



**Wac Arts**  
College

## **Complaints Policy 16-17**

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# 1. The Key Principles of the Policy

## 1.1 Complaints Policy Overview

You can make a verbal or written complaint in person or through an interpreter or friend, in English or in your own language. We will answer your complaint within 20 working days (or 30 working days for translations) or sooner if possible (see 1.10 below).

***Any complaint you make will be treated in the strictest confidence.***

### What is a complaint?

A complaint is an opinion you give us about something you are not happy with at Wac Arts College. It will be about something Wac Arts College didn't do after we said we would, or something we did wrong, or something we have taken too long to do. It could also be about when you were not treated well by a member of the Wac Arts College staff. If you do not get the level of service you expected, then you may make a complaint under the customer complaints procedure.

## 1.2 Legal Context

From September 2003 governing bodies of all maintained schools and nursery schools in England are required, under Section 29 of the Education Act 2002, to have in place a procedure to deal with complaints.

The School Standards and Framework Act 1998 provided an additional function of the governing body to establish and publish procedures for dealing with complaints relating to the school, other than those covered by legislation and formal procedures elsewhere.

## 1.3 Summary

This policy sets out the procedures which Wac Arts College will follow whenever it receives a complaint.

A summary of the various stages is given below:

		<b>Primary Responsibility</b>
Stage 1: Informal discussion and resolution stage	Informal	<b>School Staff</b>
Stage 2: Investigation by Principal	Formal	<b>School Staff</b>
Stage 3: Complaints committee review		<b>Governing body</b>
Stage 4: Further recourse		<b>Other</b>

Each of these stages will usually occur in order and there will usually be no return to previous stages (exceptions to this are noted within the procedure).

It is stressed that the majority of complaints are resolved on an informal basis (stage 1).

## **1.4 Who is Allowed to Complain?**

This policy may be used by anyone who has a concern or complaint about any aspect of the school. In the main this will mean the parents and carers of the school's pupils, but may include neighbours of the school, or any other members of the local community.

## **1.5 Aims and Objectives of the Policy**

This complaints policy aims to:

- Encourage the resolution of problems by informal means wherever possible;
- Ensure that concerns are dealt with quickly, fully and fairly and within clearly defined time limits;
- Provide effective responses and appropriate redress;
- Maintain good working relationships between all people involved with the school.

## **1.6 Monitoring Complaints**

At all formal stages of the complaints procedure, the following information should be recorded:

- The name of the complainant
- The date and time at which complaint was made
- The details of the complaint
- The desired outcome of the complainant
- How the complaint is investigated (including written records of interviews held);
- Results and conclusions of investigations;
- Any action taken;
- The complainant's response (satisfaction or further pursuit of complaint).

## **1.7 Upholding or Not Upholding Complaints**

At each stage of the complaints procedure, the conclusion will be either:

1. That the complaint is upheld (in part or in full) and, where appropriate, some form of action is taken.

Or

2. That the complaint is not upheld and reasons for this are clearly given.

In the first instance, it may be appropriate to offer one or more of the following:

- an apology

- an explanation
- an admission that the situation could have been handled differently or better
- an assurance that the event complained of will not recur
- an explanation of the steps that have been taken to ensure that it will not happen again
- an undertaking to review school policies in light of the complaint

In the second instance, the complainant may either choose to take no further action or to take their complaint to the next relevant stage.

This policy will be included within the school's handbook and may also be included, as appropriate, within the following:

- the governors' report to parents;
- the information given to new parents when their children join the school;
- the information given to pupils at the school;
- the home-school agreement;
- home school bulletins or newsletters;
- documents supplied to community users including course information or letting agreements;
- posters displayed in areas of the school that will be used by the public, such as reception or the main entrance.

All staff and members of the governing body should be made aware of the complaints procedure and the various stages involved.

At all stages of the complaints procedure, everybody involved needs to be clear about what is happening and what their responsibilities are. In addition, the complainant should be told how to proceed to the next stage of the procedure if and when their complaint is not upheld.

## **1.8 Confidentiality**

Confidentiality is vital. All conversations and correspondence will be treated with discretion. Complainants have the right to know what use will be made of personal information and, accordingly, personal information will only be shared between staff on a 'need to know' basis.

## **1.9 Equal Access, Accompaniment and Representation**

Appropriate steps should be taken to ensure that any individual has the opportunity to raise their concerns or submit a formal complaint. This includes the right to be accompanied or represented by a friend or relative at discussions and hearings and/or to submit formal complaints which have been written by another individual on their behalf.

