



**BISHOP WINNINGTON- INGRAM CHURCH OF ENGLAND SCHOOL**  
Complaints Policy

*A community that gives each child an outstanding spiritual, academic and practical education and instils an awareness of the overflowing joy, love and peace that comes from God's love for us, so that they are able to achieve their potential and truly experience, life in all its fullness ' John 10:10*

Governors' Committee Responsibility:	FGB
Staff Member:	Senior Leadership Team
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**Introduction**

As a Church of England School, Christian values are at the heart of all we do at BWI. We value our relationship with parents and all members of the school and local community. If you have a concern, we want to know about it so that it can be dealt with immediately. Most concerns can be dealt with easily and quickly but to ensure all concerns are handled effectively the Governing Board has adopted a complaints policy and procedure.

The School's Complaints Procedure is devised with the intention that it will:

- usually be possible to resolve problems by informal means;
- be simple to use and understand;
- treat complaints confidentially;
- allow problems to be handled swiftly;
- inform future practice so that the problem is unlikely to recur;
- reaffirm the partnership between parents, staff and governors as they work together for the good of the pupils in the school;
- ensure that the school's attitude to a pupil would never be affected by a parental complaint;
- discourage anonymous complaints;
- actively encourage strong home-school links;

- ensure that all staff have opportunities to discuss and understand the school's response to concerns and complaints made by parents;
- ensure that any person complained against has equal rights with the person making the complaint; regularly review its system for monitoring concerns and complaints received from parents.

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

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

A complaint may be generally recognised as 'an expression or statement of dissatisfaction however made, about actions taken or a lack of action'.

### **Expressing a Concern or Complaint: Notes for Parents**

If you have a concern or complaint, we would like you to tell us about it so that we can talk with you and see how best to resolve your concern. The majority of concerns can be resolved informally by speaking to a member of staff. We welcome suggestions for improving our work in the school. Whatever your concern, please know that we shall treat it as strictly confidential. The school considers any concerns very seriously and most problems can be resolved following discussion and a shared understanding of the issues.

Be assured that no matter what you wish to share with us, our support and respect for you and your child in the school will not be affected in any way; please do not delay telling us of your concern.

It is not appropriate to publicise any concerns you may have on social networking sites. Please speak, or write, to someone at the school at your earliest convenience, rather than using any other means.

Concerns or complaints should not be raised with individual governors. They have no power to act on an individual basis and it may prevent them from considering a formal complaint in the future.

### **Timescales**

It is difficult for us to investigate properly an incident or problem which is more than a day or two old. A concern or complaint must be raised within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. The school will consider complaints made out of this time frame in exceptional circumstances.

Concerns or complaints raised outside of term time will be considered to have been raised on the first school day after the holiday period.

All other concerns and complaints will be handled by the school according to the arrangements set out below.

### **Areas not covered by this procedure**

This procedure does not apply to issues concerning admissions, school re-organisation proposals, exclusion appeals, statutory assessments of special educational needs, matters raised by whistle-blowers, staff conduct complaints, grievances by school staff, complaints about collective worship, withdrawal from the curriculum or complaints about the curriculum. These are the subject of separate complaints procedures (details in Appendix 3); more information can be obtained from the school.

Complaints from parents of children with SEN about the school's support are within the scope of the complaints procedure. Where you have specific complaints about the Education Health and Care (EHC) plan procedures, or about the content of their child's EHC plan, please contact the Local Authority. This is in accordance with the SEND Code of Practice.

After hearing your concern, we will act as quickly as we can; we will let you know the timescale within which you may expect a response. Please allow time for any action we may take to be effective. Our procedure is in three stages outlined below:

### **What to do first (Stage 1 – Informal)**

Please contact your child's class teacher and arrange a time when you can discuss your concern. It may be possible for you to see the member of staff straight away but normally it is better to make an appointment so that you can sit and talk things through. It may be possible to give a response immediately, but where any investigation or information is required, a response will be given within five days.

### **What to do next (Stage 2 – Formal)**

If you are still unhappy, ask for an appointment with the Headteacher within 10 school days of receiving a response under Stage 1. It is helpful if you can give a brief outline of your concern on the School's complaints form (Appendix 1) when you make the appointment. The aim of the form is to give us as clear an understanding as possible of your complaint and includes a section on what actions you feel would resolve the problem. If you would like support in completing the form from someone unconnected with the complaint, please let us know and we would be happy to organise this for you. After your discussion with the Headteacher, you may have to wait a short time while investigations are carried out. Every effort will be made to resolve the situation as quickly as possible and the Headteacher will send you a written response within five school days of your meeting. If it is not possible to respond within this timescale, the Headteacher will tell you when you can expect a response.

