



#equippedforlife

The
Westgate School

COMPLAINTS & PROCEDURES POLICY

Approved by: [Mr J Gargan]

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1. Definitions and Aims

1.1 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. The school recognises an informal complaint as a concern.
- A **complaint** is defined as “an expression or statement of dissatisfaction however made, about actions taken or a lack of action”.

In most cases, a concern can be resolved through informal means. A complaint will follow formal procedures.

1.2 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 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.

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

3. Scope

3.1 Complaints

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
- Suspension and permanent exclusion
- Whistleblowing
- Staff grievances
- Staff discipline
- School re-organisation proposals
- Curriculum
- Collective worship

Please see our separate policies for procedures relating to these types of complaint. Complaints about services provided by other providers who use school premises or facilities should be directed to the provider concerned.

3.2 Complaint about the Head Teacher

Should a complaint be made about the Head Teacher, then you should contact the Chair of Governors. This must be done by emailing the clerk to the governors on:

clerk@westgate.slough.sch.uk

3.3 Complaint about a governor

Should a complaint be made about a governor, including the Chair of Governors, you should contact the trustees. This must be done by emailing the clerk who will direct the complaint to the trustees on:

Clerk@westgate.slough.sch.uk

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
- Do not approach individual governors about the complaint

If the complainant is unable to meet these expectations, we may deem it necessary to close the complaint immediately.

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 The complaints co-ordinator

The complaints co-ordinator can be:

- The headteacher
 - The designated complaints governor
 - Any other staff member providing administrative support
- The complaints co-ordinator will:
- Keep the complainant up to date at each stage in the procedure
 - Make sure the process runs smoothly by liaising with staff members, the headteacher, chair of governors, clerk and local authority (LA)
- Be aware of issues relating to:
- Sharing third-party information
 - Additional support needed by complainants; for example, interpretation support or where the complainant is a child or young person
 - Keep records

4.4 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

4.5 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 four working weeks of the incident. If the complaint is about a series of related incidents, they must raise the complaint within four working weeks 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

The following stages should be followed in order

6.1 Stage 1: Concern

In the first instance a concern should be raised. The school will take 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 concern as soon as possible in writing by completing the Stage 1: Concern Form. The school will acknowledge concerns within two working school days, investigate and provide a response within ten working school days.

Concerns should be submitted using the link in Appendix A, Stage 1: Concern Form. In addition, please email homeschoolcomms@westgate.slough.sch.uk to alert the Communications Manager who will pass the concern to the relevant member of staff to deal with and contact you within 2 school days.

The school will acknowledge concerns within 2 school days, which will confirm how the school intends to proceed, including an indication of the anticipated timescale.

The informal stage will involve a communication between the complainant and the member of staff dealing with the concern.

If the concern is not resolved informally, only now may it be escalated to a formal complaint.

In addition, if the complainant does not receive a response to their Stage 1: Concern submission by day 10, then they may proceed to a Stage 2: Formal Complaint. Please ensure that when submitting the Stage 2: Formal complaint, you cite that you have not received communication from the school after submitting the Stage 1: Concern form.

6.2 Stage 2: Formal Complaint

A Formal complaint cannot be raised, without first raising a concern. If you have not already raised a concern, you will be re-directed to do so via the Stage 1: Concern Form.

A formal complaint can be raised when you feel the original concern has not been handled effectively. It can be raised by using the complaint form link in Appendix B, Stage 2: Formal Complaint Form.

A Stage 2: Formal Complaint must be submitted no more than 2 calendar weeks after the complainant has received the outcome from the Stage 1: Concern.

Please then send an email to clerk@westgate.slough.sch.uk which informs the clerk that you have submitted the form.

The complainant should provide details such as relevant dates, times, and the names of witnesses of events and what they feel would resolve the complaint. The clerk will acknowledge formal complaints within 3 school days of the Stage 2: Formal Complaint Form being submitted.

