



# Winchelsea School

**Guernsey Road  
Poole BH12 4LL**

<b>Complaints Procedure</b>			
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## **WINCHELSEA SCHOOL COMPLAINTS PROCEDURE**

### **1. Introduction**

From 1 September 2003 all maintained schools and maintained nursery schools in England are required, under Section 29 of the Education Act 2002, to have in place a procedure to deal with complaints relating to the school and to any community facilities or services that the school provides.

### **2. Principles when Dealing with Complaints**

The complaints procedure is based on the following principles:

- Confidentiality should be respected;
- All parties give and expect both courtesy and consideration;
- Communication is the key to solving disputes and disagreements;
- Concerns and complaints will be dealt with fairly and as speedily as possible;
- Complainants will be kept informed at every stage, whether it is an informal or formal complaint or a concern.

At each stage in the procedure, Winchelsea School wants to resolve the complaint. If appropriate, we will acknowledge that the complaint is upheld in whole or in part. In addition, we may offer one or more of the following:

- an explanation;
- an admission that the situation could have been handled differently or better;
- an assurance that we will try to ensure the event complained of will not reoccur;
- an explanation of the steps that have been or will be taken to help ensure that it will not happen again and an indication of the timescales within which any changes will be made;
- an undertaking to review school policies in light of the complaint;
- an apology.

If an individual wishes to withdraw their complaint, we will ask them to confirm this in writing.

### **3. Responsible Person or Complaints Coordinator**

The Headteacher.

#### **4. Who can make a Complaint?**

This complaints procedure is not limited to parents or carers of children that are registered at the school. Any person, including members of the public, may make a complaint to Winchelsea School about any provision of facilities or services that we provide. Unless complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions), we will use this complaints procedure. Complaints can be made by third parties acting on behalf of complainants provided appropriate authority is in place.

Consideration can be given to complaints made by parents of pupils who no longer attend the school, provided the complaint / concern is received within three months of the child ceasing attendance at the school.

We will not normally investigate anonymous complaints. However, the Headteacher or Chair of Governors, if appropriate, will determine whether the complaint warrants an investigation.

#### **5. The Difference between a Concern and a Complaint**

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

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

It is in everyone's interest that concerns and complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to use the formal stages of the complaints procedure. Winchelsea School takes concerns seriously and will make every effort to resolve the matter as quickly as possible.

If you have difficulty discussing a concern with a particular member of staff, we will respect your views. In these cases, the Headteacher will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, the Headteacher will refer you to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the concern objectively and impartially is more important.

We understand, however, that there are occasions when people would like to raise their concerns formally. In this case, Winchelsea School will attempt to resolve the issue internally, through the stages outlined within this complaints procedure.

#### **6. How to raise a Concern or make a Complaint**

The majority of parental concerns/complaints can be resolved informally and speedily. Where a complainant has a concern about what the school has done, or not done:

- that concern should be raised verbally with the teacher or Headteacher as soon as possible
- explaining the 'what' and the 'why' of that concern

It may be that the teacher/Headteacher is unaware of the problem or there might have been a misunderstanding.

If a complainant is dissatisfied with the outcome and feels the matter cannot be resolved in an informal way, or feels so deeply about that concern that it is wished to take the matter further, then the opportunity exists to make a formal complaint.

Complainants should not approach individual governors to raise concerns or complaints. They have no power to act on an individual basis and it may also prevent them from considering complaints at Stage Two of the procedure.

Complaints against school staff (except the Headteacher) should be made in the first instance, to the Headteacher via the school office. Please mark them as Private and Confidential.

For ease of use, a template complaint form is included at the end of this procedure. If you require help in completing the form, please contact the school office. You can also ask third party organisations such as Citizens Advice to help you.

In accordance with Equality law, we will consider making reasonable adjustments if required, to enable complainants to access and complete this complaints procedure. For instance, providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations.

## 7. Timescales

You must raise the complaint within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. We will consider complaints made outside of this time frame if exceptional circumstances apply.

We will consider complaints made outside of term time to have been received on the first school day after the holiday period.

## 8. Scope of this Complaints Procedure

This procedure covers all **informal** complaints / concerns and **formal** complaints other than those set out below.

