



**METROPOLITAN BOROUGH OF CALDERDALE**  
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**MANAGEMENT AND GOVERNANCE DOCUMENTATION**  
**COMPLAINTS POLICY**

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## 1 Introduction

- 1.1 This school strives to provide an excellent education for all our children and the headteacher, governors and staff work diligently to build positive relationships with parents, carers and all stakeholders. However, if parents, carers or other stakeholders have a concern this policy sets out the procedure to be followed in such cases. (Any complaints emanating from staff should be dealt with under the school's grievance procedure.)
- 1.2 We are committed to developing a robust, transparent, reflective approach to remedy any identified complaints or concerns and to ensure that the school is an exemplar of the very highest of standards.
- 1.3 The majority of issues raised are concerns rather than complaints. We are committed to taking concerns seriously at the earliest stage without the need to necessarily invoke formal procedures. However, depending on the nature of the complaint, you may wish to follow (or may be asked to follow) the school's formal complaints procedure.
- 1.4 All schools are required to have a procedure for dealing with complaints relating to the school (or to any community facilities or services that the school may offer). For complaints (other than those relating to allegations of child protection, breach of trust or misconduct for which specific protocols are in place) from parents or carers of pupils, this procedure should comply with recommendations from the Department for Education in offering:
- an opportunity to resolve the complaint with the school on an informal basis, for example through discussion with the class teacher in the first instance
  - a formal complaint stage should the complainant be dissatisfied with the response at the informal stage
  - a formal appeal hearing with a panel set up by the school, comprising at least three people not directly involved in the matters detailed in the complaint.
- 1.5 The school will at all times be conscious of the requirement to make special provision where the complainant may have particular needs or requirements due to disability or to limited facility in use of the English language
- 1.6 For the school to be able to investigate a complaint, it must be brought to the attention of the school within three months of the incident occurring (or coming to light should this be later). **If a complaint is not made within 3 months of the relevant incident occurring or coming to light it will not be investigated.**
- 1.7 Similarly, escalation (to the next stage) of a concern or complaint is dependent upon the submission of written notification from the complainant of his or her continuing dissatisfaction within ten working days of receiving a written (or verbal) response to either the informal (stage 1) or formal (stage 2) process. **If no such notification is received within this timescale the complaint shall be deemed to have lapsed and will not be investigated further.**
- 1.8 All complainants should be made aware that publicising their complaint through social media or any other means of communication will be likely to prejudice any investigation and may make it impossible to explore their complaint further.
- 1.9 An anonymous concern or complaint will not be investigated under this procedure, unless there are exceptional circumstances

## **2 Purpose and scope**

- 2.1 The primary aim of this policy is to resolve the complaint as fairly and speedily, and as near to the point of origin, as possible. Formal complaints will be dealt with in a sensitive, impartial and confidential manner. Vexatious complaints will not be entertained by the school (see section 9 below).
- 2.2 Any complaints concerning the conduct of school staff will be handled in accordance with the school's internal disciplinary procedures.
- 2.3 There are three stages within the standard procedure of this policy:
- **Stage 1:** The informal stage in which a concern (or complaint) is raised with a staff member (ideally the individual against whom the complaint is directed although provision is made for an alternative (normally senior) member of staff should this be felt appropriate) and is hopefully resolved.
  - **Stage 2:** Should the complainant submit an indication (in writing) that he or she remains dissatisfied with the outcome at Stage 1 then formal procedures are invoked and the complaint is reviewed by the headteacher.
  - **Stage 3:** Should the complainant submit an indication (in writing) that he or she remains dissatisfied with the outcome at Stage 2 then the complaint is heard by the governing body complaints appeal panel.
- 2.4 A modified procedure (outlined in sections 6–8) is applicable in instances where the concern or complaint is directed specifically against the headteacher.

