



## The Winston Churchill School

### POLICY FOR PARENTAL CONCERNS AND COMPLAINTS

Review by:	SLT
Adopted by Full Governing Body:	October 2017
Next Review:	October 2019

The Winston Churchill School endeavours to provide the best education possible for all of its students, in an open and transparent environment. Where concerns are raised the school intends for these to be dealt with:

- Fairly
- Openly
- Promptly
- Without Prejudice

This policy should be used for:

- Complaints relating to the education of your child on roll at Winston
- Complaints about the education and care provided to students on roll at the school
- Complaints about the schools operational arrangements

This policy is limited to matters which can reasonably be investigated and therefore complaints should relate to matters which have occurred within the last 6 months (in line with DfE Guidance)

#### **Aims:**

- To strengthen home school partnerships
- To address any concerns or complaints
- To achieve a resolution
- To improve the service provided by the school

School governing bodies are required, under Section 29 of the Education Act 2002, to have in place a procedure for dealing with complaints. It is expected that all complaints will be referred to the school in the first instance. In situations where it has not been possible to settle a complaint through this process, the Local Education Authority may be able to advise parents/carers and the school in order to help resolve difficulties, but will not be able to become involved if the steps set out below have not been followed.

#### **Procedure:**

The Winston Churchill School operates a five stage formal complaints procedure, outlined below. If you need to raise an issue in the first instance, please do so with the relevant member of staff who will be happy to talk to you and seek to establish a solution. If you are not satisfied with this response and believe the issue has not been resolved, please use the following procedure as detailed below. All

timescales refer to school working days i.e. excluding weekends, school holidays etc.

### Safeguarding:

Wherever a complaint indicates that a child's wellbeing or safety is at risk, the school is under a duty to report this immediately to the local authority. Any action taken will be in accordance with the school's Child Protection Policy: Safeguarding Children, which can be found on the school website and in line with statutory guidance.

