

## **Complaints Policy and Procedure**

### **1.0 Introduction**

1.1 The school's Governors and the Principal are committed to providing the best educational experience they can for all students attending William Morris Sixth Form (WMSF). They recognise the value to all concerned of dealing fairly, speedily and effectively with any complaint against their decisions, actions or omissions, which a student or parent or other aggrieved person may have. To this end, they have adopted the underlying principles and procedures set out in this document.

1.2 This policy aims to ensure the person best able to do so deals with all complaints from parents, students and others as quickly and sensitively as possible. There are three possible stages which are described, in detail, below. stage one is informal; stages two and three are formal.

1.3 As far as possible all concerns should be dealt with informally. You should be able to expect to have a final response, within 10 school days of having made the complaint.

1.4 If a solution is not found through informal discussion and you wish to register a formal complaint, this should be put in writing and addressed to the Principal or, if the complaint is against the Principal, the Chair of Governors. The way to do this is set out in the procedure described below with further details and guidance in the 'additional notes' section.

1.5 We will respect confidentiality and aim to put things right and learn from complaints.

### **2.0 Legislation and Guidance**

2.1 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 procedure, and model procedure for dealing with unreasonable complaints.

### **3.0 Definitions**

3.1 A **concern** may be defined as an expression of worry or doubt over an issue considered to be important for which reassurances are sought.

3.2 A **complaint** may be defined as an expression of dissatisfaction however made, about actions taken or lack of action.

3.3 A concern/complaint is any communication received by a person or persons with a legitimate interest in the school, but not employed at the school, which expresses worry or dissatisfaction about any provision of facilities or services that we provide.

#### **4.0 Roles and responsibilities**

##### **4.1 The complainant**

The complainant will get a more effective and timely response to their complaint if they:

- Follow this policy;
- 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 Principal or complaints committee which includes the facts and potential solutions.

##### **4.3 Clerk to the governing board**

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.

#### **5.0 How to raise a concern or make a complaint**

5.1 A concern or complaint must be put in writing but can be made by a made by a third party on behalf of a complainant, as long as they have the appropriate consent to do so.

5.2 **Concerns** should be raised in the first instance with the class teacher or tutor, this includes concerns relating to a student with special educational needs (SEN) and may also be directed to the Special Educational Needs Co-ordinator (SENCO) in the first instance. Our SEN policy includes information about the rights of parents/guardians of students with disabilities who believe the school has discriminated against their child. This stage should be completed speedily and concluded in writing with appropriate detail within 10 school days of the concern being received.

5.3 Who to direct your complaint to

- If your complaint is against a member of school staff (except the Principal), you should contact the Principal, in writing;
- If your complaint is against, or involves the Principal, you should contact the Chair of Governors, in writing, via the School Business Manager;
- If your complaint is against the Chair of Governors, any individual Governor or the whole Governing Body, you should contact the Clerk of the Governing Body, in writing, via the school office/School Business Manager.

5.4 In accordance with equality law, we will consider making reasonable adjustments if required, to enable complainants to access and complete the complaints procedure.

5.5 Where a complainant is a student under the age of 18 years, the complaint may be pursued only by, or on behalf of, the child's parent or carer. Where someone other than a student or a parent/carer is pursuing a complaint on his or her behalf, this can be done only with the express consent of the student or parent concerned (see 5.1).

5.6 If a complainant wants to withdraw their complaint, we will ask them to confirm this in writing.

## **6.0 Types of complaints**

6.1 Where there are established, statutory or other procedures for dealing with complaints, those will be followed. Areas to which this applies include:

- Admissions to WMSF
- Exclusions
- Whistleblowing

- Special education provision and statutory assessment of Special Educational Needs
- School re-organisation proposals
- Staff grievances and staff conduct
- Child protection investigations
- National Curriculum content
- Public examinations; and
- School records on individual students.

6.2 We will not normally investigate anonymous complaints. However, the Principal or Chair of Governors, if appropriate, will determine whether the complaint warrants an investigation.

6.3 If other bodies are investigating aspects of the complaint, for example, the police, local authority, safeguarding teams, etc., this may impact on our ability to adhere to the timescales within this procedure or result in the procedure being suspended until those public bodies have completed their investigations.

6.4 If a complainant commences legal action against the school in relation to their complaint, we will consider whether to suspend the complaints procedure until legal proceedings have been concluded.