## **3 Raising a concern**

### **Stage 1: The informal stage**

- 3.1 Concerns can be raised with the school at any time and should generate an immediate response, which will often resolve the concern. The school requests that parents make their first contact with the pupil's teacher via the school office or, where this is not possible or is deemed inappropriate, either a nominated complaints co-ordinator or the headteacher. (For complaints against the headteacher please refer to the modified procedure in section 6 below.)
- 3.2 The recipient of the concern may be able to respond immediately. However, on some occasions the concern raised may require investigation, or discussion with others, in which case we will endeavour to provide an informal response (which may be either verbal or written) within two working days. The vast majority of concerns will be satisfactorily dealt with in this way.
- 3.3 However, if the complainant is not satisfied with the result at the completion of Stage 1, they can request from the school an official complaint form (Appendix 1) which must be completed and returned to the headteacher within ten working days of receiving an initial response (whether verbal or written). The official complaint form should, ideally, present an opportunity to communicate their expectations as to how their complaint might best be satisfactorily resolved.
- 3.4 On receipt of the official complaint form, the complaint will be logged by the school, including the date of receipt. The school will then progress the complaint to the next (formal) stage.

## **4 Dealing with complaints – formal process**

### **Stage 2: Complaint formally reviewed by the headteacher**

- 4.1 If the matter has not been resolved at Stage 1, as evidenced by receipt of further correspondence to this effect, the headteacher will further review the complaint by considering all relevant written material and by discussion with the appropriate member(s) of staff and/or the complainant.
- 4.2 The aim will be to resolve the matter as quickly as possible and an appropriate response will normally be in writing, in which event it should be despatched within seven working days of the written complaint having been received.
- 4.3 This time scale may be extended if, as may be the case, a review meeting with the complainant requires to be arranged at this point to explore the matter further. Any such meeting will normally take place within seven working days of the written complaint having been received, and an appropriate response in writing should then be provided within a further five working days.
- 4.4 However, if the complainant remains dissatisfied with the result at the completion of Stage 2 they should write to the chair of governors within ten working days of receipt of said correspondence to confirm that the complaint has not yet been resolved to their satisfaction.
- 4.5 Once again any such written communication will be logged by the school, including the date of receipt. The school will then progress the complaint to the next (appeal) stage.

## **5 Appeal mechanism**

### **Stage 3: Complaint heard by the governing body Complaints Appeal Panel**

- 5.1 If the matter has not been resolved at Stage 2, as evidenced by receipt of further correspondence to this effect, the chair of governors will then convene a Complaints Appeal Panel, to consist of no less than three school governors with no previous involvement in the case.
- 5.2 The Appeal Panel should normally meet within a maximum of ten working days of receipt of said correspondence. Both the complainant and the headteacher (representing the school) will be invited to attend the appeal hearing and all parties will be issued with relevant documentation (that will be referred to in the hearing) no less than five working days in advance of the hearing.
- 5.3 At this point the complainant may (if unwilling or unable to attend in person) elect to submit a written statement for consideration by the panel in their absence.
- 5.4 The invitation to attend the hearing should make clear that if the complainant fails to respond by confirming their intention (either to attend the hearing or to elect to have the complaint heard in their absence) the complaint will not be investigated further and the process will cease at this point.
- 5.5 The appeal hearing will be held within the school (unless a suitable alternative venue is agreed by all parties) and will be minuted by the clerk to governors. The panel chair should conduct the hearing in accordance with the guidance set out in Appendix 3.

- 5.6 The aim of the Appeal Panel hearing is to impartially resolve the complaint and to achieve reconciliation between the school and the complainant. All parties will be notified in writing of the panel's decision within five working days of the date of the hearing.
- 5.7 This stage is the last school based stage of the complaints procedure and the decision of the Complaints Appeal Panel is final.

## **6 Raising a concern – modified procedure**

### **Stage 1: The informal stage**

- 6.1 The school requests that parents initially address their concern with the headteacher. If, however, this is not possible, or is deemed inappropriate, they may address their concern (either verbally or in writing) to the chair of governors.
- 6.2 The concern raised is highly likely to require investigation, or discussion with others, in which case the chair will endeavour to provide an informal response (which may be either verbal or written) within five working days. The vast majority of concerns will be satisfactorily dealt with in this way.
- 6.3 However, if the complainant is not satisfied with the result at the completion of Stage 1, they can request from the school an official complaint form (Appendix 1) which must be completed and returned to the chair of governors within ten working days of receiving an initial response (whether verbal or written). The official complaint form should, ideally, present an opportunity to communicate their expectations as to how their complaint might best be satisfactorily resolved. The complainant should send their written complaint form in a sealed envelope and marked "private and confidential" to the Chair of Governors, c/o The Clerk to the Governors.
- 6.4 On receipt of the official complaint form, the complaint will be logged by the chair of governors, including the date of receipt. The chair of governors will then progress the complaint to the next (formal) stage.