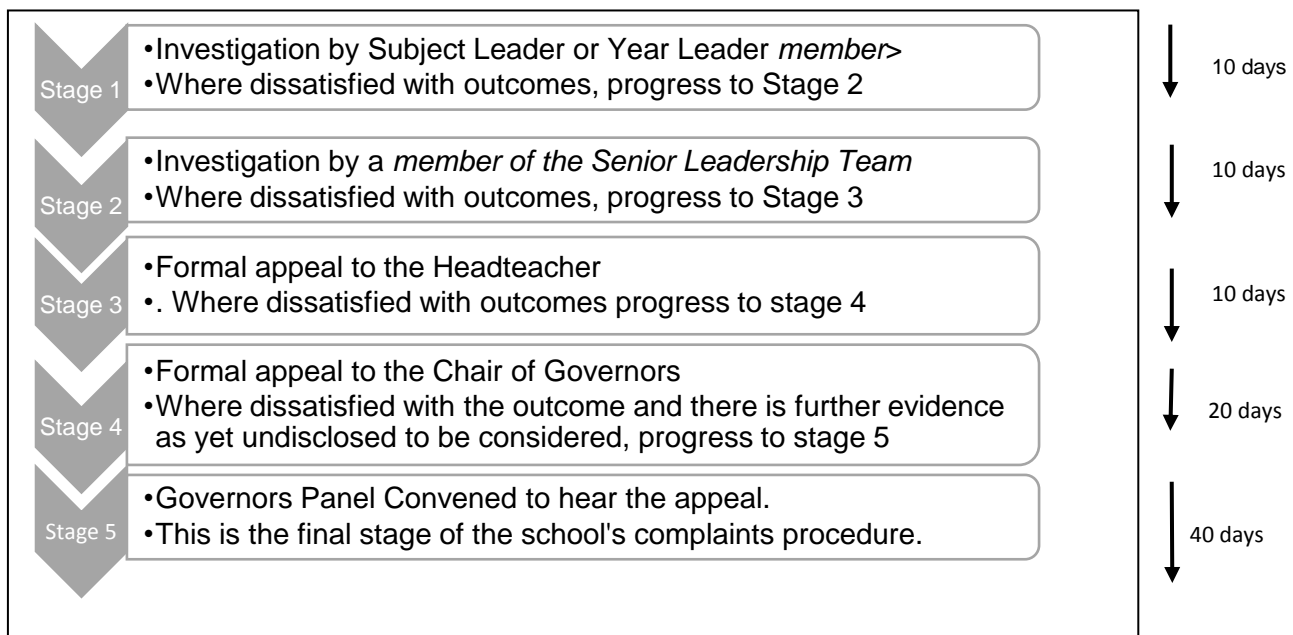
### Social Media

In order for complaints to be resolved as quickly and fairly as possible, The Winston Churchill School requests the complainants do not discuss complaints publically via social media such as Facebook and Twitter. Complaints will be dealt with confidentially for those involved, and we expect complainants to observe confidentiality also.

### Complaints that result in staff capability or disciplinary

If at any formal stage of the complaint it is determined that staff disciplinary or capability proceedings are necessary in order to resolve the issue, the details of this action will remain confidential to the Headteacher and/or the individual's line manager. The complainant is entitled to be informed that the matter is being dealt with appropriately, but they are not entitled to participate in the proceedings and will not receive any detail about them or the outcome.

### Timeline for formal complaints



**Note: 'Days' refers to working school days, as described earlier.**

### INITIAL Expression of Concern

Expression of concern to:

- The subject teacher for an academic concern (copy to Subject Leader)
- Year Leader for a concern over health and well-being

Any member of staff receiving either a verbal or written concern or complaint from a parent will make it a priority to pass this on to the appropriate Year or Subject Leader to address and then respond to the parent/carer accordingly.

## **STAGE 1: Informal**

Please start by telling the subject leader or year leader about your concern. This is usually the best and quickest way of resolving issues.

- It is recommended that you make an appointment to speak to the subject leader or year leader as soon as possible as this will give both parties the opportunity to talk about the issue in an appropriate manner and without being interrupted. From your initial call to the school you can expect a call back within 48 hours
- It is important to recognise that it may not be possible to offer an appointment straight away.
- The purpose of this meeting should be to establish the nature of the concern and to seek a realistic resolution to the problem.
- It is good practice for the subject leader or year leader to make a brief written record of the concern raised and any actions agreed.

## **STAGE 2: Informal**

If you feel dissatisfied with the outcome of discussions with the Subject Leader or Year Leader, please ask for an appointment to meet with a member of the leadership team who line manages that area or the Deputy Head with that specific responsibility.

- The purpose of this meeting should be to establish the nature of the ongoing concern, what has been discussed with subject leader / year leader so far and any actions arising from the initial meeting.
- It is in everyone's interest, particularly the child or children, for concerns to be sorted out quickly and smoothly. However, it may be that a member of the leadership team will need to look into what has happened since the initial meeting before they can suggest how your concern might be resolved. If this is the case, it should be agreed how and within what timescale they will contact you to let you know the outcome of their enquiries and what actions they have taken/propose to take, if they deem it necessary.
- The senior leadership member may make a brief written record of the concern discussed and what has been agreed.

It is anticipated that most problems will have been resolved at this stage through the informal process.

## **STAGE 3: Formal – complaint to the Headteacher**

**The Headteacher will only address complaints that are presented on the Complaints Form, which can be found in Appendix 1. All sections must be completed.**

If you feel that the issue you have raised has not been resolved through the informal process and you wish to pursue it further, you may raise it through the formal procedure. To do this you **must** complete the Complaint Form and send it to the Headteacher. The information you put onto the Complaint Form should set out clearly the concern which has previously been discussed and why you feel that the issue is unresolved. It is also necessary to set out on the Complaint Form what resolution you are seeking.

