unless they relate to the length of time taken to deal with the substantive complaint).

- 3.5 The review will normally be conducted through a consideration of written evidence but any requests to make oral representations will be received sympathetically.
- 3.6 The Panel will consider any letters from the Complainant (outlined in 2.2 and 3.2 above) and, if needed, request that the Complainant submit in writing (within a reasonable timescale) any further information needed concerning the reasons for requesting a review and any perceived failures arising from the investigation process followed. The Headteacher (or Investigating member of staff) or Chair of Governors (or Investigator Governor) will be invited to make a written response to the Complainant's submissions.
- 3.7 The Panel will communicate its findings to the Complainant, Headteacher and Chair of Governors within 25 school days of receipt by the Clerk to the Governing Body of the Complainant's letter requesting a review. Recommendations for action may be made.
- 3.8 If the Complainant is still unhappy at this stage they may appeal to the Secretary of State for Education (or any other relevant body appointed to hear complaints against schools as set out in Regulations or Acts of Parliament) on the following grounds:
- The Governing Body is acting or proposing to act unreasonably; or
 - The Governing Body has failed to discharge its legal duties as set out in Regulations or Acts of Parliament
- 3.9 The Governing Body notes that the Secretary of State has a duty to consider all complaints raised, but will only intervene where the Governing Body has acted unlawfully or unreasonably and where it is expedient or practical to do so. The School Complaints Unit (SCU) considers complaints relating to Local Authority maintained schools in England on behalf of the Secretary of State. Information about the SCU can be obtained by calling 0370 000 2288 or by writing to: Department for Education, School Complaints Unit, 2nd Floor, Piccadilly Gate Store Street, Manchester, M1 2WD.

4. Dealing with Unreasonable, Serial or Persistent Complaints

- 4.1 Woodbridge High School is committed to providing a high-quality service to those who complain and to dealing with all complaints fairly and impartially. However, we do not expect to tolerate inappropriate or unacceptable behaviour and will take action to protect all our staff from abusive, offensive or threatening behaviour.
- 4.2 Woodbridge High School defines unreasonable complainants as those who, because of the frequency or nature of their contacts with the school, hinder consideration of their or other people's complaints.
- 4.3 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 a 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 Complaints Procedure or with good practice
 - Introduces trivial or irrelevant information with 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 to 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 and/or makes excessive demands on school time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing or by telephone while the complaint is being handled.
- 4.4 A complaint may also be considered unreasonable if the person making the complaint does so in writing, by telephone or in person:
- Maliciously
 - Aggressively
 - Using threats, intimidation or violence
 - Using abusive, offensive or discriminatory language
 - Knowing it to be false
 - Using falsified information and/or
 - By publishing unacceptable information in a variety of media such as in social media websites and newspapers.
- 4.5 Complaints should limit communication with the school while a complaint is being investigated. It is not helpful if repeated correspondence is sent (either in writing or by telephone) as it delays the process of the Investigation.
- 4.6 Whenever possible, the Headteacher or Chair of Governors will discuss any concerns with the Complainant before applying an 'unreasonable' marking against the complaint.
- 4.7 If inappropriate behaviour continues, the Headteacher or Chair of Governors will write to the Complainant explaining that their behaviour is unreasonable and asking them to change it. For Complainants who excessively contact Woodbridge High School causing a significant level of disruption we may specify methods of communication and limit contact. This will usually be reviewed after 6 months.
- 4.8 In response to any serious incident of aggression or violence the concerns and actions taken will be put in writing and the Police informed. Actions to be taken may include barring an individual from Woodbridge High School.

5. Complainants Who Behave in an Unacceptable Way

- 5.1 Although fulfilling a public function, schools are private places. The public has no automatic right of entry. Woodbridge High School will therefore act to ensure it remains a safe place for pupils, staff and other members of our community.
- 5.2 If a Complainant's behaviour is a cause for concern, a school can ask him/her to leave the school premises. In serious cases, the Headteacher or Local Authority can notify individuals in writing that their implied licence to be on the school premises has been temporarily revoked, subject to any representations that the Complainant may wish to

make. Schools should always give the Complainant the opportunity to formally express their views on any decision to bar in writing.

- 5.3 The decision to bar should then be reviewed taking into account any representations made by the Complainant. The decision may then be confirmed or lifted. If the decision is confirmed the Complainant should be notified in writing, explaining how long the bar will remain in force.
- 5.4 Anyone wishing to complain about being barred can do so in writing to the Headteacher or Chair of Governors.

