

# **WINTERBOURNE NURSERY & INFANT SCHOOL**



## **Complaints Procedure**

**For parental complaints**

**Agreed by governors: 22<sup>nd</sup> May 2018**

**Next review: September 2021**

# Winterbourne Nursery & Infant School Complaints Procedure

Reviewed by The Governing Body of WNIS May 2018

## 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*. Our complaints procedure takes account of both concerns and complaints.

We aim to resolve all concerns and complaints at the earliest possible stage. Many issues can be resolved informally, without the need to invoke formal procedures. We take informal concerns seriously and make every effort to resolve the matter as quickly as possible.

## 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 our schools provide, unless separate statutory procedures apply (see *Complaints not in scope of the Procedure* below).

## ANONYMOUS COMPLAINTS

In principle, anonymous complaints will not be afforded credibility though they will still be logged. Where there is a serious potential risk factor, for instance relating to safeguarding or other serious concerns, the Headteacher and/or the Governing Body will review these to decide whether further investigation is required.

## THE ROLE OF THE GOVERNING BODY

Governors do not play a role in the complaints procedures until all other efforts to resolve the complaint have been exhausted with the school (see below). Complaints rarely reach this formal level but should you need to, you should make a formal complaint to the governing body complaints panel within 10 school days of the decision from the school.

Complaints are not shared with the whole governing body, except in very general terms, in case an appeal panel needs to be organised. This is to ensure that governors do not have previous knowledge of a complaint before it reaches this stage and governors can remain independent.

The Headteacher reports on complaints in very brief detail every term, these are anonymised to preserve confidentiality. This enables governors to identify any trends and to inform improvements.

Complainants have the right to request an independent panel, if they believe there is likely to be bias in the proceedings. These requests will be considered, but ultimately, the decision is made by the governors.

Governors will review the complaints procedures at least every two years.

## **COMPLAINTS ABOUT THE HEADSHIP TEAM OR GOVERNORS**

If you wish to make a complaint about either the headship team or governors, you should refer your complaint as follows:

- If the complaint is about the Deputy Headteacher, the matter should be referred to the Chair of Governors or the Headteacher.
- If the complaint is about the Headteacher, the matter should be referred to the Chair of Governors via the Clerk to the Governors.
- If the complaint is about one of the governors, the matter should be referred to the Chair of Governors via the Clerk to the Governors.
- If the complaint is about the Chair of Governors, the matter should be referred to the Clerk to the Governors.

### Stage 1a. Informal

Expression of **concern** made to the school.

Your expression of concern should be made at the earliest opportunity.

First talk to the **adult most closely concerned** to clarify the facts and resolve through discussion. In most cases this will be the class teacher.

### Stage 1b. Informal

Expression of **concern** made to the school.

Make an appointment to speak to another more **senior member of staff** to clarify the facts and resolve through discussion. If you are not sure who this person would be, then please telephone the school office and they will advise you.

If you are not satisfied with the outcome of these two meetings at Stage 1 then you may wish to make a formal complaint.

### Stage 1c. Informal

Expression of **concern** made to the school.

If you have not done so at a previous stage make an appointment to speak to the Headteacher to clarify the facts and resolve through discussion.

If you are not satisfied with the outcome of these two meetings at Stage 1 then you may wish to make a formal complaint.

## Stage 2. Formal Complaint to the Headteacher

Formal written complaint to the **Headteacher**

Your formal complaint will be acknowledged in writing within **three school days**.

An investigation will be conducted and the outcome communicated to you **within 20 school days**. The written response should include a full explanation of the decision and the reasons for it (if additional time is required to formulate a response this will be explained to you). Where appropriate the response will include what action the school will take to resolve it.

The Headteacher may delegate the task of collating the information to another member of staff but not the decision on the action to be taken.

Once a decision has been reached, the Headteacher should ensure that you are clear about the action taken and what to do if you remain dissatisfied (see below).

## Stage 3. Appeal to the Governing Body Complaints Panel

If you are seriously dissatisfied with the response from the Headteacher you can appeal to the **Governing Body**.

You must make your formal appeal to the Governing Body, by writing to the Clerk to the Governors via the school office within 10 school days of receiving the decision from the Head of School. You should provide all relevant paperwork at this stage.

The **governing body complaints panel** will normally consist of three governors, none of whom will have been previously involved in your complaint.

They will let you know how your complaint is to be considered within **seven days of receiving your appeal**. *Note that this may or may not involve the establishment of a meeting to which you will be invited.*

Your appeal should include a statement stating how you would like resolve the issue.

## The grounds for appeal

*Note that governors do not have a remit to become involved in the day to day management of the school. Therefore, governors are unlikely to be able to adjudicate on disputes between parents/carers or disputes concerning the treatment of individual pupils or their parents/carers.*

The panel will investigate whether the school's complaints procedure has been followed correctly. The panel may also consider whether other relevant procedures have been followed correctly.

The panel may do this by inviting you to attend a meeting or they may review your complaint in a closed meeting.

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 any part of the complaint which is upheld
- Recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not recur

The complaints panel will make their decision and write to you with their findings and any recommendations within **seven school days**.

#### Stage 4. Final Complaint Stage. Referral to the DFE's Schools Complaints Unit (SCU)

If you still remain dissatisfied, you have the right to refer your 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:  
<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

The SCU will look at whether the complaints policy and any other relevant statutory policies were adhered to. The SCU also looks at whether statutory policies adhere to education legislation. However, the SCU will not normally re-investigate the substance of the complaint. This remains the responsibility of schools.

The SCU will not overturn a school's decision about a complaint except in exceptional circumstances where it is clear the school has acted unlawfully or unreasonably. If the SCU finds that the school has not handled a complaint in accordance with its procedure, we may request that the complaint is looked at again.

If legislative or policy breaches are found, the SCU will report them to the school and the complainant, and where necessary, ask for corrective action to be taken. The SCU normally also seeks written assurances as to future conduct. Failure to carry out remedial actions or provide written assurances could ultimately result in a formal Direction being issued by the Secretary of State in accordance with her powers under sections 496 and 497 of the Education Act 1996.

Please read this document in conjunction with '**Croydon's Responding to your concerns in relation to schools: A guide for parents, carers, pupils and members of the local community**'

## COMPLAINTS NOT IN SCOPE OF THE PROCEDURE

Our complaints procedure covers all complaints about any provision of facilities or services that we provide with the **exceptions** listed below, for which there are separate, statutory, procedures.

Exceptions	Who to contact
<p>Admissions to schools</p> <p>Statutory assessments of Special Educational Needs (SEN)</p> <p>School re-organisation proposals</p> <p>Matters likely to require a Child Protection Investigation</p>	<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>
<p>Exclusion of children from school</p>	<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>
<p>Whistleblowing</p>	<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:</p> <p>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>
<p>Staff grievances and disciplinary procedures</p>	<p>These matters will invoke the school's internal grievance procedures. Complainants will not be informed of the outcome of any investigation.</p>
<p>Complaints about services provided by other providers who may use school premises or facilities.</p>	<p>Providers should have their own complaints procedure to deal with complaints about service. They should be contacted direct.</p>



## SERIAL AND PERSISTENT COMPLAINANTS

We are 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.

We define 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 either of our schools 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 schools.