Should any meeting need to be held where any parties would have difficulties in terms of access, Wac Arts College can assist with providing an appropriate venue.

It is an expectation that equal respect will be granted to each person involved within the process and that differences between people will be respected and understood.

## 1.10 Time Between Stages

Although each of the stages within the procedure should occur consecutively, it is not necessary for each stage to immediately follow the last. Complainants may need some time to decide whether or not they wish to pursue the matter any further. After each stage, the complainant and the individual who is dealing with their complaint at that time should agree an appropriate time limit within which the next stage should be accessed, if at all. If the complaint is not submitted to the next stage within this agreed time limit it should be considered as closed.

## 1.11 Changes to Time Limits and Deadlines

In general, the time limits and deadlines contained within this policy should be adhered to. However, in certain circumstances it may be deemed inappropriate or impossible to guarantee that this is possible.

Where a complaint leads to criminal proceedings this will always be the case.

If and when it becomes necessary to alter the time limits and deadlines set out within this policy, the complainant should be told and given an explanation as to why this has been the case.

## 1.12 Appeals

If at any stage, as the result of a complaint, a decision or course of action is taken with regards to an individual (apart from the complainant) which they feel is ungrounded, unjustified or incorrect they have the right to appeal.

It is recommended that school governing bodies use their established appeal procedures in order to facilitate this.

## 1.13 Vexatious Complaints

The Chair of Governors can write to a complainant and refuse to consider their complaint at stage 3 if he or she feels that there are insufficient grounds to do so, if the complaint has already been considered at this stage or if it has been closed.

# 2. STAGE 1: Informal Discussion

## 2.1 Introduction

The vast majority of concerns and complaints can be dealt with informally. There are many occasions where concerns are resolved straightaway without the need to submit a formal complaint. Indeed, many concerns raised at this level might not be classified as complaints.

When a complaint is made directly against the school's principal, stage 2 is not required and the formal procedure begins at stage 3.

## **2.2 Who to Speak to Informally**

Individuals may decide to raise their concerns with a member of school administrative staff, class teacher, senior teacher, governor or principal depending on their wishes and the type of issues they want to discuss.

## **2.3 Monitoring**

It is not necessary to record or monitor complaints at this level.

## **2.4 Time Scales**

There are no specific time scales for dealing with concerns at this stage. However, as at all stages, issues should be considered and dealt with as quickly and effectively as possible.

## **2.5 Response**

The individual who raised the issue should be informed of any action to be taken to resolve the issue. If appropriate, this might be confirmed in writing.

## **2.6 Options for Complainant**

If the individual is dissatisfied with the response they have been given and would like to take their complaint further, they should be referred to the school's complaints procedure and accompanying public guidance leaflet and told how to move on to the next stage.

# **3. STAGE 2: Referral to the Principal**

## **3.1 Introduction**

This is the first stage of the formal complaints process and, as a result, all communications between parties need to be carefully recorded and monitored as set out in the 'monitoring complaints' section of this document.

## **3.2 Informal Discussion with Principal**

Before proceeding with a formal investigation, the principal will meet with the individual and discuss their concerns and wishes. It may still be appropriate and satisfactory to reach an informal resolution



at this point. If not, the principal will decide whether the individual's complaint will be dealt with by this policy or another statutory procedure and advise them on what they will need to do.

### **3.3 Submitting a Formal Complaint**

By this stage it must be clear that the concern is a definite complaint which will be dealt with according to this policy and should be formally submitted in writing to the principal.

As indicated within the 'equal access, accompaniment and representation' section of this policy, all complainants have the right to submit formal complaints, at this or any stage, which have been written by another individual on their behalf.

### **3.4 Acknowledgement and time scales**

The principal should formally acknowledge the complaint within 3 school days of receiving it and begin an investigation.

### **3.5 The Investigation**

The principal will need to investigate the complaint and review any relevant documentation and information. If necessary, the principal will interview witnesses and take statements from those involved. If the complaint centres around a pupil, the pupil will also usually be interviewed.

As indicated within the 'equal access, accompaniment and representation' section of this document, all individuals have the right, at this or any other stages, to be accompanied or represented by a friend or relative at discussions and hearings. This includes the right of teachers to be accompanied by a representative from their Trade Union.

When pupils are interviewed, an additional member of staff should always attend.

### **3.6 Response**

The principal will provide the complainant with a full written response within 10 school days of acknowledging it. This response will determine whether or not the complaint has been upheld, the reasons why, and what action (if any) will be taken.