- Moving to the formal complaints procedure is a serious step. In consideration of future home/school relationships everyone concerned will need to concentrate on finding a resolution to the issue and negotiate an agreement as to how this can best be achieved.
- The Headteacher will consider the complaint and in doing so should:
  - establish what has happened so far, and who has been involved;
  - clarify the nature of the complaint and what remains unresolved;
  - meet or contact you if they need further information;

- clarify what you feel would put things right if this has not been set out on the Complaint Form;
  - interview those involved in the matter and/or those complained of;
  - conduct any interview with an open mind and be prepared to persist in the questioning;
  - keep notes of any interview for the record.
- The Headteacher will keep in mind ways in which a complaint can be resolved. It might be sufficient to acknowledge that the complaint is valid in whole or in part. In addition, it may be appropriate to offer one or more the following:-
    - an apology;
    - an explanation;
    - an admission that the situation could have been handled differently or better (nb this is not an admission of negligence).
    - an assurance that the event complained of will not recur with an explanation of the steps that have been taken to endeavour to ensure that it will not happen again
    - an undertaking to review policies in light of the complaint.

It may also be the case that the complaint may not have any substance and is therefore considered to be unfounded or unsubstantiated.

- The Headteacher will discuss the outcome of their consideration of your complaint with you and should send a written response within 20 school days. Where this proves unrealistic, you will be informed in writing and given an estimate of how long it will take to provide a response.

#### **STAGE 4: Concerns or complaints specifically about the Headteacher or the Headteacher's Investigation of the Complaint or a Complainant about a Governor.**

If you feel dissatisfied with the decision the Headteacher has made about your complaint, this does not become a complaint about the Headteacher. If you feel that the complaint has not been resolved, you may write a formal letter of complaint to the Chair of Governors. The school will provide you with the Chair of Governors' name and you should write to them on the form provided via the school address, marking the envelope "urgent, private and confidential."

- The Chair of Governors should acknowledge receipt of the letter within 5 school days, investigate the complaint and respond in writing within 20 days.

If you have a concern or complaint that is specifically about the Headteacher or a Governor, you must write a formal letter of complaint to the Chair of Governors. The school will provide you with the Chair of Governors' name and you should write to them, on the form provided in the appendix of this policy, via the school address, marking the envelope "urgent, private and confidential."

- The Chair of Governors should acknowledge receipt of the letter within 5 school days, investigate the complaint and respond in writing within 20 days.

#### **STAGE 5: A Governor Panel/Appeal Hearing.**

Where you are unhappy with the decision made by the Chair of Governors then a Governors Panel can be formed to hear your complaint, following the receipt of a letter to the Clerk of Governors which must be received within 10 working days of the receipt of the date on the Chair of Governors response to your complaint.

The clerk will fulfil the role of organising the time and date of the appeal hearing, inviting all the attendees, collating all the relevant documentation and distributing this 5 days in advance of the meeting, recording the proceedings in the form of minutes, and circulating these and the outcome of the meeting. The minutes are a summary of the discussion at the hearing and the decision of the panel following the hearing, but will not include the deliberations of the panel. The minutes are the property of the governing body.

The following steps will be followed:

1. The clerk will write to the complainant within five days to confirm receipt of the appeal request and detail further action to be taken.

Maintained schools: The clerk will convene a panel of three governors.

All three panel members will have no prior knowledge of the content of the complaint. Complainants have the right to request an independent panel, identified and convened by the Clerk of Governors, if they believe there is likely to be bias in the proceedings. Schools should consider the request but ultimately the decision is made by governors.

3. The appeal hearing will take place within 30 days of receipt of the request for the Stage 5 appeal. If the first identified date is not convenient for the complainant, up to two further dates should be offered. If these all fail to be suitable then the meeting may be conducted in private by the Complaint Appeal Panel in the absence of the complainant.
4. In addition to the panel, the following parties will be invited, where applicable:
  - the complainant
  - the Headteacher/ SLT member who dealt with the complaint at Stage 2
  - relevant witnesses
  - Area Schools Officer (procedural advice)

The complainant can bring a companion with them to the hearing for support if he/she wishes, **as an observer**. He/she should advise the clerk of the name and relationship of this supportive companion prior to the hearing. The supportive companion is not there as a witness, so does not address the panel except with the prior agreement of the chair.