### **If you are still unhappy (Stage 3 – Formal)**

The problem will normally be resolved by this stage. However, if you still have concerns and they have not been resolved you may ask for your complaint to be considered by the Complaints Panel of the Governing Board by writing to the Chair of Governors through the school office, marked Private and Confidential *unless*: The complaint is about the Chair of the Board, an individual governor or the whole Governing Board. In this case it should be addressed to the Clerk to the Governing Board at the school address (marked Private and Confidential)

You will receive an acknowledgement of the receipt of your complaint within **5 school days**.

An investigation will be carried out into the complaint and the way it has been handled by the school. This will include a review of any relevant documentation and information and seeking the views of relevant people, where necessary.

If the investigation is to be carried out by the Headteacher, they may delegate this to another member of the school's senior leadership team but not the decision to be taken.

If the complaint is about the Headteacher or a member of the Governing Board (including the Chair of Vice-Chair) a suitably skilled governor will be appointed to complete the investigation.

If the complaint is about the Chair / Vice-Chair of Governors jointly, the whole Governing Board or the majority of the Governing Board, the investigation will be considered by an independent investigator appointed by the Governing Board (or Diocese if appropriate).

The person undertaking the investigation will normally write to you with the outcome of this process within **15 school days** of receiving the complaint. If they are unable to meet this deadline, they will provide you with an update and revised response date.

If, at any time, it becomes apparent that the complaint is a disciplinary or capability issue, the matter will be dealt with by following the appropriate procedure rather than the complaints procedure. You will be notified if this is the case with your complaint, however, you are not entitled to know which procedure, or the final outcome, because of the right to confidentiality of the member of staff involved.

### **Panel Hearing**

- The complainant should write to the appropriate person giving details about the aspects of the decision or the Stage 2 process that they are appealing against. This notification needs to be received within fifteen school days of the decision from stage 2 being issued to the complainant otherwise it will be deemed that the decision is accepted and the complaint will be closed.
- The appropriate person will be the Chair of the Governing Body for all complaints.
- The Chair of the Governing Body may reject the request for a Panel Hearing if, in their judgment, the request:
  - Is vexatious or abusive; and / or
  - Refers only to issues that have already been reasonably determined and with no reasonable basis (such as new information) upon which an appeal hearing could reach a different decision.
- The Chair of the Governing Body, or a nominated Governor, will convene a Complaints Panel. This Panel will comprise at least three individuals. The panel will have the powers to determine the complaint. In the unlikely event that more than one session is required to hear the appeal, the individuals on the Panel will remain the same, where possible. The Panel members will elect their Chair.
- Any Governors who were part of the Panel Hearing would not be part of any panel that was subsequently required for a disciplinary hearing regarding a member of staff.
- The Panel Hearing should normally be heard within fifteen school days of the Chair of the Governing Body receiving notice of the complaint progressing to Stage 3, ensuring that the complainant is given reasonable notice and that reasonable endeavours are made to arrange a time and date that the complainant can attend.
- Any documentation from either party should be circulated to all parties five school days before the hearing.
- The complainant is able to attend the Panel Hearing, and may be accompanied by one other individual at the Panel Hearing (and if the complainant is a child, they may be accompanied by their parent(s) and another person).
- The Panel Hearing will be heard in private, provide an opportunity for the complainant and for relevant Headteacher (or other staff as appropriate to present and for all presenters to be questioned by the Panel and the other party (through the Chair).
- The Panel will, once the presenters have left the hearing, give careful consideration to the substance of the complaint, consider all the views expressed, and decide the outcome. The decision will be made by a simple majority of the Panel; a unanimous decision is not required.
- The panel can:
  - Dismiss the complaint in whole or in part;
  - Uphold the complaint in whole or in part;
  - Decide on appropriate action to resolve the complaint; or
  - Recommend changes to the school's systems or procedures.

- The decision of the panel is binding. A copy of the report and the findings will be provided within five working days of the hearing to the complainant, the Headteacher, and, where relevant, to the person complained about. This will be available for inspection.

