



The  
Westgate School

#equippedforlife

# COMPLAINTS & PROCEDURES POLICY

Approved by:	[Name]	Date: [Date]
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## 1. Aims

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

- Be impartial and non-adversarial
- Facilitate a full and fair investigation by an independent person or panel, where necessary
- Address all the points at issue and provide an effective and prompt response
- Respect complainants' desire for confidentiality
- Treat complainants with respect and courtesy
- Ensure that any decisions we make are lawful, rational, reasonable, fair and proportionate, in line with the principles of administrative law
- Keep complainants informed of the progress of the complaints process
- Consider how the complaint can feed into school improvement evaluation processes
- We try to resolve concerns or complaints by informal means wherever possible. Where this is not possible, formal procedures will be followed. The school will aim to give the complainant the opportunity to complete the complaints procedure in full. To support this, we will ensure we publicise the existence of this policy and make it available on the school website. 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

This document meets the requirements set out in part 7 of the schedule to [the Education \(Independent School Standards\) Regulations 2014](#), which states that we must have and make available a written procedure to deal with complaints from parents of pupils at the school.

It is also based on guidance published by the Education and Skills Funding Agency (ESFA) on [creating a complaints procedure that complies with the above regulations](#), and refers to [good practice guidance on setting up complaints procedures](#) from the Department for Education (DfE).

## 3. Definitions and Scope

### 3.1 Definitions

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

- A **concern** is defined as “an expression of worry or doubt over an issue considered to be important for which reassurances are sought”. The school will resolve concerns through day-to-day communication as far as possible
- A **complaint** is defined as “an expression of dissatisfaction however made, about actions taken or a lack of action”

### 3.2 Scope

The school intends to resolve complaints informally where possible, at the earliest possible stage. There may be occasions when complainants would like to raise their concerns formally. This policy outlines the procedure relating to handling such complaints.

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

- Admissions
- Statutory assessments of special educational needs (SEN)

- Safeguarding matters
- Exclusion
- Whistle-blowing
- Staff grievances
- Staff discipline
- 

Please see our separate policies for procedures relating to these types of complaint.

Arrangements for handling complaints from parents of children with special educational needs (SEN) about the school's support are within the scope of this policy. Such complaints should first be made to (SENDSCO); they will then be referred to this complaints policy. Our SEN policy and information report includes information about the rights of parents of pupils with disabilities who believe that our school has discriminated against their child.

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:

- Follow these procedures
- Co-operate with the school throughout the process, and respond to deadlines and communication promptly
- Treat all those involved with respect
- 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. They will:

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

In some circumstances it may be necessary for the school to appoint an independent investigating officer. The appointment of an independent investigating officer may impact the timeframes. All parties involved in the investigation will be informed of any such changes in a timely manner.

##### *4.3 Clerk to the Governing Body*

The clerk will:

- Be the contact point for the complainant and the complaints committee, including circulating the relevant papers and evidence before complaints committee meetings
- Arrange the complaints hearing

- Record and circulate the minutes and outcome of the hearing

#### *4.4 Committee chair*

The committee chair will:

- Chair the meeting, ensuring that everyone is treated with respect throughout
- 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:

- What has happened
- Who was involved
- What the complainant feels would put things right

#### *5.1 Time scales*

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.

We will consider exceptions to this time frame 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.

When complaints are made out of term time, we will consider them to have been received on the next school day.

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

- Agree new time limits with the complainant  
Send the complainant details of the new deadline and explain the delay

### **6. Stages of complaint (not complaints against the Headteacher or Governors)**

#### *6.1 Stage 1: informal*

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

The complainant should raise the 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 via phone or email. The school will acknowledge informal complaints within 3 school days, and investigate and provide a response within 5 school days.

The informal stage will involve a meeting between the complainant and a senior member of staff as appropriate. If the complaint is not resolved informally, it will be escalated to a formal complaint.

## 6.2 Stage 2: formal

Formal complaints can be raised:

- By using the complaint form in Appendix A and sending to [secretary@westgate.slough.sch.uk](mailto:secretary@westgate.slough.sch.uk)

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. The school will acknowledge formal complaints within 3 school days.