**Neither party is able to bring legal representation with them.**

If the attendance of any pupils is required at the hearing, parental permission will be sought if they are under the age of 18. Extra care will be taken to consider the vulnerability of children where they are present at a complaints hearing.

5. The panel can make the following decisions:
  - 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 that the school reviews procedures in the light of the panel's feedback.
6. All parties who attended the meeting will be informed in writing of the outcome of the appeal within 10 days.

This is the final stage at which the school will consider the complaint. If the complainant remains dissatisfied and wishes to take the complaint further, please see the contact details on page 15. The

school will not consider the complaint beyond this and further communication regarding the issue will be read and filed, no further action taken.

#### **Retention:**

The complaint investigator/ the Chair of the Complaint Appeal Panel should ensure that a copy of all relevant information relating to the complaint is kept at the school in a secure, confidential file, separate from staff and pupil records. This information should be retained for six years from the date of the complaint, in line with guidance from the Information and Records Management Society ([www.irms.org.uk](http://www.irms.org.uk)) and in accordance with the principles of the GDPR 2018. The complainant should be informed that this will be done.

#### **Time limits, exclusions and vexatious complaints**

##### **Time Limits:**

Complaints need to be considered and resolved as quickly and efficiently as possible. As such, complaints made under this procedure must only relate to incidents and concerns occurring within the last **6 months**. Your complaint will not usually be able to be considered if your child no longer goes to the school.

##### **Exclusions to the Policy:**

- **Curriculum Complaints** – Local Authorities are required to have arrangements for considering complaints about the school curriculum and collective worship under the terms of Section 23 of the Education Reform Act 1988. The school will refer you to this procedure where appropriate.
- **Safeguarding referrals** – schools have a duty to safeguard and promote the welfare of their students under Section 175 of the Education Act 2002. This includes making referrals to the appropriate organisation, usually Local Education Authority Children’s Social Care Services, if they have a concern about the welfare of a child. It is not for the school to investigate or make a judgement about possible abuse or neglect, but they must refer any concerns they may have. As such, complaints about safeguarding referrals made in accordance with a statutory duty will not be considered under this procedure.
- **Allegations of abuse** – allegations of abuse against a member of school staff must be reported to the Headteacher immediately. Allegations of abuse against the Headteacher must be reported to the Chair of Governors immediately. In all cases, the Surrey Safeguarding Children Board Arrangements for Managing Allegations of Abuse against People who Work with Children or Those who are in Positions of Trust must be followed.

#### **Vexatious complaints**

##### **Unreasonable complaints and serial and persistent complainants:**

The Winston Churchill 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.

The Winston Churchill School defines serial and 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 and make unreasonable demands which inhibit the work of the individuals within the school*’.

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; once the complaint has been made additional issues cannot be added to the original complaint;
- 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 or 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, in writing or electronically:-

- maliciously;
- aggressively;
- using threats, intimidation, violence or implying violence;
- using abusive, offensive, defamatory 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, that this is becoming vexatious, before applying an 'unreasonable' judgement to the parent's actions.

If the behaviour continues the Headteacher will write to the complainant explaining that his/her behaviour is unreasonable and ask him/her to change it. For complainants who excessively contact The Winston Churchill 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. As previously stated, further communications will be read and filed and no action taken.

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 The Winston Churchill School.

## **Barring from the School Premises:**

Although fulfilling a public function, schools are private places. The public has no automatic right of entry. Governing bodies have a responsibility to ensure the wellbeing of pupils and staff, and will, therefore, act to ensure the school remains a safe place.