## 7.0 **Complaints not covered by established or statutory procedures**

7.1 Complaints not covered by established, statutory or other procedures, will be handled in the following way:-

### 7.2 Stage One - Informal Complaints

All complaints, however received, should initially be reported to the Principal. The Principal will refer the complaint to an appropriate member of the Leadership Group to resolve the matter. That member of staff will have a duty to inform the Principal if any issue is not resolved after discussion with the complainant. Complainants should be encouraged to settle the matter with the appropriate member of staff. The majority of straightforward complaints and problems are likely to be resolved at this point.

This stage should be completed speedily and concluded in writing with appropriate detail within 10 school days of the complaint being received. Where no satisfactory solution has been found, the complainant should be informed that they can consider making a formal complaint in writing to the Principal, which will take matters on to Stage Two.

### 7.3 Stage Two - Formal Complaint to the Principal for Investigation

The Principal's Personal Assistant will act as Complaints Coordinator for formal complaints.

- a) The Principal will acknowledge the complaint in writing within 5 school days.
- b) The Principal will consider providing an opportunity to meet with the complainant to supplement any information previously provided.
- c) If the complaint is against a member of staff, the Principal will talk to the staff member against whom the complaint has been made.
- d) If necessary, the Principal will interview witnesses and take statements from those involved.
- e) The Principal will keep reasonable written records of meetings, telephone conversations and other documentation.
- f) Once all the relevant facts have been established, the Principal will produce a written response. S/he may wish to meet with the complainant to discuss/resolve the matter before confirming the outcome in writing.
- g) The written response will include a full explanation of the decision and the reasons for it. Where appropriate, it will include what action the school will take to resolve the complaint and what has been learned from it.
- h) The complainant should also be advised that if they are not satisfied with the response and wish to take the matter further, they can escalate their complaint as detailed in 7.4 below.
- i) Stage Two should be completed in 10 school days, however, it is recognised that this timetable is likely to prove difficult to adhere to for more complex complaints. In such cases, the Principal should write to the complainant giving a revised target date.

### 7.4 Stage Three – Review Panel

- a) If the complainant is not satisfied with the outcome of Stage Two, the complainant should put their concerns in writing to the Clerk of the Governing Body for consideration by a Governors' Disciplinary Committee within 10 school days.
- b) The Clerk will record the date the complaint is received and acknowledge receipt of the complaint in writing within 5 school days.
- c) The committee should aim to meet within 10 working days of the complaint being received by the clerk.

d) If the complainant rejects the offer of 3 proposed dates, without good reason, the Clerk will decide when to hold the meeting. It will then proceed in the complainant's absence on the basis of the written submissions from both parties.

e) A panel of three governors, with delegated powers, with no prior involvement or knowledge of the complaint, will convene to hear the complaint at a meeting attended by the complainant, the Principal and witnesses. The complainant may 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. Written evidence will be submitted and circulated 3 days of the meeting. The committee will not review new complaints at this stage or consider evidence unrelated to the initial complaint.

f) Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own disability or special needs, require it.

g) The committee's decision is final and will be notified to all parties as soon as possible after the meeting. The outcome will be one of the following:

i) Dismiss the complaint in whole or in part;

ii) Uphold the complaint in whole or in part;

iii) Decide on the appropriate action to be taken to resolve the complaint;

iv) Recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not recur.

h) Complaints about staff conduct will not generally be handled under this procedure. Complainants will be advised that any staff conduct complaints will be considered under staff disciplinary procedures, if appropriate, but outcomes will not be shared with them.

## **8.0 Complaints against the Principal, a Governor or the Governing Body**

### **8.1 Stage One - Informal Complaints**

Complaints made against the Principal or any member of the governing board should be directed to the clerk to the governing board in the first instance. If the complaint is about the Principal or one member of the governing board (including the chair or vice-chair), a suitably-skilled and impartial governor will carry out the steps set out in section 7.2 above).

### **8.2 Stage Two - Formal Complaints**

If the complaint is jointly about the chair and vice-chair, the entire governing board or the majority of the governing board, an independent investigator will

carry out the steps in set out in section 7.3 above. They will be appointed by the governing board or Local Authority and will write a formal response at the end of their investigation.

### 8.3 Stage Three - Review Panel

If the complaint is jointly about the chair and vice-chair, the entire governing board or the majority of the governing board, a committee of independent governors will hear the complaint. They will be sourced from local schools, the local authority and will carry out the steps set out in 7.4 above.

