**Wribbenhall School**

**Complaints Policy and Procedure**



Written: Spring Term 2019

Date of Next review: Spring Term 2020

**To be read in conjunction with:**

Child Protection Policy

Safeguarding Policy

Wribbenhall School Prospectus

Whistle Blowing Policy

**Approved by:**

**Proprietor:** Ellis Wells

19th January 2019

**INTRODUCTION**

Wribbenhall School is dedicated to providing the best possible education and support for all its pupils. This means having a clear, fair, and efficient procedure for dealing with any complaints to or against the school, so that any issues that arise can be dealt with as swiftly and effectively as possible.

All school staff/volunteers will be made aware of these complaints procedures and are expected to review this policy regularly in order that they are familiar with our process of dealing with complaints and can be of the most assistance when an issue is brought to their attention.

This policy explains that procedure, and the steps that it outlines should be referred to and followed by all pupils, parents, members of the public and their third parties, whenever an issue arises that causes them concern.

If there is an allegation or complaint about emotional, physical or sexual misconduct towards a child, or there is a belief that a child may be at risk of serious harm, the school may immediately refer the case to child protection and welfare services, or the police. If it is decided that there is cause for an official investigation, the decisions by these authorities will supersede those made by the school and outlined in this policy.

For more information on our school’s provision for protecting our students, read our Child Protection and Safeguarding Policies.

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

A ‘concern’ is an expression of worry or doubt over an issue that is considered to be important and for which reassurance is sought.

A ‘complaint’ is an expression or statement of dissatisfaction (however it is expressed) about actions or lack of actions taken by the school and its staff.

Wribbenhall School aims to deal with any issue as it arises to the satisfaction of the concerned person. It is hoped that all issues can be resolved fully at the concern stage. All informal concerns are taken seriously, and we will make every effort to resolve them as quickly as possible.

**Who can make a statement of concern or a complaint?**

Anyone (pupils, parents, carers, members of the public or their third parties) can make a statement of concern or a complaint about any provision of facilities or services that the school provides and has statutory control over. Everybody will be given the opportunity to complete the complaints procedure unless there is clear evidence that it a serial complaint. Where the school does not have responsibility then the complaint should be addressed to the organisation with managerial or statutory responsibility.

**When a concern/complaint first arises**

If you have a concern that you would like to take up with the school you should initially inform a member of staff either in person, over the telephone, in writing, or by asking a third party to do so. If you ask a third party to make the complaint, you must give us written consent to pass information back to you through the third party. You will then be invited to an informal meeting with the member of staff most appropriate for dealing with your concern. We will ask you how you think we can resolve this issue and try to change what we have done in the past to avoid the issue arising in the future.

If your concern involves your child, you may wish to approach their teacher first as they will be best placed to help you either directly or by figuring out which other member of staff you should be speaking to.

Whoever you are, we encourage you to approach our staff with any concerns you may have and aim to resolve all issues with open dialogue, mutual respect and understanding. An explanation of your concern should be given to the staff member that you speak to, so that it is easy to understand – when complaints are taken further or referred back to in the future – what the initial problem was. The member of staff will take brief notes, pass them to the appropriate person and/or store these in a secure method for reference at a later time.

**If your complaint is about a member of staff/volunteer**, you should first raise this with the Proprietor (Mr Ellis Wells) either in person or in writing, and a meeting will be arranged with the Proprietor to discuss the issue at hand.

**If your complaint is about the Proprietor/Headteacher,** you should raise your concern in writing with the Complaints Governor (Linda Minnock). The Complaints Governor will implement Stage 2 of the Formal Complaints Procedure.

**If your complaint is about the Governor,** you should raise your concern in writing with the Proprietor. If you feel that your complaint has not been dealt with you should refer your complaint to the Appeals Panel.

**Initial Informal Meeting**

Once a concern has been raised you will be invited to attend an informal meeting with a member of staff or the Proprietor to discuss your concerns. You have the right, and are welcome to bring a friend, partner, or – in the case of a pupil who has raised a concern – a parent, to this and all subsequent meetings. It may or may not be appropriate for a pupil to attend the meeting, if their parent has raised a concern, depending on the nature of the issue. This decision will be made mutually between the complainant and the school and its staff.