If a parent's behaviour is a cause for concern, a school can ask him/her to leave school premises. In serious cases, the Headteacher or the local authority can notify them in writing that their implied permission to be on school premises has been temporarily revoked subject to any representations that the parent may wish to make. Schools should always give the parent the opportunity to formally express their views on the decision to bar the parent from the school site in writing.

The decision to bar should then be reviewed, taking into account any representations made by the parent, and either confirmed or lifted. If the decision is confirmed the parent should be notified in writing, explaining how long the bar will be in place. Anyone wishing to complain about being barred can do so, by letter or email, to the Headteacher or Chair of Governors. However, complaints about barring cannot be escalated to the Department of Education. Once the school's own complaints procedure has been completed, the only remaining avenue of appeal is through the Courts; independent legal advice must therefore be sought.

## **Contact details for external organisations if not satisfied with the outcomes of the complaints procedure in full**

- If you have any queries regarding any aspect of the complaints procedure, please direct these to the clerk to the governors via the school address or the Surrey County Council Area Schools Officer on 01483 518104.
- If the complainant feels that the governing body acted unreasonably in the handling of the complaint, he/she can complain to the Department for Education after the complaints procedure has been exhausted. Please note that unreasonable is used in a legal sense and means acting in a way that no reasonable school or authority would act in the same circumstances.

### Maintained schools

Department for Education  
School Complaints Unit  
2<sup>nd</sup> Floor, Piccadilly Gate  
Store Street  
Manchester  
M1 2WD

- Ofsted will also consider complaints about schools. Ofsted will not look into problems with individual students. This course of action is only available if the school's complaints procedure has already been followed.  
<https://contact.ofsted.gov.uk/onlinecomplaints>

## **Relevant legislation and guidance**

The Equality Act 2010 <http://www.legislation.gov.uk/ukpga/2010/15/contents>

The Data Protection Act 1998 <http://www.legislation.gov.uk/ukpga/1998/29/contents>

The Education (Independent School Standards) Regulations 2014  
<http://www.legislation.gov.uk/uksi/2014/3283/contents/made>

Education Act 2002 <http://www.legislation.gov.uk/ukpga/2002/32/contents>



The Department for Education *Best Practice advice for school complaints procedures*  
<https://www.gov.uk/government/publications/school-complaints-procedures>

Signed: Chair of Governors:.....Date:.....

**COMPLAINT FORM – STAGE 4: FORMAL COMPLAINT**

**Please complete and return to..... who will acknowledge receipt and explain what action will be taken.**

**Your Name:**

**Student’s Name:**

**Your relationship to the Student:**

**Address:**

**Post Code:**

**Day Time Telephone Number:**

**Please give details of your complaint:**

**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 steps do you feel should have been taken by the school to resolve the matter?**

**Official use**

**Date acknowledgement sent:**

**By whom:**

**Complaint referred to:**

**Date:**

## Appendix 2

### **POLICY FOR DEALING WITH PERSISTENT OR VEXATIOUS COMPLAINTS/HARASSMENT IN SCHOOLS**

The Headteacher and staff deal with specific complaints as part of their day-to-day management of the school in accordance with the **School's Complaints Procedure**. The majority of complaints are handled in an informal manner and are resolved quickly, sensitively and to the satisfaction of the complainant.

However, there are occasions when complainants behave in an unreasonable manner when raising and/or pursuing concerns. In these circumstances, the school may take action in accordance with this policy.

#### **1. AIMS OF POLICY**

The aims of this policy are to:

- uphold the standards of courtesy and reasonableness that should characterise all communication between the school and persons who wish to express a concern or pursue a complaint;
- support the well-being of students, staff and everyone else who has legitimate interest in the work of the school, including governors and parents;
- deal fairly, honestly and properly with those who make persistent or vexatious complaints and those who harass members of staff in school while ensuring that other stakeholders suffer no detriment.

#### **2. HUMAN RIGHTS**

2.1 In implementing this policy, the school will seek to ensure that its actions are in accordance with its obligations under the Human Rights Act 1998 and the Convention Rights embodied within it in order to protect the Human Rights of both persistent complainants and all other stakeholders.

