



# Complaints & Unreasonable Complainants Policy

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<b>Signature:</b>			

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***This document should be read in conjunction with the Department for Education Best Practice Advice for School Complaints Procedures 2019 (January 2021)***

## **Introduction**

### **The difference between a concern and a complaint**

A 'concern' may be defined as 'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'. A complaint may be generally defined as 'an expression of dissatisfaction however made, about actions taken or a lack of action'.

It is in everyone's interest that complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to invoke formal procedures. At WFS we take informal concerns seriously and make every effort to resolve the matter as quickly as possible. We will do that in an impartial, non-adversarial, respectful and confidential way.

There are occasions when complainants would like to raise their concerns formally. In those cases, please follow this policy.

### **Who can make a complaint?**

Any person, including members of the general public, may make a complaint about any provision of facilities or services that we provide, unless separate statutory procedures apply (such as exclusions or admissions). We do not limit complaints to parents or carers of children that are registered at our school.

### **Complaints not in scope of the procedure**

Our complaints procedure covers all complaints about any provision of facilities or services at Wyre Forest School **except** those listed below, for which there are separate (statutory) procedures.

<b>Exceptions</b>	<b>Who to contact</b>
<ul style="list-style-type: none"><li>▪ Admissions to schools</li><li>▪ Statutory assessments of Special Educational Needs (SEN)</li><li>▪ School re-organisation proposals</li><li>▪ Matters likely to require a Child Protection Investigation (Safeguarding)</li></ul>	<p>Concerns should be raised direct with local authorities (LA).</p> <p>For school admissions, it will depend on who is the admission authority (either the school or the LA). Complaints about admission appeals for maintained schools are dealt with by the Local Government Ombudsman.</p>

<ul style="list-style-type: none"> <li>▪ Exclusion of children from school</li> </ul>	<p>Further information about raising concerns about exclusion can be found at: <a href="http://www.gov.uk/school-discipline-exclusions/exclusions">www.gov.uk/school-discipline-exclusions/exclusions</a>.</p>
<ul style="list-style-type: none"> <li>▪ Whistleblowing</li> </ul>	<p>Schools have an internal whistleblowing procedure for their employees and voluntary staff. Other concerns can be raised direct with Ofsted by telephone on: 0300 123 3155, via email at: <a href="mailto:whistleblowing@ofsted.gov.uk">whistleblowing@ofsted.gov.uk</a> or by writing to: WBHL, Ofsted Piccadilly Gate Store Street, Manchester, M1 2WD.</p> <p>The Department for Education is also a prescribed body for whistleblowing in education.</p>
<ul style="list-style-type: none"> <li>▪ Staff grievances and disciplinary procedures</li> </ul>	<p>These matters will invoke the school's internal grievance procedures. Complainants will not be informed of the outcome of any investigation.</p>
<ul style="list-style-type: none"> <li>▪ Complaints about services provided by other providers who may use school premises or facilities.</li> </ul>	<p>Providers should have their own complaints procedure to deal with complaints about service. They should be contacted direct.</p>

## Complaints and concerns from visiting professionals and members of the wider community

Please raise your concerns directly with the Headteacher or one of the deputies in their absence.

### Making a formal complaint

We hope that we will be able to satisfactorily manage all concerns and issues that are raised with us in an informal and constructive way. There may be times, however, when the complainant may feel more formal procedures are needed, for example when the complainant does not feel satisfied with the way their initial concern or complaint was handled. We do welcome suggestions for improving our work in the school. We also understand that a common fear is that our relationship with you and your child will be affected if you express dissatisfaction. That will certainly not be the case.

#### 1. What to do first

You can put your concerns in writing (see a complaint form for this purpose in Annex D) or you can ask to see the Headteacher or one of the Deputy Headteachers, and make an appointment to discuss your complaint in person. They will make sure that they understand your complaint and will ask what you would like the school to do to put things right.

They will consider the complaint and where necessary conduct an investigation. You will then receive a response to your complaint confirming what action if any is to be

taken to prevent a similar problem arising again. (There is a set time frame in which we will run this procedure – see Annex A)

Of course, this does not mean that in every case they will come round to your point of view but it will help both you and the school to understand what happened.

## **2. What if you remain dissatisfied with the schools response?**

If you are still not satisfied, you may contact Mrs. Lines, Chair of Governors. Mrs. Lines will hear your complaint, make an investigation and then write to you with the outcome of the investigation.

If you continue to be dissatisfied Mrs. Lines will arrange for your complaint to be heard by a group of three governors who have no previous knowledge of your complaint. They will be independent of the situation and bring a new outlook to it. A meeting will be called and you will be invited to attend to confirm why you remain dissatisfied and what outcome you wish to see. You can bring a relative or friend with you to offer you support. The Governors will talk to everyone involved and then make a decision, which will be conveyed to you and the school.

## **3. Mediation and Conciliation**

Complaints about school problems are almost always settled within school, but in exceptional cases it may be possible to refer the problem to the Local Authority or to an outside body such as the Mediation and Conciliation Service, which is independent of the school, who will offer you support and advice.