Staff have a responsibility to ensure that you understand any future points of action that have been agreed upon in this meeting and will make a written record of what has been discussed, as well as any outcomes and a plan of action, if one has been agreed. These will be passed to you and added to the brief notes, about the concern, made earlier and stored securely.

All staff will do their best to ensure that your concerns are dealt with appropriately and efficiently but if you cannot come to an agreement, or are dissatisfied with the outcome of your meeting, you can make a Formal Complaint to the proprietor.

At the end of each stage of the Formal Complaint Procedure the school or its staff will inform you of the next stage of the procedure.

Our school will not pay financial compensation (or refund fees) as the result of a complaint.

**Complaints about the Governors to the Secretary of State via the**

**Department for Education**

The Secretary of State may hear a complaint and intervene if:

1. the complaint relates to a failure by Governors to carry out their statutory duties;
2. the Complainant believes Governors are acting unreasonably. The test for this is that no reasonable body of Governors, acting with due regard to their statutory duties, would have reached that decision;
3. intervention is expedient (i.e., there is an instruction the Secretary of State can give to one or other party that would put matters right).

The Complainant should set out fully the concerns and reasons why the complaint is being submitted, enclosing all previous correspondence relevant to the complaint.

Information about making a complaint can be found at [http://www.education.gov.uk/aboutdfe/complaintsprocedure/b00212240/making-complaint-school/how-to-complain.](http://www.education.gov.uk/aboutdfe/complaintsprocedure/b00212240/making-complaint-school/how-to-complain)

**Staff complaints**

Staff who have a concern about a colleague or a volunteer member of staff should refer to our Whistleblowing Policy.

The procedure for dealing with any other staff complaints or employment grievances is set out in the school’s **Staff Conduct, Discipline and Grievance policy.**

**Serial Complaints**

If a complainant repeats the same complaint after first following the complaints procedure to its end, then it will be considered to be a serial complaint. Serial complaints will not be responded to.

**Complaint campaigns**

Complaint campaigns are:

* several or more complaints all based on the same subject,
* and from complainants unconnected with the school.

The school will not follow the above complaints procedure in these cases. Instead it will respond to these in either one of two ways:

* sending out a template response to each of the complainants,
* or publishing a single response on the school website.

**Parental Responsibility Complaints**

Wribbenhall School recognises that parental responsibility can be a complex matter and is a common reason for complaints. The school will refer to document, “Understanding and Dealing with Issues Relating to Parental Responsibility,” for guidance when considering issues that may affect pupils within the school, and also when resolving complaints related to parental responsibilities.

**Formal Complaints Procedure**

In order to ensure that complaints are processed efficiently and effectively, Wribbenhall deals with formal complaints in the three stages listed below.

**Recording Meetings**

Where there is a communication difficulty for one or more parties it may be acceptable to record meetings using a recording device. Explicit consent of all members of the meeting must be given before commencing the recording. The DfE wish us to point out that they will not normally accept electronic recordings of meetings in any subsequent hearing. They may accept independently notarized transcripts of the recordings. They may also ask for written consent of all parties in the recording.

Wribbenhall School explicitly states that any covert recordings or recordings made without the consent of all parties will not be accepted as evidence.

Written records will be made by an appropriate person to ensure the progress and outcomes of the complaint are recorded. This will be stored according to the General Data Protection Regulations 2016/679

**Transferring data**

There may be occasions where complaints are made or continue to be escalated after a child has left the school. On changing schools, the pupil’s educational record is transferred to the new school and no copies are retained. Wribbenhall School will consider holding records of complaints separate to their pupil records (while a complaint is ongoing) so that access to them can be maintained. As information generated by a complaint may not form part of the pupil record, we will continue to store this whilst the complaint remains unresolved. If a complaint against a member of staff/volunteer at the school is upheld, then this will be stored with their personal record according to our Data Management Policy.

**Stage 1:**

If you do not feel that your concern has been dealt with as you would like, are unhappy with the outcome of your informal meeting, or feel that the issue is serious enough that it warrants it, you can make a formal complaint in writing to the Proprietor.

The Proprietor will acknowledge your complaint in writing within 10 days*.* They may already be aware of the situation. The proprietor will call you in for a meeting to discuss the issue, outcome, possible solutions, to ask how you think the issue can be resolved or to explain what has or will happen as a result of your complaint. You have the right and are welcome to bring a friend, partner, or – in the case of a pupil who has raised a concern – a parent, to this and any subsequent meetings. They will outline their decision if there is one to be made, and any action to be taken as a result of your complaint.