#### **3. PARENTS' EXPECTATIONS OF THE SCHOOL:**

3.1 Parents/ carers/members of the public who raise either informal or formal issues or complaints with the school can expect the school to:-

- a) regularly communicate to parents/carers in writing:
  - (i) how and when problems can be raised with the school;
  - (ii) the existence of the school's complaints procedure; and
  - (iii) the existence of the Policy for Dealing with Persistent or Vexatious

Complaints and/or Harassment in Schools;

- b) respond within a reasonable time;
- c) be available for consultation within reasonable time limits, bearing in mind the needs of the students within the school and the nature of the complaint;
- d) respond with courtesy and respect;
- e) attempt to resolve problems using reasonable means in line with the school's complaints procedure, other policies and practice and in line with guidance and advice from the Local Education Authority
- f) keep complainants informed of progress towards a resolution of the issues raised.

#### **4. THE SCHOOL'S EXPECTATIONS OF PARENTS/CARERS/MEMBERS OF THE PUBLIC**

4.1 The school can expect parents/carers/members of the public who wish to raise problems with the school:

- a) treat all school staff with courtesy and respect;
- b) respect the needs and well-being of students and staff in the school;
- c) avoid any use, or threatened use, of violence to people or property;
- d) avoid any aggression or verbal abuse;
- e) recognise the time constraints under which members of staff in schools work and allow the school a reasonable time to respond
- f) recognise that resolving a specific problem can sometimes take some time
- g) (in the case of a complaint) follow the school's Complaints Procedure.

#### **5. WHO IS A PERSISTENT COMPLAINANT?**

5.1 For the purpose of this policy, a persistent complainant is a parent/carer or member of the public who complains about issues, either formally or informally, or frequently raises issues that the complainant considers to be within the remit of the school and whose behaviour is unreasonable. Such behaviour may be characterised by:-

- a) actions which are obsessive, persistent, harassing, prolific or repetitive;
- b) prolific correspondence or excessive email or telephone contact about a concern or a complaint

- c)an insistence upon pursuing unsubstantial complaints and/or unrealistic or unreasonable outcomes
- d)an insistence upon pursuing complaints in an unreasonable manner;
- e)an insistence upon repeatedly pursuing a complaint when the outcome is not satisfactory. to the complainant but cannot be changed, for example, if the desired outcome is beyond the remit of the school because it is unlawful

5.2 For the purpose of this policy, harassment is the unreasonable pursuit of such actions as in (a) to (e) above in such a way that they:

- a) appear to be targeted over a significant period of time on one or more members of school Staff, and/or
- b) cause ongoing distress to individual members of school staff and/or
- c) have a significant adverse effect on the whole/parts of the school community and/or
- d) 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, while not particularly taxing or serious when viewed in isolation, have a cumulative effect over time of undermining confidence, well-being and health.

## **6. THE SCHOOL'S ACTIONS IN CASES OF PERSISTENT OR VEXATIOUS COMPLAINTS OR HARASSMENT**

6.1 In the first instance, 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.

6.2 This will be confirmed in writing (Model Letter 1)

6.3 If the 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:

- a) 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 policy (see Model Letter 2);
- b) inform the complainant that all meeting 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 (see Model Letter 2);

- c) inform the complainant that, except in emergencies, all routine communication with the complainant to the school should be by letter only (see Model Letter 2);
- d) (in the case of physical or verbal aggression) refer to Joint Local

Authority/Police Guidance for Schools, "Dealing with Abuse, Threats and Violence Towards School Staff", and consider warning the complainant about being banned from the school site; or proceed straight to a temporary ban. (Advice is available from the Area Education Manager);

6.4 Legitimate new complaints will still be considered even if the person making them is, or has been, subject to the Policy for Dealing with Persistent or Vexatious Complaints and/or Harassment in Schools. In these circumstances, advice may be sought from the Local Education Authority.