Exceptions	Who to Contact
<ul style="list-style-type: none"> <li>• Admissions to Schools</li> <li>• Statutory Assessments of</li> </ul>	Concerns about admissions, statutory assessments of Special Educational Needs, or school re-organisation

<ul style="list-style-type: none"> <li>Special Educational Needs</li> <li>School Re-organisation Proposals</li> </ul>	<p>proposals should be raised with the Bournemouth, Poole and Christchurch Council.</p>
<ul style="list-style-type: none"> <li>Matters likely to require a Child Protection Investigation</li> </ul>	<p>Complaints about Child Protection matters are handled under our Child Protection Policy and in accordance with relevant statutory guidance.</p> <p>If you have serious concerns, you may wish to contact the Local Authority Designated Officer (LADO) who has local responsibility for safeguarding issues.</p>
<ul style="list-style-type: none"> <li>Exclusion of Pupils from School</li> </ul>	<p>Further information about raising concerns about exclusion can be found at: <a href="http://www.gov.uk/school-discipline-exclusions/exclusions">www.gov.uk/school-discipline-exclusions/exclusions</a>.</p>
<ul style="list-style-type: none"> <li>Whistleblowing</li> </ul>	<p>We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors.</p> <p>The Secretary of State for Education is the prescribed person for matters relating to education for whistleblowers in education who do not want to raise matters direct with their employer. Referrals can be made at: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a>.</p> <p>Volunteer staff who have concerns about our school should complain through the school's complaints procedure. You may also be able to complain direct to the Local Authority or the Department for Education (see link above), depending on the substance of your complaint.</p>
<ul style="list-style-type: none"> <li>Staff Grievances</li> </ul>	<p>Complaints from staff will be dealt with under the school's internal grievance procedures.</p>
<ul style="list-style-type: none"> <li>Staff conduct</li> </ul>	<p>Complaints about staff will be dealt with under the school's internal disciplinary procedures, if appropriate.</p> <p>Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.</p>
<ul style="list-style-type: none"> <li>Complaints about services provided by other providers who may use school premises or facilities</li> </ul>	<p>Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct.</p>

If other bodies are investigating aspects of the complaint, for example the Police, Local Authority safeguarding teams or Tribunals, this may impact on our ability to adhere to the timescales within

this procedure or result in the procedure being suspended until those public bodies have completed their investigations.

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

## **9. Formal Complaints to the Headteacher – Stage One**

Formal complaints must be made in writing, either in a letter, e-mail or preferably on the form attached to this document. It should be made clear that it is a formal complaint. If a complainant is unable to complete their complaint in writing, they should contact the School Office for support.

Formal complaints should be addressed to the Headteacher. If addressed to the Chair of Governors, an individual Governor or member of staff they will be passed to the Headteacher.

The Headteacher or the individual nominated to handle the complaint (the investigator) will record the date the complaint is received and will acknowledge receipt of the complaint in writing (or by e-mail) within 3 school days. If relevant, within this response any further clarification concerning the complaint will be sought. Consideration will be given as to whether a face to face meeting is the most appropriate way of doing this.

The Headteacher or the investigator will investigate the complaint. The Headteacher will respond to the complainant in writing within 10 school days of the date of receipt of the complaint.

During the investigation, the Headteacher or investigator will:

- if necessary, interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish
- keep a written record of any meetings/interviews in relation to their investigation.

At the conclusion of their investigation, the Headteacher will provide a formal written response within 10 school days of the date of receipt of the complaint.

If the Headteacher is unable to meet this deadline, they will provide the complainant with an update and revised response date.

The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions Winchelsea School will take to resolve the complaint.

The Headteacher will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage One. At this stage the outcome of the investigation by the Headteacher is final.

If the complaint concerns the Headteacher, then it should be made in writing and addressed to the Chair of Governors via the school office in an envelope marked as Private and Confidential.

Complaints about the Chair of Governors, any individual governor or the whole governing body should be addressed to the Clerk to the Governing Body via the school office. Please mark them as Private and Confidential.

If the complaint is about the Headteacher, or a member of the Governing Body (including the Chair or Vice-Chair), a suitably skilled governor will be appointed to complete all the actions at Stage One.

If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire Governing Body or
- the majority of the Governing Body

Stage One will be considered by an independent investigator appointed by the Governing Body or the LA. At the conclusion of their investigation, the independent investigator will provide a formal written response.

At this stage the outcome of the investigation by the Headteacher is final.

## **10. Formal Complaints to the Chair of Governors – Stage Two**

If the complainant is dissatisfied with the outcome of the Headteacher's investigation (Stage One) and feels strongly about taking matters further, the opportunity exists to make a formal complaint to the Chair of Governors. **In order to progress to Stage Two of the procedure, Stage One must have been completed first.**

A request to escalate to Stage Two must be made to the Clerk to the Governing Body within 10 school days of receipt of the Stage One response. Requests received outside this timeframe will only be considered if exceptional circumstances apply.