If complainants need assistance raising a formal complaint, they can contact the school office on 01753 521320 or [secretary@westgate.slough.sch.uk](mailto:secretary@westgate.slough.sch.uk). The Headteacher (or designated member of the senior leadership team) if necessary, 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.

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.

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 5 – 10 school days.

If the complainant wishes to proceed to the next stage of the procedure, they should inform the Clerk to the Governing Body within 5 school days of receiving the conclusion.

How to escalate a complaint:

Complaints can be escalated by contacting the clerk to the Governing body:

By using the complaint form in Appendix A and sending to [clerk@westgate.slough.sch.uk](mailto:clerk@westgate.slough.sch.uk)

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.

The written conclusion of this investigation will be sent to the complainant within 10 school days.

If the complainant wishes to proceed to the next stage of the procedure, they should inform the clerk to the Governing body in writing within 10 school days of receiving the conclusion. Requests received outside of this time frame will be considered in exceptional circumstances. The clerk will acknowledge receipt of the request within 5 school days.

## 6.3 Stage 3: submit the complaint to the review panel

Convening the panel:

The review panel consists of the first 3 members of the Governing body available, who don't have direct knowledge of the complaint. There will also be an independent member on the panel who is not involved with the management or running of the school. 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 amongst themselves. If not enough impartial Governors are available, we will seek panel members from other schools. We will make sure the Governors we source are suitably skilled and can demonstrate that they are independent and impartial.

The complainant must have reasonable notice of the date of the review panel; however, the review panel reserves the right to convene at their convenience rather than that of the complainant. The clerk will aim to find a date within 10-15 school days of the request, where possible.

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. Any written material will be circulated to all parties at least 5 school days before the date of the meeting.

#### At the meeting:

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. 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.

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. 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.

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.

#### The outcome:

The committee can:

- Uphold the complaint, in whole or in part
- Dismiss the complaint, in whole or in part

If the complaint is upheld, the committee will:

- Decide the appropriate action to resolve the complaint



- Where appropriate, recommend changes to the school's systems or procedures to prevent similar issues in the future

The school will inform those involved of the decision in writing within 5 school days.

#### *6.4 Stage 3: submit the complaint to an Independent Reviewer*

The independent reviewer is appointed by or on behalf of the Governing Body. This person must not, at any time, have been a Governor of the school, or a member of staff or supply staff at the school or a relation of a Governor or member of staff and must not have been the parent of a registered or former registered pupil at the school. They must also not have been directly involved in any matter detailed in the complaint.

The independent reviewer will convene a review meeting with the complainant and representatives from the school, as appropriate. Each will have an opportunity to set out written or oral submissions prior to the meeting. 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.

The independent reviewer, the complainant and the school representative(s) will be given the chance to ask and reply to questions.

The complainant, Governor and Headteacher, and where relevant, the subject of the complaint, will be given a copy of the findings and recommendations made by the independent person.

The school will inform those involved of the decision in writing within 5 school days.

### **7. Complaints against the Headteacher, a Governor or the Governing body**

#### *7.1 Stage 1: Informal*

Complaints made against the Headteacher or any member of the Governing body should be directed to the clerk to the Governing body in the first instance.

If the complaint is about the Headteacher or one member of the Governing body (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*

If the complaint is jointly about the Chair and Vice-Chair, the entire Governing body or the majority of the Governing body, an independent investigator will carry out the steps in stage 2 (set out in section 6 above). They will be appointed by the Governing body and will write a formal response at the end of their investigation.

#### *7.3 Stage 3: Review Panel*

If the complaint is jointly about the Chair and Vice-Chair, the entire Governing body or the majority of the Governing body, a committee of independent Governors will hear the complaint. They will be sourced from

local schools and / or the local authority by an appropriate independent person and will carry out the steps at stage 3 (set out in section 6 above).