6.5 If a complainant's persistent complaining/harassing behaviour is modified and is then resumed at a later date within a reasonable period of time, the school may resume the process identified above at an appropriate level. In these circumstances, advice may be sought from the Local Education Authority.

## **7. REVIEW**

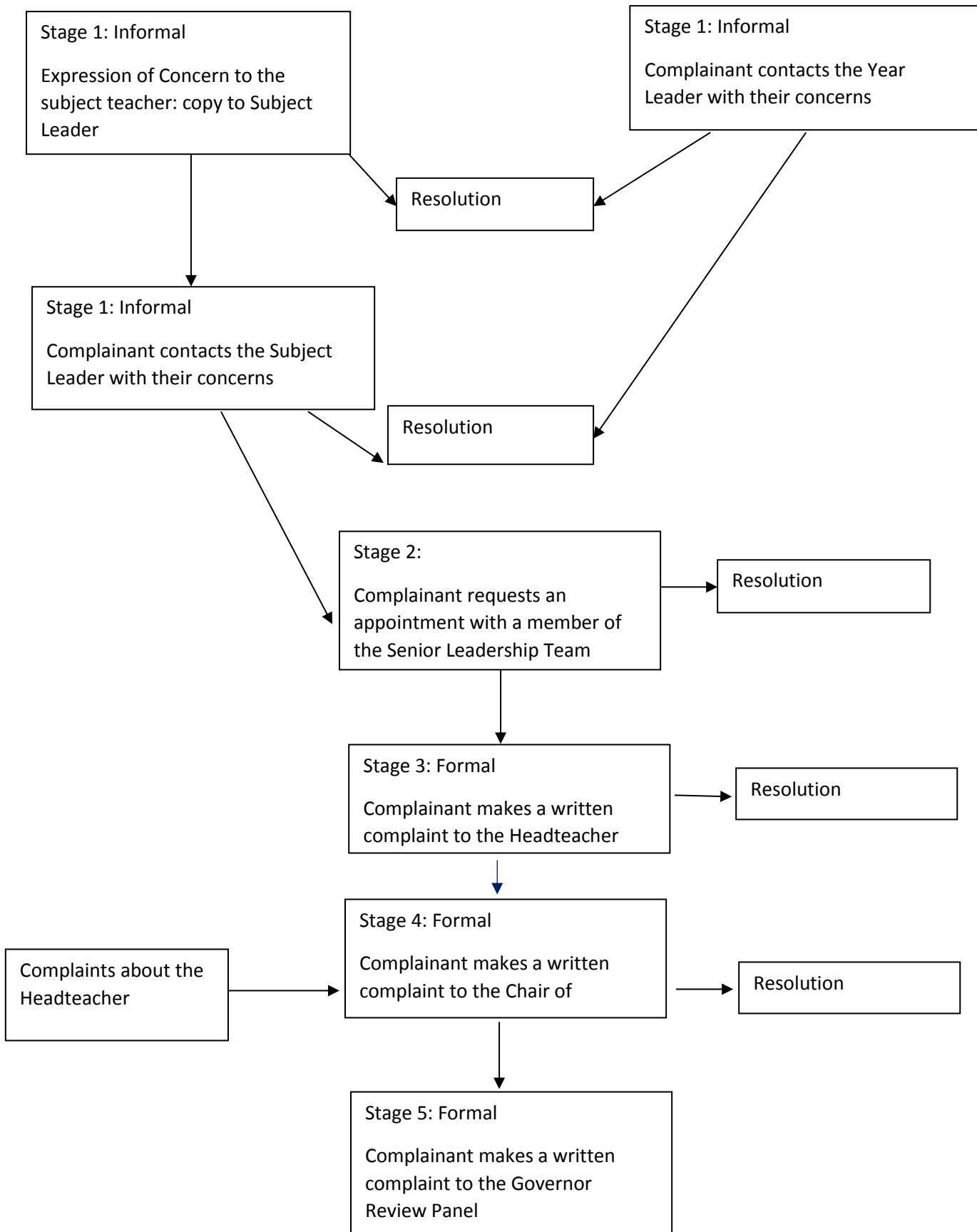
7.1 The school will review as appropriate, and at a minimum once in a school year, any sanctions applied in the context of this policy.