## **7 Dealing with complaints – formal process (modified procedure)**

### **Stage 2: Complaint formally reviewed by the chair of governors**

- 7.1 If the matter has not been resolved at Stage 1, as evidenced by receipt of further correspondence to this effect, the chair of governors will formally review the complaint by considering all relevant written material and by discussion with the headteacher and/or the complainant.
- 7.2 The aim will be to resolve the matter as quickly as possible and an appropriate response will normally be in writing, in which event it should be despatched within seven working days of the written complaint having been received. In some cases complaints can take more than seven working days to investigate and in which case the chair of governors will write to the complainant and set out an extended time period for completion of the Stage 2 complaints process.
- 7.3 This time scale may also be deferred if, as may be the case, a review meeting with the complainant requires to be arranged at this point to explore the matter further. Any such meeting will normally take place within seven working days of the written complaint having been received, and an appropriate response in writing should then be provided within a further five working days.

- 7.4 As before, the aim will be to resolve the matter as quickly as possible. However, if the complainant remains dissatisfied with the result at the completion of Stage 2 they should write to the chair of governors within ten working days of receipt of formal response to confirm that the complaint has not yet been resolved to their satisfaction.
- 7.5 Once again any such written communication will be logged by the school, including the date of receipt. The chair of governors will then progress the complaint to the next (appeal) stage.

## **8 Appeal mechanism (modified procedure)**

### **Stage 3: Complaint heard by the governing body Complaints Appeal Panel**

- 8.1 If the matter has not been resolved at Stage 2, as evidenced by receipt of further correspondence to this effect, the chair of governors will then convene a Complaints Appeal Panel, to consist of no less than three school governors with no previous involvement in the case.
- 8.2 The Appeal Panel should meet within a maximum of ten working days of receipt of said correspondence. Both the complainant and the chair of governors will be invited to attend the appeal hearing and all parties will be issued with relevant documentation (that will be referred to in the hearing) no less than five working days in advance of the hearing.
- 8.3 At this point the complainant may (if unwilling or unable to attend in person) elect to submit a written statement for consideration by the panel in their absence.
- 8.4 The invitation to attend the hearing should make clear that if the complainant fails to respond by confirming their intention (either to attend the hearing or to elect to have the complaint heard in their absence) the complaint will not be investigated further and the process will cease at this point.
- 8.5 The appeal hearing will be held within the school (unless a suitable alternative venue is agreed by all parties) and will be minuted by the clerk to governors. The panel chair should conduct the hearing in accordance with the guidance set out in Appendix 3.
- 8.6 The aim of the Appeal Panel hearing is to impartially resolve the complaint and to achieve reconciliation between the school and the complainant. All parties will be notified of the panel's decision in writing within five working days of the date of the hearing.
- 8.7 This stage is the last school based stage of the complaints procedure and the decision of the Complaints Appeal Panel is final.

## **9 Complaints unresolved at conclusion of process**

- 9.1 There will be occasions when, despite all stages of the procedures having been followed, the complainant remains dissatisfied. If the complainant attempts to reopen the same issue following the Complaints Appeal Panel Hearing, the chair of the governing body should inform them in writing that the procedure has been exhausted and that the matter is now closed.
- 9.2 Any such correspondence may wish to point out that the complainant remains at liberty to refer the matter to the Local Authority if they believe that the school has not followed its complaints procedure properly or has not acted fairly or reasonably in responding to the complaint. Complainants are also at liberty to contact the Schools Complaints Unit at the

Department for Education if it is felt that the governing body has acted unlawfully or unreasonably.

- 9.3 Complaints can be made to Ofsted about a state school if there is a problem that affects the whole school. Ofsted will not investigate cases to do with individual pupils. Ofsted will investigate problems such as the quality of education or poor management. Ofsted will not usually consider a complaint if it has not been through the complaints procedure of the school.