If the Complaints Panel makes any recommendations regarding changes to school processes as a result of the investigation, the Headteacher will be responsible for reviewing these recommendations and implementing them where appropriate. Acceptance of recommendations will be at the Headteacher's discretion unless the investigation reveals processes that do not comply with statutory or DfE requirements when the Headteacher will be required to ensure compliance as soon as possible. The meeting of the panel will be minuted by the Clerk of the Governing Body or in her absence, another appropriate person

### Legal representation

In the event that a complaint progresses to a panel hearing, the DfE recommends that neither the complainant nor the school bring legal representation. These panel hearings are not a form of legal proceedings. The aim of the panel hearing should be:

- reconciliation
- to put right things that may have gone wrong

We recognise there are occasions where legal representation may be appropriate. *Example - If a school employee is a witness in a complaint, they may be entitled to bring union or legal representation.*

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

### Summary Table

Stage	Description	Timescale for receipt of complaint	Time limit for school's response
<b>Informal Stage 1</b>	Informal discussions with relevant member of staff or Headteacher		Acknowledgement within 5 school days. Written response within 10 school days
<b>Formal Stage 2</b>	Written complaint to Headteacher (or Chair of Governors if complaint is about the Headteacher)	Within 10 school days of receipt of response to Stage 1	Acknowledgement within 5 school days. Written response normally within 10 school days.
<b>Formal Stage 3</b>	Governors' Complaints Panel Hearing which requires you to fully complete the COMPLAINT FORM in Appendix 1	Within 10 school days of receipt of response to Stage 2	Hearing set up within 20 school days with 10 days' notice of meeting. Agenda and papers sent out 7 days in advance. Decision letter within 10 school days.

### Vexatious and abusive complaints

BWI takes its responsibilities to investigate concerns and complaints seriously and will do so professionally.

- BWI does not expect staff to tolerate unacceptable behaviour by complainants, which would include behaviour which is abusive, offensive or threatening.
- BWI defines unreasonably persistent and vexatious complainants as those complainants who, because of the frequency or nature of their contacts with the school, hinder the ability to investigate their

original complaint. The description 'unreasonably persistent' and 'vexatious' may apply separately or jointly to a particular complainant.

- An unreasonably persistent and/or vexatious complaint/complainant may:
  - arise from a historic and irreversible decision or incident;
  - have insufficient or no grounds for their complaint, or refuse to articulate or specify the grounds for their complaint, or the outcomes sought by raising the complaint, despite offers of assistance, and appear to be making the complaint only to annoy or for undeclared reasons;
  - refuse to co-operate with the complaints investigation process;
  - refuse to accept that issues are not within the power of the school to investigate, change or influence;
  - harass, abuse, or otherwise seek to harass or intimidate or make what appear to be groundless complaints about the staff dealing with the complaint(s);
  - 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.
  - make persistent and unreasonable demands or expectations of staff and/or the complaints process;
  - use abusive, offensive or discriminatory language or violence;
  - knowingly provides falsified information;
  - publish unacceptable information on social media or other public forums;
  - raise subsidiary or new issues during the investigation;
  - introduce trivial or irrelevant new information and expect this to be taken into account;
  - change the substance or basis of the complaint without reasonable justification as the investigation proceeds;
  - insist on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice;
  - deny statements he or she made at an earlier stage;
  - seek an unrealistic outcome;
  - electronically record meetings and conversations without the prior knowledge and consent of the other person involved;
  - refuse to accept the outcome of the complaint process after its conclusion and/or denying that an adequate response has been given;
  - make the same complaint repeatedly, perhaps with minor differences, and insist that the minor differences make these 'new' complaints which should be put through the full complaints procedure;
  - persistently approach the school (and potentially other parties such as the Local Authority) through different routes about the same issue; and
  - combine some or all of these features.
- For the purpose of this policy, continual complaints deemed to be vexatious are the unreasonable pursuit of such actions set out in the preceding paragraph in such a way that they:
  - appear to be targeted over a significant period of time on one or more members of school staff and/or
  - cause ongoing distress to individual member(s) of school staff and/or
  - have a significant adverse effect on the whole/parts of the school community and/or
  - are pursued in a manner which can be perceived as intimidating and oppressive by the recipient. This could include situations where persistent demands and criticisms, whilst not particularly taxing or serious when viewed in isolation, have a cumulative effect over time of undermining confidence, well-being and health.
- In the case of persistent or vexatious complaints and/or harassment, the school will verbally inform the complainant that his/her behaviour is considered to be becoming unreasonable/unacceptable and, if it is not modified, action may be taken in accordance with this policy. This will be confirmed in writing.