## Flow Chart

Procedure for dealing with general concerns and complaints

### ACADEMIC CONCERN

### HEALTH AND WELL BEING CONCERN

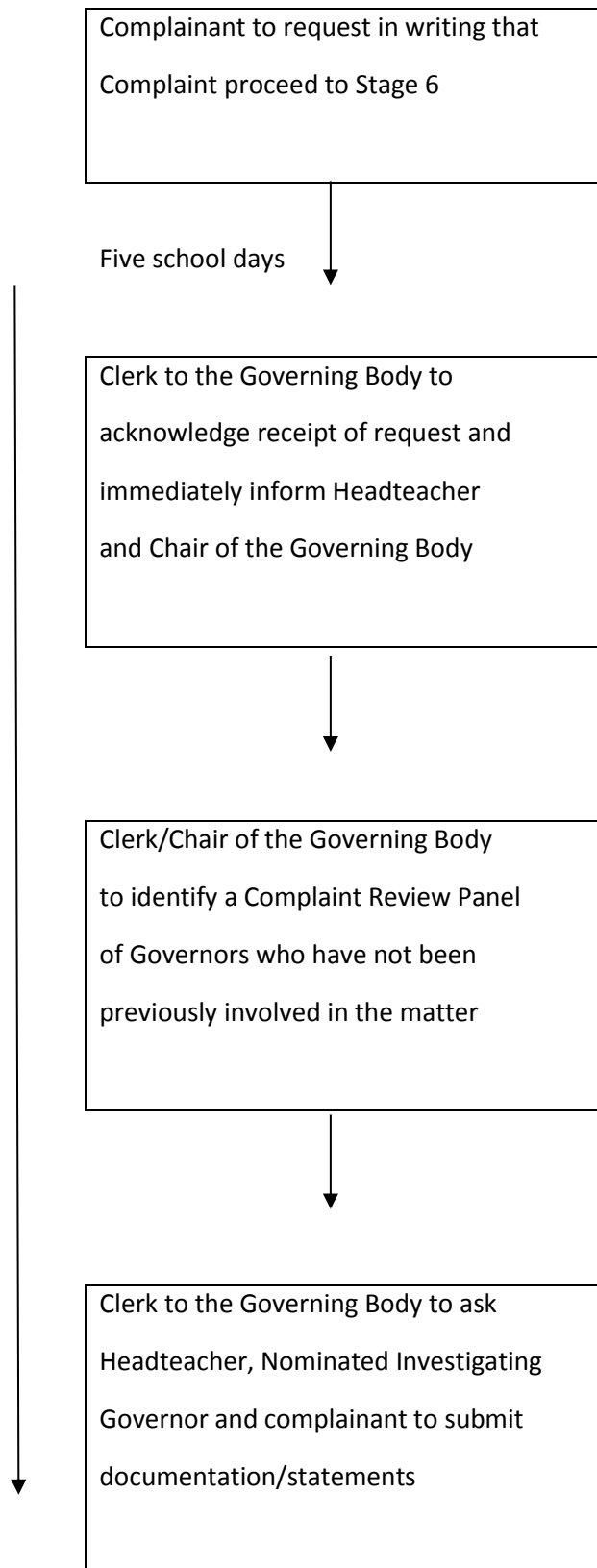




**Flow Chart**

**STAGE 5 – Consideration by a review panel of governors**

**4.1 Flow chart**



Ten school days

Clerk to the Governing Body to send full pack of documentation to Headteacher, Nominated Investigating Governor and complainant

Complaint Review Panel Meeting

Five school Days

Respond in writing to the complainant

Five school days

Inform Governing Body of outcome/recommendations