The proprietor will keep a written record of all interactions with you and other staff, meetings and decisions made in reference to your complaint. A copy of this record will be given to you. The proprietor will outline the next step of the complaints procedure.

**If the complaint is against a member of staff/volunteer**, the proprietor will talk to that employee. If it is an allegation of abuse, a formal investigation will be instigated by the school or external child welfare authorities to whom the school reports. Advice will be taken from Local Authority Designated Officer. **Complaints about the Proprietor should be reported directly to the Complaints Governor***.*

**Stage 2:**

If, having spoken to the Proprietor, you are dissatisfied with the outcome of your complaint, you may lodge your complaint with the Complaints Governor in writing, explaining your concern and the steps that have lead up to you taking this course of action*.* . You have the right, and are welcome to bring a friend, partner, or – in the case of a pupil who has raised a concern – a parent, to this and all subsequent meetings.

If the complaint is against a member of staff/volunteer, that employee will be given the opportunity to write a response, which will be sent to the Complaints Governor within 10 days of the complaint being lodged with them.

The Complaints Governor will respond to you in writing within 20 days outlining their response to your concern, and any action that has or will be taken. **If they have decided not to take any further action** on the issue, they will explain what they have decided, how they have reached this decision, and will outline your right of appeal and how you can start your appeal.

**Appeals, Stage 3:**

If you would like to launch an appeal following the outcome of a formal complaint that you have lodged, this will be taken to the Appeals Panel. The Appeals panel is made up of three Trustees of Northleigh House School (Ms Vivien Morgan (Chair), Mr Ronald Flint and Mrs Janet Williams). If you wish to take your complaint to this stage, you are required to put your complaint in writing to the Appeals Chairman. It is important that you set the matter out in sufficient detail. On receiving a written complaint, a hearing by the Appeals Panel will be arranged within 10 working days. . You have the right, and are welcome to bring a friend, partner, or – in the case of a pupil who has raised a concern – a parent, to this and all subsequent meetings.

**The Appeals Panel**

Each of the panel members shall be appointed by the Appeals Chairman on behalf of the panel, which will then acknowledge the complaint, and schedule a hearing to take place as soon as practicable, normally within fourteen working days. The Appeals Panel will be made up of at least three persons, one of whom shall be independent of the management and running of the school (please see Appendix 1). No Governor can sit on the Appeals Panel if they have had any former knowledge or involvement in the case that is being dealt with at that time. You have the right, and are welcome to bring a friend, partner, or – in the case of a pupil who has raised a concern – a parent, to this and all subsequent meetings.

The Panel will give careful consideration to how the Complainant can be made to feel most comfortable presenting to the Panel, especially in the case of a young child having to present or explain information.

**The procedure for an appeal is as follows:**

1. The Complainant and Proprietor will enter the hearing together.
2. The Chair will introduce the Panel members and outline the process.
3. The Complainant will explain the complaint.
4. The Proprietor and Panel will question the Complainant.
5. The Proprietor will explain the school’s actions.
6. The Complainant and Panel will question the Proprietor.
7. The Complainant will sum up their complaint.
8. The Proprietor will sum up the school’s actions.
9. The Chair will explain that both parties will hear from the panel within 10 working days.
10. Both parties will leave together while the Panel decides.
11. The clerk will stay with the panel to clarify.

**The Appeals Panel will:**

1. dismiss all or part of the complaint
2. uphold all or part of the complaint
3. decide on the appropriate action to be taken to resolve the complaint
4. evaluate all the evidence available and recommend changes to the school’s systems or procedures as a preventative step against similar problems arising in the future.

A written record of the appeal will be given to you.

If you/the complainant feels that the result is not satisfactory then the complainant may refer their complaint to the Secretary of State at the Department for Education.