6. Notes on Procedures for the Use of this Policy

The notes below set out good practice as per the 'Model Complaints Procedure for Schools published by the London Borough of Redbridge (September 2016), which is itself based on the DfE Best Practice Advice for School Complaints Procedures

Appendix A – roles and responsibilities

The Complainant

The Complainant will receive a more effective response to the complaint if they:

- Co-operate with the school in seeking a solution to the complaint
- Express the complaint in full as early as possible
- Respond promptly to requests for information or meetings or in agreeing the details of the complaint
- Ask for assistance as needed, particularly if help is required with the preparation of written material
- Treats all those involved in the complaint with respect

The Investigator

The Investigator is the person appointed in sections 2 and 3 of the policy to conduct a full and thorough investigation of the complaint. The Investigator's role should include providing a comprehensive, open, transparent and fair consideration of the complaint through:

- Sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved
- Consideration of records and other relevant information
- Interviewing staff, children/young people and other people relevant to the complaint
- Analysing information
- Effectively liaising with the Complainant as appropriate to clarify what the Complainant feels would put things right
- Identifying solutions and recommending courses of action to resolve problems
- Being mindful of timescales to respond
- Responding to the Complainant in plain and clear language

The person investigating the complaint should make sure they:

- Conduct interviews with an open mind and be prepared to persist in the questioning
- Keep notes of interviews or arrange for an independent note taker to record minutes of any meetings

The Panel Clerk

The Clerk to the Governors is the contact point for the Complainant if the complaint has been referred to a Governors Review Panel. The Panel Clerk is expected to:

- Set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible
- Collate any written material and send it to parties in advance of the hearing
- Meet and welcome the parties as they arrive at the hearing
- Record the proceedings
- Circulate the minutes of the Panel hearing
- Notify all parties of the Panel's decision

The Panel Chair

The Panel Chair has a key role in ensuring that:

- The meeting is minuted
- The remit of the Panel is explained to the Complainant and both they and the school have the opportunity of putting their case without undue interruption
- The issues are addressed
- Key findings of fact are made
- Parents/carers and others who may not be used to speaking at such a hearing are put at their ease. This is particularly important if the Complainant is a child/young person
- The hearing is conducted in an informal manner with everyone treated with respect and courtesy
- The layout of the room will set the tone. Care is needed to ensure the setting is informal and not adversarial
- The Panel is open-minded and acts independently
- No member of the Panel has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure
- Both the Complainant and the school are given the opportunity to state their case and seek clarity
- Written material is seen by everyone in attendance. If a new issue arises it would be useful to give everyone the opportunity to consider and comment on it. This may require a short adjournment of the hearing.
- Liaise with the Clerk to the Governors

Panel Member

Panellists need to be aware that:

- It is important that the Review Panel hearing is independent and impartial, and that it is seen to be so
- No Governor may sit on the Panel if they have had prior involvement in the complaint or in the circumstances surrounding it
- The aim of the hearing, which will be held in private, will always be to resolve the Complaint, and achieve reconciliation between the school and the Complainant
- However, it must be recognised that the Complainant might not be satisfied with the outcome if the hearing does not find in their favour. It may only be possible to establish the facts and make recommendations which will satisfy the Complainant that their complaint has been taken seriously
- Many complainants feel nervous and inhibited in a formal setting and parents/carers often feel emotional when discussing an issue that affects their child. The Panel Chair will ensure that the proceedings are as welcoming as possible
- Extra care needs to be taken when the Complainant is a child/young person and present during all or part of the hearing. Careful consideration of the atmosphere and proceedings will ensure that the child/young person does not feel intimidated
- The Panel should respect the views of the child/young person and give them equal consideration to those of adults
- If the child/young person is the Complainant, the Panel should ask in advance if any support is needed to help them present their complaints
- Where the child /young person's parent/carer is the Complainant, the Panel should give the parent/carer the opportunity to say which parts of the hearing, if any, the child/young person needs them to attend
- The parent/carer should be advised that agreement might not always be possible if the parent/carer wishes the child/young person to attend a part of the meeting which the Panel considers not to be in the welfare of the child/young person

Interviewing best practice tips – children and young people

- Children/young people should be interviewed in the presence of another member of staff or in the case of serious complaints (e.g. where the possibility of a criminal investigation exists) in the presence of their parents/carers
- However, it might not always be possible to conduct an interview in case it prejudices a LADO or police investigation
- Care should be taken in these circumstances not to create an intimidating atmosphere
- Children/young people should be told what the interview is about and that they can have someone with them