The Clerk to the Governing Body will record the date the complaint is received and will acknowledge in writing (or by e-mail) receipt of the complaint within 3 school days of receiving the complaint. He/she will advise that a complaints panel of 3 members of the Governing Body, who have not had any previous involvement in the complaint to ensure impartiality, will be convened at a date and time convenient to all parties but within 15 school days of receipt of the complaint.

If the complainant rejects the offer of three proposed dates, without good reason, the Clerk will decide when to hold the meeting. It will then proceed in the complainant's absence on the basis of written submissions from both parties.

Prior to the meeting, the complaints panel will decide amongst themselves who will act as the Chair of the panel. If there are fewer than three governors from Winchelsea School available, the Clerk will source any additional, independent governors through another local school or through the LA's Governor Services team, in order to make up the panel. Alternatively, an entirely independent panel may be convened on behalf of the Governing Body to hear the complaint at Stage Two.

The complainant may bring someone along to provide support. This can be a relative or friend. Generally, we do not encourage either party to bring legal representatives to the panel meeting. However, there may be occasions when legal representation is appropriate. For instance, if a school employee is called as a witness in a complaint meeting, they may wish to be supported by union and/or legal representation.

At least 7 school days before the meeting, the Clerk will:

- confirm and notify the complainant of the date, time and venue of the meeting, ensuring that, if the complainant is invited, the dates are convenient to all parties and that the venue and proceedings are accessible
- request copies of any further written material to be submitted to the panel at least 5 school days before the meeting.

Any written material will be circulated to all parties at least 3 school days before the date of the meeting. The panel will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

The panel will also not review any new complaints at this stage or consider the inclusion of evidence unrelated to the initial complaint. New complaints must be dealt with as a separate complaint following the Stage One procedure.

The meeting will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own disability or special needs require it. Prior knowledge and consent of all parties attending must be sought before meetings or conversations take place. The meeting will be appropriately minuted and consent will be recorded.

The Governors' complaints panel will take the following points into account, bearing in mind that each party will be given the opportunity to state their case, ask questions and written material will be seen by all parties:

- The hearing will be as informal as possible;

- Witnesses are only required to attend for the part of the hearing in which they give their evidence;
- After introductions, the complainant is invited to explain their complaint, and be followed by their witnesses;
- The Headteacher may question both the complainant and the witnesses after each has spoken;
- The Headteacher is then invited to explain the school's actions and be followed by the school's witnesses;
- The complainant may question both the Headteacher and the witnesses after each has spoken;
- The panel may ask questions at any point;
- The complainant is then invited to sum up their complaint;
- The Headteacher is then invited to sum up the school's actions and response to the complaint;
- Both parties leave together while the panel decides on the issues;
- The Chair explains that both parties will be written to within 5 school days of the hearing, setting out the panel's decision(s).

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.

The decision of the panel is final and the matter closed. At this stage, the school's complaints procedure at this stage will have been exhausted.

The Chair of the panel will provide the complainant and Winchelsea School with a full explanation of their decision and the reason(s) for it, in writing, within 5 school days.

The letter to the complainant will include details of how to contact the Department for Education if they are dissatisfied with the way their complaint has been handled.

If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire governing body or
- the majority of the governing body

Stage Two will be heard by a panel of independent governors.

The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions Winchelsea School will take to resolve the complaint.

The response will also advise the complainant of how to escalate their complaint should they remain dissatisfied.

## **11. Next Steps**

If the complainant believes the school did not handle their complaint in accordance with the published complaints procedure or they acted unlawfully or unreasonably in the exercise of their duties under education law, they can contact the **Local Authority** after they have completed Stage Two. This may be done through the Clerk to the Governing Body.

**The Local Authority will respond to the complaint within the framework of their own Complaints Procedure.**

## **12. Unreasonable Complainants**

Winchelsea School is committed to dealing with all complaints in a consistent, fair and impartial manner. 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.

Winchelsea School defines 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'. More information can be found in the Unreasonable Complaints Policy. Please ask the School Office for a copy.

**WINCHELSEA SCHOOL COMPLAINT FORM**

**Please complete and return to the Headteacher in an envelope marked as Private and Confidential. The Headteacher will acknowledge receipt and explain what action will be taken.**

**Your name:**

**Pupil's name:**

**Your relationship to the pupil:**

**Address:**

**Postcode:**

**Day time telephone number:**

**Evening telephone number:**

**Email address:**

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

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

**Signature:**

**Date:**

**Official use**

**Date acknowledgement sent:**

**By who:**

**Complaint referred to:**

**Date:**

## **Roles and Responsibilities**

### **Complainant**

The complainant will receive a more effective response to the complaint if they:

- explain the complaint in full as early as possible;
- co-operate with the school in seeking a solution to the complaint;
- respond promptly to requests for information or meetings or in agreeing the details of the complaint;
- ask for assistance as needed;
- treat all those involved in the complaint with respect;
- refrain from publicising the details of their complaint on social media and respect confidentiality.