## **10 Unreasonable Complaints**

We are committed to dealing with all complaints fairly and impartially, and to providing a high quality service to those who complain. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

We define unreasonable complainants as *'those who, because of the frequency or nature of their contacts with the school, hinder our consideration of their or other people's complaints'*

A complaint may be regarded as unreasonable when the person making the complaint:-

- Refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance
- Refuses to co-operate with the complaints investigation process while still wishing the complaint to be resolved
- Refuses to accept that certain issues are not within the scope of a complaints procedure;
- Insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice;
- Introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on, or raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales;
- Makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced;
- Changes the basis of the complaint as the investigation proceeds;
- Repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed);
- Refuses to accept the findings of the investigation into that complaint where the school's complaint procedure has been fully and properly implemented and completed including referral to the Department for Education;
- Seeks an unrealistic outcome;
- Makes excessive demands on school time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with.

A complaint may also be considered unreasonable if the person making the complaint does so either face-to-face, by telephone or in writing or electronically:-

- maliciously;
- aggressively;
- using threats, intimidation or violence;
- using abusive, offensive or discriminatory language;
- knowing it to be false;
- using falsified information;
- publishing unacceptable information in a variety of media such as in social media, websites and newspapers

Complainants should limit the numbers of communications with a school while a complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text)

Whenever possible, the head teacher or Chair of Governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking

If the behaviour continues, the headteacher or the chair of governors will write to the complainant explaining that their behaviour is unreasonable and asking 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 numbers of contacts in a communication plan. This will usually be reviewed after six months.

In response to any serious incident of aggression or violence, or repeated aggressive behaviour, the concerns and actions will be put in writing immediately and the police informed. This may include banning the individual from the school premises (see policy for managing aggressive behaviour on school premises).

## Appendix 1

### School Complaint Form

**Please complete and return to Headteacher/Chair of Governors who will acknowledge receipt and explain what action will be taken.**

<p><b>Your name:</b></p> <p><b>Pupil's name:</b></p> <p><b>Your relationship to the pupil:</b></p> <p><b>Address:</b></p> <p><b>Postcode:</b></p> <p><b>Day time telephone number:</b></p> <p><b>Evening telephone number:</b></p> <p><b>Please give concise details of your complaint to allow the matter to be fully investigated:</b></p>
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**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 actions do you feel might resolve the problem at this stage?**

**Are you attaching any paperwork? If so, please give details.**

**Signature:**

<b>Date:</b>
<b>Official use</b>
<b>Date acknowledgement sent:</b>
<b>By whom:</b>
<b>Complaint referred to:</b>
<b>Date:</b>

## Appendix 2

### Guidance for Staff Investigating Complaints\*

It is suggested that at each stage, the person investigating the complaint, makes sure that they:

- Establish **what** has happened so far, and **who** has been involved
- Take details of the complaint
- Clarify the nature of the complaint and what remains unresolved
- Meet with the complainant or contact them (if unsure or further information is necessary)
- Clarify what the complainant feels would put things right
- Interview all persons identified by the complainant as being relevant to the matter (and any others deemed appropriate) allowing them to be accompanied if they wish
- Conduct the interview with an open mind and be prepared to persist in the questioning
- Keep notes of the interview.

You should normally offer an appointment to discuss the issue as quickly as possible, as this will give both parties time to talk about it calmly and politely without being interrupted. Complaints need to be considered and resolved, as quickly and efficiently as possible, however where further investigations are necessary, new time limits can be set and the complainant sent details of the new deadline and an explanation for the delay.

At each stage in the procedure you will want to consider 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 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 and, if found appropriate, to modify practice and protocols accordingly.

It is useful if complainants are encouraged to state what actions they feel might resolve the problem at any stage. An admission that the school could have handled the situation better is not the same as an admission of negligence<sup>†</sup>.

An effective complaints procedure will identify areas of agreement between the parties. It is also of equal importance to clarify any misunderstandings that might have occurred as this can create a positive atmosphere in which to discuss any outstanding issues.

\*All staff investigating a complaint should have received (through INSET) appropriate instruction on how to conduct an enquiry.

<sup>†</sup>If a complaint is upheld which does lead to disciplinary action being taken against a member of staff, such detailed information cannot be divulged to the complainant, who should merely be informed that appropriate management action has been taken.

## **Appendix 3**

### **Guidance for Governing Body Complaints Appeal Panel Hearing**

The Complaints Appeal Panel will be made up of three governors. Normally the panel will be chaired by the chair of governors although another governor may be nominated to lead the process (and this may be necessary when the complaint is directed against the headteacher).