- If the complainant's behaviour is not modified the school will take some or all of the following actions as necessary, having regard to the nature of the complainant's behaviour and the effect of this on the school community:
  - inform the complainant in writing that his/her behaviour is now considered by the school to be unreasonable/unacceptable and, therefore, to fall under the terms of this section of the policy.
  - inform the complainant that all meetings with a member of staff will be conducted with a second person present and that notes of meetings may be taken in the interests of all parties;
  - inform the complainant that, except in emergencies, all routine communication with the complainant to the school should be by letter only;
  - in the case of physical, or verbal aggression warn the complainant about being banned from the school site; or proceed straight to a ban;
  - in response to any serious incident of aggression or violence we will immediately inform the police who may seek to take further action under anti-harassment / malicious communication legislation; and communicate our actions in writing;

Complainants should try to limit their communication with the school that relates to their complaint, whilst 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.

Wherever 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 ask them to change it. For complainants who excessively contact the 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 be reviewed after six months.

### **When to stop responding**

The decision to stop responding will never be taken lightly. The school will need to be able to say yes to all of the following:

- we have taken every reasonable step to address the complainant's concerns
- the complainant has been given a clear statement of our position and their options
- the complainant contacts us repeatedly, making substantially the same points each time

The case to stop responding is stronger if we agree with one or more of these statements:

- the complainant's letters, emails, or telephone calls are often or always abusive or aggressive
- they make insulting personal comments about or threats towards staff
- we have reason to believe the individual is contacting us with the intention of causing disruption or inconvenience

**Appendix 1: Complaint Form**

<b>Bishop Winnington-Ingram CE Primary School</b>	
Your Name:	Name of Pupil:  Your relationship to the pupil:
Address:	
Telephone (day):	Telephone (evening):
Please give details of your complaint:	
Are you attaching any paperwork? If so, please list below:	

Which member of staff did you speak to before completing this form?

What was the response?

What actions do you feel might resolve the problem at this stage?

Signature:

Date:

For official use

Date received:

Date acknowledgement sent:

By whom:

Complaint referred to:

- After introductions, the complainant will be invited to explain their complaint, and be followed by their witnesses (if any).
- The Headteacher/Chair of Governors/Investigating Officer may question both the complainant and the witnesses after each has spoken.
- The Headteacher/Chair of Governors will then be invited to explain the school's actions and be followed by the school's witnesses (if any).
- The complainant may question both the Headteacher/Chair of Governors 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/Chair of Governors is then invited to sum up the school's actions and respond to the complaint.
- The Chair of the panel explains that both parties will hear from the panel within five school days.
- Both parties leave together while the panel decides on the issues.
- The Clerk remains to support the panel.

### Appendix 3: Areas Not Covered by These Procedures

	<b>Who to contact</b>
Admissions to schools Statutory assessments of Special Educational Needs School re-organisation proposals	Concerns about admissions, statutory assessments of Special Educational Needs, or school re-organisation proposals should be raised with the Local Authority
Matters likely to require a Child Protection Investigation	Complaints about child protection matters are handled under the child protection and safeguarding policy and in accordance with relevant statutory guidance. If you have serious concerns, you may wish to contact the local authority designated officer (LADO) who has local responsibility for safeguarding or the Multi-Agency Safeguarding Hub (MASH).
Exclusion of children from school*	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> . <i>*complaints about the application of the behaviour policy can be made through the school's complaints procedure.</i>
Whistleblowing	We have an internal whistle-blowing procedure for all our employees, including temporary staff and contractors. The Secretary of State for Education is the prescribed person for matters relating to education for whistle-blowers in education who do not want to raise matters direct with their employer. Referrals can be made at: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a> . Volunteer staff who have concerns about our school should complain through the school's complaints procedure. You may also be able to complain direct to the LA or the Department for Education (see link above), depending on the substance of your complaint.
Staff grievances	Complaints from staff will be dealt with under the school's internal grievance procedures.
Staff conduct	Complaints about staff will be dealt with under the school's internal disciplinary procedures, if appropriate. Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.
Complaints about services provided by other providers who may use school premises or facilities	Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct.
National Curriculum - content	Please contact the Department for Education at: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a>
Collective Worship	Complaints about the content of the daily act of collective worship should be signposted to: The Local Authority and The local Standing Advisory Council on Religious Education