If complainants need assistance raising a formal complaint, they can contact the school office on **01753 521320** or clerk@westgate.slough.sch.uk. The 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 designated member of the Senior Leadership Team will then conduct an investigation. The written conclusion of this investigation will be sent to the complainant within 15 school days.

If the complainant is still not satisfied with the outcome of stage 2 If the complainant does not receive a response to their Stage 2: Complaint submission by the end of day 15, then they may proceed to a Stage 3: Complaint Form to the Review Panel. Please ensure that when submitting the Stage 3: Complaint Form to the Review Panel, you cite that you have not received communication from the school after submitting the Stage 2: Concern form.

If the complainant wishes to proceed to the next stage where the complaint will be considered by the review panel, they should inform the Clerk to the Governing Body within two calendar weeks days of receiving the conclusion.

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 do not 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 (see section 10). The Governors will select a panel chair from amongst themselves. If there are not enough impartial Governors available, we will seek panel members from other schools. We will ensure that the Governors sourced 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 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.

Please use the link in Appendix C to submit a request for a review panel meeting. The request will only be considered if the complainant has followed the process and the issue(s) have not been resolved at either Stage 1 or Stage 2. Please then send an email to clerk@westgate.slough.sch.uk informing them you have submitted the Stage 3: Complaint Form to the Review Panel.

6.4 Uploading additional information and evidence when submitting a complaint.

Whether submitting a Stage 1, Stage 2 or Stage 3 form, the complainant may wish to support their complaint by sharing additional files, images or any other evidence they may feel is useful. This additional information must be emailed to HomeSchoolComms@westgate.slough.sch.uk

In the email, the complainant must state their full name and the date of submission of the Stage 1, 2 or 3 form to the school.

The school's communication manager will link the emailed information with the form and present to the person investigating the concern or complaint.

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 do not 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.

7. 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 investigate:

- Whether there was undue delay, or the school did not comply with its own complaint's 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.

8. Persistent Complaints

8.1 Unreasonable complaints

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

- Refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance
- Refuses to co-operate with the complaint's investigation process
- Refuses to accept that certain issues are not within the scope of the complaints procedure
- Insists on the complaint being dealt with in ways which are incompatible with the complaint's procedure or with good practice
- Introduces trivial or irrelevant information that they expect to be considered and commented on
- Raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales
- Makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced
- Changes the basis of the complaint as the investigation proceeds
- Repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed)
- Refuses to accept the findings of the investigation into that complaint where the school's complaint procedure has been fully and properly implemented and completed, including referral to the Department for Education
- Seeks an unrealistic outcome

- Makes excessive demands on school time by frequent, lengthy and complicated contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with
- Uses threats to intimidate
- Uses abusive, offensive or discriminatory language or violence
- Knowingly provides falsified information
- Publishes unacceptable information on social media or other public forums

Please note: the above list is not intended to be exhaustive and is for guidance purposes only. It is at the discretion of the school what is deemed to be unreasonable.

Complainants should try to limit their communication with the school while the complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text), as it could delay the outcome being reached.

Steps we will take

We will take every reasonable step to address the complainant's comments 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.

Whenever possible, the headteacher or chair of governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking. If the behaviour continues, the headteacher will write to the complainant explaining that their behaviour is unreasonable, refer them to this policy and remind them to act in accordance with it. For complainants who excessively contact the school causing a significant level of disruption, 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 •
- Put any other strategy in place as necessary

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 school premises and ensuring appropriate measures of support are provided to staff where they are the subject of aggression and/or violence.

8.2 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.

9. 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.

10. Learning Lessons

The Governing Body will review any underlying issues raised by complaints with the Headteacher and Senior 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.

11. 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 school.

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.

12. 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

Link to stage one informal concern (please complete this stage before going to stage 2)

[Stage 1: Informal Concern Form](#)

Appendix B

Link to Stage 2: Form Complaint

[Stage 2: Formal Complaint Form](#)

Appendix C

Link to Stage 3: Complaint to request a review panel meeting

[Stage 3: complaint to the review panel](#)