## **4. Complaints about the Headteacher or the Governing Body**

If your complaint is about the Headteacher, you should in the first instance direct your complaint to Mrs. Lines, Chair of the Governors, who will investigate.

If your complaint is about the Governing Body, the Local Authority will investigate your complaint. For further information about this process contact Philip Engleheart, Clerk to the Governors (pae14@wfs.worcs.sch.uk).

## **5. Time Limits**

The school will make every effort to ensure complaints are addressed at the earliest opportunity, so that staff and parents/carers can work together to resolve matters. Complaints will be deemed as 'out of time' if raised more than 3 months after the matter in question was known to the complainant. Time limits for each phase are set out in Annex A. However, these limits may on rare occasions be subject to exceptional circumstances and be exceeded as a result. In this situation new time limits will be set and the parent/carer sent details of these with an explanation for the delay.

## **6. Serial and Persistent Complainants**

There may be occasions when despite all stages of the procedure being followed, the individual remains dissatisfied. If the individual tries to re-open the same issue, the

Chair of Governors is able to send written information that the procedures have been exhausted and that the matter is now closed.

## **Policy for Unreasonable Complainants**

Wyre Forest School is committed to dealing with all complaints fairly and impartially, and to providing a high-quality service to those who complain. We will not normally limit the contact complainants have with the school. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

Wyre Forest School defines unreasonable complainants as 'those who, because of the frequency or nature of their contacts with the school, hinder our consideration of their or other people's complaints'.

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 the 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 adopted complaints procedure or with good practice;
- introduces trivial or irrelevant information which 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 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, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with.

A complaint may also be considered unreasonable if the person making the complaint does so either face-to-face, by telephone or in writing or electronically:

- maliciously;
- aggressively;
- using threats, intimidation or violence;
- using abusive, offensive or discriminatory language;

- knowing it to be false;
- using falsified information;
- publishing unacceptable information in a variety of media such as in social media websites and newspapers.

Complainants should limit the numbers of communications with a school while a 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.

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 and asking them to change it. For complainants who excessively contact Wyre Forest School causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after 6 months.

In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. This may include banning an individual from our school.

### **The Role of the School Complaints Unit**

If a complaint has completed the local procedures and the complainant remains dissatisfied, they have the right to refer their complaint to the Secretary of State. 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.

Further information can be obtained from the SCU by calling the National Helpline on: **0370 000 2288** or going online at: **[www.education.gov.uk/help/contactus](http://www.education.gov.uk/help/contactus)** or by writing to: **Department for Education School Complaints Unit 2nd Floor, Piccadilly Gate, Store Street, Manchester M1 2WD.**

### **Record Keeping**

We keep all records/copies of letters, emails and notes related to the complaint.

These records are confidential, stored securely, stored and disposed of in accordance with data protection legislation.

We do not allow audio or video recordings. Please see Privacy Notice.

## **Annex A**

### **Procedure for raising a concern or making a complaint**

**Stage 1: Informal:** General day to day concerns should be raised in the first instance with the class teacher or form tutor or to the head or deputy head of care in relation to concerns about Russell House – staff will respond within 24 hours.



**Stage 2: Informal:** If you are still not satisfied, please raise your concern with a more senior member of staff such as a pathway leader or one of the Deputy Headteachers or Assistant Headteachers – staff will respond the same day.



### **Formal complaints procedure**

**Stage 3: Formal: To be dealt with by the Headteacher**

The Headteacher will formally investigate your complaint. They will talk to everyone involved and then contact you to confirm the outcome of their enquiries.

They will do this within 10 working days



**Stage 4: Formal: To be dealt with by the Chair of Governors**

If you are not satisfied with the response of the Headteacher or the complaint is about the Headteacher, the complainant should write to the Chair of Governors (see suggested form to use in Annex D) to request that your complaint is considered further.



**Stage 5: Formal: To be dealt with by the Governing Body's Complaints Appeal Panel**

If you continue to be dissatisfied, the Chair of Governors will arrange for your complaint to be heard by a group of three governors who have no previous knowledge of your complaint. They will be independent of the situation and bring a new outlook to it. This meeting will be arranged within 20 working days of your initial contact or meeting with the Chair of Governors.

**Stage 6: Formal: Referral to the Local Authority (LA)**

If you remain dissatisfied with the outcome of the school's investigation, you can refer your concern to the LA. An LA officer will investigate how the school has dealt with your complaint and prepare a report for the school which will be shared with you. The LA cannot investigate the original complaint, only the process that has been followed to ensure that it has been thorough and fair.

### **OR**

If your complaint is about a Governor or the Governing Body, the LA will conduct an investigation.

## **Annex B**

### **The remit of The Complaints Appeal Panel**

The panel can:

- Dismiss the complaint in whole or in part;
- Uphold the complaint in whole or in part;
- Decide on the appropriate action to be taken to resolve the complaint;
- Recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not recur.