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

We will include this information in the outcome letter to complainants. If the complainant is unsatisfied with the outcome of the school's complaints procedure, they can refer their complaint to the ESFA. The ESFA will check whether the complaint has been dealt with properly by the school. The ESFA will not overturn a school's decision about a complaint. However, it will look into:

- Whether there was undue delay, or the school did not comply with its own complaints procedure
- Whether the school was in breach of its funding agreement with the secretary of state
- Whether the school has failed to comply with any other legal obligation
- If the school did not deal with the complaint properly, it will be asked to re-investigate the complaint. If the school's complaints procedure is found to not meet regulations, the school will be asked to correct its procedure accordingly.

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

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

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

## **9. Persistent Complaints**

### *9.1 Unreasonably persistent complaints*

Most complaints raised will be valid, and therefore we will treat them seriously. However, the complaints procedure will limit the number of complaints that become protracted or unreasonable. There may be occasions when, despite all stages of the procedures having been followed, the complainant remains dissatisfied.

However, a complaint may become unreasonable if the person:

- Has made the same complaint before, and it's already been resolved by following the school's complaints procedure
- Makes a complaint that is obsessive, persistent, harassing, prolific, defamatory or repetitive
- Knowingly provides false information
- Insists on pursuing a complaint that is unfounded, or out of scope of the complaints procedure
- Pursues a valid complaint, but in an unreasonable manner e.g. refuses to articulate the complaint, refused 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 time frames it sets out
- Changes the basis of the complaint as the investigation goes on
- Makes a complaint designed to cause disruption, annoyance or excessive demands on school time
- Seeks unrealistic outcomes, or a solution that lacks any serious purpose or value

*If we are satisfied that there are no new aspects, we will do the following:*

The Chair of the Governing Body will tell the complainant in writing that the procedure has been exhausted and that the matter is now closed.

Direct them to the DfE if they are dissatisfied with our original handling of the complaint.

*If there are new aspects, we will follow this procedure again.*

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

- Give the complainant a single point of contact via an email address
- Limit the number of times the complainant can make contact, such as a fixed number per term
- Ask the complainant to engage a third party to act on their behalf, such as [Citizens Advice](#)
- Put any other strategy in place as necessary

### **Stop responding**

We may stop responding to the complainant when all of these factors are met:

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

## **9.2 Complaint Campaigns**

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:

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

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**

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.

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

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

Where the Governing body 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.

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 body, who will not unreasonably withhold consent.

## **11. Learning Lessons**

The Governing Body will review any underlying issues raised by complaints with the Headteacher and leadership team, 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**

The Community Governing Body Committee will monitor the effectiveness of the complaints procedure in ensuring that complaints are handled properly. The Community Governing Board Committee will track the number and nature of complaints, and review underlying issues as stated in section 11.

The complaints records are logged and managed by the Business Manager.

This policy will be reviewed by the Community Governing Body Committee once every 3 years. At each review, the policy will be approved by Community Governing Body Committee.

## **13. Links with other policies**

Policies dealing with other forms of complaints include:

- Safeguarding policy and procedures
- Admissions policy
- Exclusions policy
- Staff grievance procedures
- Staff disciplinary procedures
- SEN policy and information report
- Privacy notices
- Whistleblowing

## **Appendix A**

### **The Westgate School Complaints Form**

Please complete and return to [secretary@westgate.slough.sch.uk](mailto:secretary@westgate.slough.sch.uk) who will acknowledge receipt and explain what further action will be taken.

<i>Your name:</i>
<i>Child's name (if applicable):</i>
<i>Relationship to child:</i>
<i>Address:</i>
<i>Contact telephone number:</i>
<i>Details of complaint:</i>
<i>What action, if any, have you already taken to try and resolve your complaint. Please give details of who you have spoken to and what response you received.</i>

*What action do you feel might resolve the problem at this stage:*

*Please give details of any supporting documents:*

Signature:.....

Date submitted:.....

**For Office use only**

**Date received:**.....

**Date acknowledgement sent:**.....

**By whom:**.....

**Complaint referred to:**.....

**Date referred:**.....