### **Investigator**

The investigator's role is to establish the facts relevant to the complaint by:

- providing a comprehensive, open, transparent and fair consideration of the complaint through:
  - sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved;
  - interviewing staff and children/young people and other people relevant to the complaint;
  - consideration of records and other relevant information;
  - analysing information.
- liaising with the complainant and the Headteacher as appropriate to clarify what the complainant feels would put things right.

The investigator should:

- conduct interviews with an open mind and be prepared to persist in the questioning;
- keep notes of interviews or arrange for an independent note taker to record minutes of the meeting;
- ensure that any papers produced during the investigation are kept securely pending any appeal;
- be mindful of the timescales to respond;
- prepare a comprehensive report for the Headteacher or complaints panel that sets out the facts, identifies solutions and recommends courses of action to resolve problems.

The Headteacher or complaints panel will then determine whether to uphold or dismiss the complaint and communicate that decision to the complainant, providing the appropriate escalation details.

## **Complaints Co-ordinator**

This will usually be the Headteacher / designated complaints governor or other staff member providing administrative support).

The complaints co-ordinator should:

- ensure that the complainant is fully updated at each stage of the procedure
- liaise with staff members, Headteacher, Chair of Governors, Clerk and LAs (if appropriate) to ensure the smooth running of the complaints procedure
- be aware of issues regarding:
  - sharing third party information
  - additional support. This may be needed by complainants when making a complaint including interpretation support or where the complainant is a child or young person
- keep detailed records.

## **Clerk to the Governing Body**

The Clerk is the contact point for the complainant and the panel and should:

- ensure that all people involved in the complaint procedure are aware of their legal rights and duties, including any under legislation relating to school complaints, education law, the Equality Act 2010, the Freedom of Information Act 2000, the Data Protection Act (DPA) 2018 and the General Data Protection Regulations (GDPR);
- set the date, time and venue of the meeting, ensuring that the dates are convenient to all parties (if they are invited to attend) and that the venue and proceedings are accessible;
- collate any written material relevant to the complaint (for example; stage 1 paperwork, school and complainant submissions) and send it to the parties in advance of the meeting within an agreed timescale;
- record the proceedings;
- circulate the minutes of the meeting;
- notify all parties of the panel's decision.

## **Panel Chair**

The panel's chair, who is nominated in advance of the complaint meeting, should ensure that:

- both parties are asked (via the Clerk) to provide any additional information relating to the complaint by a specified date in advance of the meeting;
- the meeting is conducted in an informal manner, is not adversarial, and that, if all parties are invited to attend, everyone is treated with respect and courtesy;
- complainants who may not be used to speaking at such a meeting are put at ease. This is particularly important if the complainant is a child/young person;
- the remit of the panel is explained to the complainant ;
- written material is seen by everyone in attendance, provided it does not breach confidentiality or any individual's rights to privacy under the DPA 2018 or GDPR;

- If a new issue arises it would be useful to give everyone the opportunity to consider and comment upon it; this may require a short adjournment of the meeting;
- both the complainant and the school are given the opportunity to make their case and seek clarity, either through written submissions ahead of the meeting or verbally in the meeting itself;
- the issues are addressed;
- key findings of fact are made;
- the panel is open-minded and acts independently;
- no member of the panel has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure;
- the meeting is minuted;
- they liaise with the Clerk (and complaints co-ordinator).

### **Panel Member**

Panel members should be aware that:

- the meeting must be independent and impartial, and should be seen to be so. No governor may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it;
- the aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant. We recognise that the complainant might not be satisfied with the outcome if the meeting does not find in their favour. It may only be possible to establish the facts and make recommendations;
- many complainants will feel nervous and inhibited in a formal setting. Parents/carers often feel emotional when discussing an issue that affects their child;
- extra care needs to be taken when the complainant is a child/young person and present during all or part of the meeting. Careful consideration of the atmosphere and proceedings should ensure that the child/young person does not feel intimidated. The panel should respect the views of the child/young person and give them equal consideration to those of adults.
- If the child/young person is the complainant, the panel should ask in advance if any support is needed to help them present their complaint. Where the child/young person's parent is the complainant, the panel should give the parent the opportunity to say which parts of the meeting, if any, the child/young person needs to attend. However, the parent should be advised that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting that the panel considers is not in the child/young person's best interests;
- the welfare of the child/young person is paramount.