There are several points which any governor sitting on a complaints panel needs to remember:

- a. It is important that the appeal hearing is independent and impartial and that it is seen to be so. No governor may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it. In deciding the make-up of the panel, governors need to try and ensure that it is a cross-section of the categories of governor and sensitive to the issues of race, gender and religious affiliation.
- b. The aim of the hearing, which needs to be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant. However, it has to 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 his or her complaint has been taken seriously.
- c. An effective panel will acknowledge that many complainants feel nervous and inhibited in a formal setting. Parents often feel emotional when discussing an issue that affects their child. The panel Chair will ensure that the proceedings are as welcoming as possible. The layout of the room will set the tone and care is needed to ensure the setting is informal and not adversarial.
- d. Extra care needs to be taken when the complainant is a child. Careful consideration of the atmosphere and proceedings will ensure that the child does not feel intimidated. The panel needs to be aware of the views of the child and give them equal consideration to those of adults. Where the child's parent is the complainant, it would be helpful to give the parent the opportunity to say which parts of the hearing, if any, the child needs to attend.
- e. The governors sitting on the panel need to be aware of the complaints procedure.



## **Annex C**

### **Roles and responsibilities**

#### **The role of the Clerk**

The panel or group of governors considering complaints should be clerked. The Clerk would be the contact point for the complainant and be required 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 the parties in advance of the hearing (recommended at least five school days in advance);
- Meet and welcome the parties as they arrive at the hearing;
- Record the proceedings;
- Notify all parties of the panel's decision.
- As best practice, the Clerk should share copies of the panel meeting minutes with all parties involved in the panel hearing, providing a reasonable opportunity for the minutes to be agreed and if necessary, challenged.

#### **The role of the Chair of the Governing Body or the nominated governor**

The nominated governor role:

- Check that the correct procedure has been followed;
- If a hearing is requested, notify the clerk to arrange the panel.

#### **The role of the Chair of the Panel**

The Chair of the Panel has a key role, ensuring that:

- The remit of the panel is explained to the parties and each party has the opportunity of putting their case without undue interruption;
- The issues are addressed;
- Key findings of fact are made;
- Parents and others who may not be used to speaking at such a hearing are put at ease;
- The hearing is conducted in an informal manner with each party treating the other with respect and courtesy;
- The panel is open minded and acting independently;
- No member of the panel has a vested interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure;
- Each side is given the opportunity to state their case and ask questions;
- Written material is seen by all parties. If a new issue arises all parties will have the opportunity to consider and comment on it.

**Annex D  
Example Complaints Form**

Please complete and return this form to the Headteacher or Chair of Governors who will acknowledge receipt and explain what action will be taken.

<b>Your name:</b>
<b>Pupils name ( if relevant):</b>
<b>Your relationship to the pupil (if relevant):</b>
<b>Address:</b>  <b>Post code:</b> <b>Day telephone number:</b> <b>Evening telephone number:</b>
<b>Please give details of your complaint:</b>

**What action, if any, have you already taken to try and resolve your complaint (who did you speak 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 who:

Complaint referred to:

Date:

## **Annex E**

### **Checklist for a panel hearing**

The panel needs to take the following points into account:

- The hearing is as informal as possible.
- Witnesses are only required to attend for the part of the hearing in which they give their evidence.
- After introductions, the complainant is invited to explain their complaint, and be followed by their witnesses.
- The Headteacher may question both the complainant and the witnesses after each has spoken.
- The Headteacher is then invited to explain the school's actions and be followed by the school's witnesses.
- The complainant may question both the Headteacher and the witnesses after each has spoken.
- The panel may ask questions at any point.
- The complainant is then invited to sum up their complaint.
- The Headteacher is then invited to sum up the school's actions and response to the complaint.
- Both parties leave together while the panel decides on the issues.
- The Chair explains that both parties will hear from the panel within a set time scale.

## Useful Addresses

We expect that there will be occasions when the Headteacher and governor colleagues will find it useful to have support from colleagues in Children's Services. Clearly investigation into complaints and subsequent decisions are matters for a school. The role of Children's Service is advisory only.

Children's Services and colleagues available for advice and guidance are:

Service	Role
Social Inclusion Service (Tel: 01905 766086)	1) To provide advice and guidance on complaints procedures. 2) To investigate parental complaints at Stage 4 – use of process only.
Governor Services (Tel: 01905 766108)	To provide advice and guidance on complaints procedures to governors.

Parent Partnership Service (Tel: 01905 727944)  Parent Partnership Service County Hall PO Box 73 Worcester WR5 2YA	<p><b>Mediation and Conciliation</b></p> <p>To provide advice and guidance to parents on the complaints procedures.</p> <p>Email: <a href="mailto:ppsservice@worcestershire.gov.uk">ppsservice@worcestershire.gov.uk</a></p> <p>Website: <a href="http://www.pps.worcs.co.uk">www.pps.worcs.co.uk</a></p>
Children's Services Link Inspector	<p>For advice and guidance on procedures only at Stage 3 (Governors Complaints Panel). Inspectors can be present at Panel meetings by invitation of the Chair of Governors/Chair of the Panel but must not be present during the decision-making part of the meeting, i.e. must leave the meeting at the same time as the Headteacher/parents.</p> <p>The Link Inspector will not be a member of the Governors' Panel.</p>

We hope that the complaints procedures and this signposting of advice and support will be helpful to you.

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