### **3.7 Options for Complainant**

If the individual is dissatisfied with the response they have been given and would like to take their complaint further, they should be referred to the school's complaints procedure and accompanying public guidance leaflet and told how to move on to the next stage.

## **4. STAGE 3: Review by Governing Body Complaints Committee**

### **4.1 Introduction**

Complaints only rarely reach this formal level, but it is important that governing bodies are prepared to deal with them.

Upon receiving a formally submitted complaint at this stage the Chair of Governors will usually choose to deal with it by holding a complaints committee hearing. However, in some cases, it may be possible and appropriate for the Chair of Governors to resolve the issue with the complainant by other means without the need for a complaints committee review.

The complaints committee must be clerked.

When stage 2 has been missed out (see section 1.4), this is the first stage under which a formal complaint about the Principal will be dealt with.

### **4.2 The Committee**

It is recommended that school governing bodies annually agree four governors who will be able to form part of a complaints committee if and when this becomes necessary at any point. The committee must also include one person who is independent of the management and running of the school.

The committee will generally consist of governors who have not previously been involved with dealing with the complaint. The committee should elect its own chair.

### **4.3 Submitting a Formal Complaint**

The complainant must submit a written request to the Chair of governors for their complaint to be considered by a complaints committee.

### **4.4 Acknowledgement and Time Scales**

The chair of governors should acknowledge receipt of this letter within five school days if possible but no more than ten at most by writing to the complainant. This letter will inform them that their complaint will be heard by a complaints committee within 15 school days.

### **4.5 Preparation**

The chair of governors will then contact the clerk and ask him or her to begin making preparatory arrangements.

The clerk will convene a meeting of the complaints committee. The membership of the complaints committee will be confirmed, a date and time will be arranged for a hearing and all existing relevant documentation will be given to the three appointed governors.

The clerk should then formally write to the complainant, the Principal and any other relevant staff or witnesses and inform them:

- Of the date, time and venue of the hearing;
- Of the aims and objectives of the hearing and how it will be conducted;
- That any documentation they wish the committee to consider must be returned to the Clerk no later than 5 school days before the hearing takes place;
- Of the rights of equal access, accompaniment and representation as set out within this document;
- How and when the committee will reach their decision.

It is the responsibility of the clerk to ensure that all parties receive all relevant documents at least 3 school days before the date of the hearing so as to allow individuals to familiarise themselves with them.

## 4.6 The Hearing

The hearing should allow each party involved to explain their understanding or interpretation of events and for other parties to question them. The hearing will, therefore, usually operate according to the following format:

- The chair will introduce all parties to one another and explain the principles, objectives and format of the hearing
- The complainant will be given the opportunity to explain their complaint. Following this the principal and the complaints committee will be allowed to ask the complainant questions.
- The principal will then be given an opportunity to explain the school's official response, interpretation or view about the complaint. Following this the complainant and committee will be allowed to question the principal.
- Every party will be given the opportunity to call witnesses and question witnesses called by other parties.
- The principal and the complainant will both be given the chance to give final statements.
- The hearing will be concluded by the chair who should explain that the committee will consider its decision and write to both parties within 5 school days informing them of the outcome

## 4.7 After the Hearing

The committee will then consider the complaint and all the evidence presented and:

- Reach a unanimous, or at least a majority decision, on the complaint
- Decide upon the appropriate action (if any) to be taken
- Where appropriate, suggest changes to, or request a review of, the school's systems or procedures to ensure that problems of a similar nature do not happen again

This information will be included in both the letters to the principal and the complainant.

## 4.8 Options for Complainant

If the individual is dissatisfied with the response they have been given and would like to take their complaint further, they should be referred to the school's complaints procedure and accompanying public guidance leaflet and told how to move on to the next stage.

# Appendix 1

## COMPLAINT MANAGEMENT INVESTIGATION REPORT FORM

Person completing this form:

Name:

Position:

### 1. DETAILS OF COMPLAINT

Date of complaint:

Time:

How complaint was reported e.g. letter:

Name of person:

Contact details:

Status:

Name of parent/carer (if under 18):

Others involved:

In the space below, please give a brief account of the nature of the complaint:

**2. RELEVANT BACKGROUND INFORMATION (if any).**

**3. DETAILS OF CAUSE**

**4. DETAILS OF RESPONSE**

**Person responding:**

**Date of response:**

**Method of response:**

**Response:**

**5. DETAILS OF ACTION PLAN**

**Please describe what additional action has been introduced following the complaint to prevent any further occurrence and any follow-up action, by whom and when:**

**Name:**

**Signature:**

**Date:**