Information about making a complaint can be found at [http://www.education.gov.uk/aboutdfe/complaintsprocedure/b00212240/makin](http://www.education.gov.uk/aboutdfe/complaintsprocedure/b00212240/making-complaint-school/how-to-complain) [g-complaint-school/how-to-complain.](http://www.education.gov.uk/aboutdfe/complaintsprocedure/b00212240/making-complaint-school/how-to-complain)

**Wribbenhall School will review and evaluate all complaints no matter how far they are taken or what the outcome to ensure that similar problems are avoided in the future or to see if they could have been managed any more effectively.**

Parents can be assured that all concerns and complaints will be treated seriously and confidentially. Correspondence, statements and written records will be kept confidential except where the Secretary of State, or a body conducting an inspection under Section 109 of the 2008 Act requests access to them. Wribbenhall School will keep securely locked, a written record of complaints in the Proprietor’s Office for six years, which can be viewed by the complainant and the Proprietor, if required.

Complainants are entitled to a fair meeting or review. Persons who have a conflict of interest will not take part in the complaints process, including proceedings of the Governor and the Appeals Panel. If there’s any reasonable doubt as to a person’s ability to act impartially, they will withdraw from considering the complaint. Where the governor has a financial interest in any related matter, they will also withdraw.

When making decisions, we will not act in a way that is biased. The appearance of bias may be sufficient to taint a decision even if there is no actual bias. This concept derives from the principle that justice must not only be done but be seen to be done. The panel’s decision is final and a copy will be provided to the Complainant, and where relevant, the person complained about. If you are unhappy with the outcome, you may wish to put your complaint to the Secretary of State.

There may be occasions where it is necessary to deviate from the above Formal Complaints Procedure. In these cases a record of the deviation and the reason for the deviation will be recorded and made available to the Department for Education.

**Contact details:**

Ellis Wells,

Proprietor,

Wribbenhall School

21 Crundalls Lane,

Wribbenhall,

Bewdley

Worcestershire

DY12 1JL

Telephone Number: 01299 405383

ewells@wribbenhallschool.co.uk

Linda Minnock

The Complaints Governor,

Wribbenhall School,

21 Crundalls Lane,

Wribbenhall,

Bewdley

Worcestershire

DY12 1JL

Telephone Number: 01299 405383

lminnock@wribbenhallschool.co.uk

Ms Vivien Morgan

The Appeals Chairman,

Trustees of Northleigh House School,

Five Ways Road,

Hatton,

Warwick,

CV35 7HZ

Telephone Number: 01926 484203

Appendix 1

**Complaints Procedure - Independent Member of the Panel**

The following guidance comes from a letter sent by the DfES (as was) to the

ISC General Secretary in 2002. Although dated, the advice is extant:

'Whilst we do not intend to be prescriptive our general view is that suitable people would be those who have held positions of responsibility and who are used to analysing evidence and putting forward balanced arguments/points. It would add credibility if independent panel members had some standing in the local community. In this connection serving or retired business people, civil servants, heads or senior members of staff at other schools, people with a legal background - perhaps retired members of the Police Force - might be considered suitable by schools. Schools will have their own views and may well have other suitable suggestions to make.

You asked if it would be acceptable to appoint former governors or staff of the school as the independent panel member. The regulations do not preclude

this since the stipulation is that the person must be independent of the management and running of the school. Clearly former governors or staff would not have any such involvement. However, schools should bear in mind that they may be subject to criticism that such people would remain too close to the school and would not be truly independent.'

TFR March 2015

Appendix 2

**Complaints not in scope**

This complaints procedure covers all complaints about any provision or resources that the school provides other than complaints for which there are separate (statutory) procedures, including those listed below.

**Statutory assessments of special educational needs**

Concerns about statutory assessments of special educational needs should be raised direct with local authorities.

**Matters likely to require a child protection investigation**

Complaints about child protection matters should be handled:

* under the school’s child protection and safeguarding policy
* in accordance with relevant statutory guidance
* Refer to your local authority designated officer (LADO) or the multi-agency safeguarding hub (MASH).

**Whistleblowing**

See our whistleblowing procedure for all employees, including temporary staff and contractors.

The Secretary of State for Education is the prescribed person for matters relating to education for whistleblowers who do not want to raise matters direct with their employer. Concerns can be raised with DfE.

Volunteers who have concerns about schools should complain through the school’s complaints procedure. They may also be able to complain to the local authority or DfE depending on the substance of the complaint.

**Staff grievances**

Complaints from staff will be dealt with under the school’s internal grievance procedures.

**Staff conduct complaints**

Complaints about staff are 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, you will be notified that the matter is being addressed.

**Complaints about services provided by other providers who may use school premises or facilities**

Complainants should follow the external provider’s own complaints procedure.