It is important that the appeal hearing is independent and impartial; no governor may sit on the appeal panel if they have had a prior involvement in the complaint or in the circumstances surrounding it.

The aim of the hearing, which should be held in private, is to resolve the complaint and achieve reconciliation between the school and the complainant. However, it has to be recognised that the complainant may not be satisfied with the outcome if the hearing does not find in their favour. It may only be possible to establish the facts and make recommendations which will satisfy the complainant that his or her complaint has been taken seriously.

An effective panel will acknowledge that many complainants feel nervous and inhibited in a formal setting. Parents often feel emotional when discussing an issue that affects their child. The panel chair will ensure that the proceedings are as welcoming as possible. The layout of the room will set the tone and care is needed to ensure the setting is informal and not adversarial.

#### **The Role of the Clerk**

The clerk is the contact point for the complainant and is required to:

- set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible
- collate any written material and send it to the parties in advance of the hearing, ensuring that complainants are aware that they may be accompanied
- meet and welcome the parties as they arrive at the hearing
- record the proceedings
- notify all parties of the panel's decision

#### **The Role of the Chair of the Panel**

The chair of the panel has a key role, ensuring that:

- the remit of the panel is explained to the parties and each party has the opportunity of putting their case without undue interruption
- the issues are addressed (and that in the event of a new issue arising during the course of the hearing, all parties are afforded the opportunity to consider and comment on it)
- key findings of fact are made
- parents and others who may not be used to speaking at such a hearing are put at ease
- the hearing is conducted in a manner that allows each party to treat the other with respect and courtesy
- the panel is open minded and acting independently
- no member of the panel has a vested interest in the outcome of the proceedings or has had any involvement in an earlier stage of the procedure
- each side is given the opportunity to state their case and ask questions
- written materials are seen by all parties

### **Before the meeting:**

- The formal complaints letter should be passed to the vice-chair if the chair will be unable to receive the letter within 7 working days
- Members of the panel should have no prior knowledge of the complaint and it is, therefore, unlikely that staff governors will be members of the panel
- The letter inviting the parent/carer to attend should indicate that they may be accompanied by a friend

### **At the meeting:**

- The panel must be made up of three members and a clerk –
- One member of the panel must be independent from the school
- Although this is a formal meeting, every effort should be made to make it as informal as possible for all concerned and parent / carer put at ease
- The clerk should take notes of the meeting, listing who is present and make everyone aware of the confidential nature of the process
- The chair of the panel should open the meeting, introducing panel members and stating the purpose and the format of the meeting to clarify this to all in attendance. The chair should note that the meeting will be minuted and that its outcome will be final, indicating that a record of the complaint and its outcome will be forwarded to the complainant.
- Other persons present should introduce themselves stating their reason for being at the meeting
- The chair of the panel should request a verbal statement from the complainant in support of his or her written letter of complaint and why he or she feels the issue has not been resolved. The panel members can ask questions to make sure they understand the issue from the parent's point of view
- The chair of the panel should request a verbal statement from the headteacher (or his or her representative) in support of his or her written account of the complaint and the steps taken to resolve the issue. The panel members can ask questions to make sure they understand the issue from the headteacher's point of view
- Members of the panel should make sure they fully understand the issues and ask any further questions to clarify any points that are still not clear to them
- The chair of the panel must ask the complainant and the headteacher (or his or her representative) if they are satisfied that they have provided all the information they wanted to present or if there is something they wish to add and if they feel they have had a fair hearing
- When the panel members understand all the issues, the chair will ask all parties to leave except the panel members and the clerk

### **After the meeting:**

- The panel members will need to consider the information presented in order to come to a decision and suggest a way to resolve the issue taking into account the best interests of the child or children.
- The panel members will discuss the issues in private and the clerk will remain to record their decision. The panel can:
  - Dismiss the complaint in whole or in part
  - Uphold the complaint in whole or in part
  - Decide on the appropriate action to be taken to resolve the complaint
  - Recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not recur

- When the panel have reached a decision the clerk will inform everyone concerned in writing as soon as possible, but in any event, within five working days of the panel meeting. The letter will also contain what the complainant should do if they wish to take the matter further, although it should be noted that if the correct procedure has been followed, the decision of the panel will be final.
- A record should be kept of the outcome of the hearing.
- Written records of complaints will be kept and reported on an annual basis to governors.