Interviewing best practice tips – staff/witnesses

- Explain the complaint and your role clearly to the interviewee and confirm that they understand the complaints procedure and their role in it
- Staff are allowed a colleague to support them at their interview. The colleague must not be anyone likely to be interviewed themselves, including their line manager
- Use open, not leading questions
- Do not express opinions in words or attitude
- Ask single not multiple questions i.e. one at a time
- Try to separate 'hearsay' evidence from fact by asking interviewees how they know a particular fact,
- Persist with questions if necessary. Do not be afraid to ask them same questions twice
- Make notes of each answer given
- Deal with conflicting evidence by seeking corroborative evidence. IF this is not available, discuss with the Headteacher or Chair of Governors the option of a meeting between the conflicting witnesses
- Make a formal record of the interview from the written notes as soon as possible while the memory is fresh. Show the interviewee the formal record, as if they have anything to add and to sign the record as accurate

Appendix B - Notes on Points for Consideration for the Use of this Procedure

The notes below set out good practice as per the 'Model Complaints Procedure for Schools' published by the London Borough of Redbridge (September 2016), which is itself based on the DfE Best Practice Advice for School Complaints Procedures 2016.

- 1.1 A complaint is an expression of dissatisfaction however made, by a parent or carer with a legitimate interest in the school. It may be about school policies or procedures, the conduct, actions or omissions of members of staff employed at the school or the standards of teaching and learning.
- 1.2 Section 29 of the Education Act 2002 requires all governing bodies to have in place a school's complaints procedure. The procedure must be publicised to parents and the procedure must be readily available to anyone requesting a copy.
- 1.3 The procedure outlined in this policy is not for complaints from staff about matters relating to their duties or employment at the school, or for staff grievances, or for complaints they may have about parents or carers. Those issues should be dealt with through the school's staffing procedures and policies.
- 1.4 This complaints procedure is intended to be used by those persons who have a complaint relating to the school and no other alternative process exists for addressing that complaint.
- 1.5 Where an appeal mechanism or legislative process takes precedence, then that procedure must be followed and the procedure outlined in this policy will not apply. Examples of where alternative measures would take precedence may include (but are not limited to) some of the following
 - Complaints about the statementing process for children with special educational needs
 - Issues relating to members of staff including disciplinary grievances and re-organisation proposals
 - Matters likely to require a Child Protection Investigation
 - Admissions and exclusions
 - Whistleblowing
 - Complaints about services provided by other providers who may use school premises or facilities. These service providers should have their individual complaints procedures which should be followed.
 - Complaints against a Member of the governing body should be referred to the Chair of Governors in the first instance.
- 1.6 Initially most complaints will be oral. There should not be a requirement for the complainant to put their complaint in writing at the informal stage. However, schools should be mindful that English may not be the complainant's first language and due consideration and appropriate action should be taken where this is known to be the case. Such actions may include for example agreeing to the parent being accompanied by a friend or family member to act as interpreter.
- 1.7 Schools should keep a record of all complaints made and the actions taken. When receiving anonymous complaints in the majority of cases the only action the head teacher will take is to log the complaint and a record of any actions taking in response to the complaint. However there may be exceptions to this where the head teacher feels further action should be taken and it is for the head teacher to use his/her discretion in making that decision and in deciding how to proceed in such cases. These may include complaints that raise serious concerns such as child protection allegations or bullying.

- 1.8 Governors should not attempt to deal with complaints outside of this procedure. Any governor who is approached by a complainant wishing to complain about the school should direct the complainant to the head teacher. There will be some instances, for example when the complaint is about the head teacher, where it would be appropriate for the complainant to be advised to write to the Chair of Governors instead of the head teacher.
- 1.9 The power to investigate school complaints rests with the school. The main exceptions to this are child protection and health and safety where the LA does still have the powers to investigate and intervene. Therefore in the majority of cases any complainant who approaches the LA (except in such cases as specified above) will be referred back to the head teacher or the chair of the governing body.
- 1.10 It is important that all concerns are taken seriously. Children learn best when there is an effective partnership between the school and the parents. All members of the school community are entitled to have their points of view properly considered and heard.
- 1.11 It is very important that all complaints are dealt with as swiftly and as fairly as possible. Failure to address complaints promptly frequently results in greater dissatisfaction. Complaints and concerns relating to issues, which occurred more than three months before will generally be ruled “out of time”.
- 1.12 Head teachers or governors should not investigate (or in the case of governors be a member of the review panel) when a complaint is about their own actions.
- 1.13 When investigating a complaint the investigator should try to establish what happened, discover what the complainant feels would remedy the situation and interview those involved, keeping notes of the interviews. It may be appropriate to have another person present to take notes on occasions. The governing body should consider using recording devices to so parents with communication difficulties can access and review discussions.
- 1.14 Governing bodies should note that complainants have a right of the copies or records under FOI and the Data Protection Acts.
- 1.15 Details of the complaint should not be shared with all members of the governing body.

Policy Prepared by: Mr S. Hogan, Headteacher

Policy Approval: Approved by the Full Governing Body on 5th March 2019

Date of Next Review: Spring 2022