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

9.1 If the complainant is unsatisfied with the outcome of the school's complaints procedure, they can refer their complaint to the School Complaints Unit (SCU), which investigates complaints relating to maintained schools on behalf of the secretary of state.

9.2 The SCU will not re-investigate the matter of the complaint. It will look at whether the school's complaints policy and any other relevant statutory policies that the school holds were adhered to. The SCU also looks at whether the school's statutory policies adhere to education legislation. It may direct the school to re-investigate the complaint where it is clear the school has acted unlawfully or unreasonably. For more information or to refer a complaint, see the following webpage <https://www.gov.uk/complain-about-school>.

## 10. **Persistent complaints**

### 10.1 Unreasonably persistent complaints

Most complaints raised will be valid, and therefore we will treat them seriously. 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.

10.2 We will take every reasonable step to address the complainant's concerns, 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.

10.3 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;

10.4 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.

10.5 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.

#### 10.6 Duplicate complaints

If we have resolved a complaint under this procedure and receive a duplicate complaint on the same subject from a partner, family member or other individual, we will assess whether there are aspects that we hadn't previously considered, or any new information we need to take into account. If we are satisfied that there are no new aspects, we will: -



- Tell the new complainant that we have already investigated and responded to this issue, and the local process is complete.
- 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.

### 10.7 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.

## **11. Record keeping**

11.1 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.

11.2 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.

11.3 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.

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

## **12. Learning lessons**

12.1 The governing body will review any underlying issues raised by complaints with the Principal, 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.

## **13. Monitoring arrangements**

13.1 The governing body and Principal will monitor the effectiveness of the complaints procedure in ensuring that complaints are handled properly and will track the number and nature of complaints, and review underlying issues.

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

13.3 This policy will be reviewed by the Principal and Head of HR every 3 years and will be approved by the governing body.

## **Additional Notes**

### **1. Guidance for Stage Three – Formal Complaint to the Governing Body**

1.1 There are several points which a member of the Disciplinary Committee needs to remember:

- i) It is important that the appeal hearing is independent and impartial and that it is seen to be so. No one may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it.
- ii) 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 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.
- iii) 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.
- iv) Extra care needs to be taken when the complainant is a student. Careful consideration of the atmosphere and proceedings will ensure that the student does not feel intimidated. The panel needs to be aware of the views of the student and give them equal consideration to those of adults. Where the student's parent is the complainant, it would be advisable to give the parent the opportunity to say which parts of the hearing, if any, the student needs to attend.
- v) Panel members need to be aware of the Complaints Policy and Procedure.

### **2. Roles and Responsibilities**

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

- i) The remit of the panel is explained to the parties and each party has the opportunity of putting their case without undue interruption;
- ii) The issues are addressed;
- iii) Key findings of fact are made;
- iv) Parents and others who may not be used to speaking at such a hearing are put at ease;

- v) The hearing is conducted in an informal manner, with each party treating the other with respect and courtesy;
- vi) The panel is open minded and acting independently;
- vii) 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;
- viii) Each side is given the opportunity to state their case and ask questions;
- ix) Written material is seen by all parties. If a new issue arises it would be useful to give all parties the opportunity to consider and comment on it;
- x) Check that the correct procedure has been followed; and
- xi) If a hearing is appropriate, notify the clerk to arrange the panel.

2.2 The Clerk to the Governing Body will act as Clerk to the Disciplinary Committee and would be the contact point for the complainant and will:

- i) 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;
- ii) Collate any written material and send it to the parties in advance of the hearing;
- iii) Meet and welcome the parties as they arrive at the hearing;
- iv) Record the proceedings; and
- v) Notify all parties of the Panel's decision.

### **3. Safeguarding Children**

3.1 Any complaint brought to the attention of the Principal that suggests that a student has been at risk of significant harm through violence, emotional abuse, sexual interference or neglect may be referred without further notice to Hammersmith and Fulham Social Services and/or the social services authority for the area in which the student lives. If a social services authority decides to investigate a situation, this may postpone or supersede investigation by the Principal or the Disciplinary Committee.

### **4. Compensation**

4.1 The school will not pay financial compensation as a response to complaints, though may consider expenditure on a relevant educational purpose (e.g. paying a fee for a repeat examination).