



ALLEESTREE WOODLANDS SCHOOL

COMPLAINTS POLICY AND PROCEDURE

DATE OF POLICY ADOPTION BY GOVERNORS:	21 st June 2021
AUTHOR/S OF POLICY:	Gemma Penny
DATE OF LAST REVIEW:	February 2023
DATE OF NEXT REVIEW:	February 2024

Enabling aspiration and achievement through delivery of a knowledge-rich curriculum underpinned by our CORE values:

COURAGE

OPTIMISM

REGARD

ENDEAVOUR

Policy Intent Statement

Allestree Woodlands School endeavours to provide the best education possible for all of its students in an open and transparent environment. We welcome any feedback that we receive from parents, students and third parties, and we accept that not all of this will be positive. Where concerns are raised, the school intends for these to be dealt with:

- Fairly
- Openly
- Promptly
- Without Prejudice

In order to do so, the governing board of Allestree Woodlands School has approved the following procedure which explains what you should do if you have any concerns about the school. All members of staff will be familiar with the procedure and will be able to assist you.

Our complaint handling procedure adheres to the recommendations of the Equal Opportunity Commission and enables the following key steps:

- Listening to the complaint
- Demonstrating understanding
- Recording of the complaint
- Ensuring facts are established
- Exploring ways to resolve the issue
- Being timely
- Following up on issues.

We do request that anyone wishing to raise a complaint does so with due regard to those who work for and on behalf of the school. The school will not accept harassment or intimidation of employees or governors.

Approved by the resources committee June 2021.

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Which procedure do I need?

Sometimes, when concerns are more specific, there are alternative and more appropriate policies for dealing with them. The following list details specific topics of complaints, and the correct policy to refer to. You can access these policies on the school website or ask for a copy from the main school reception.

- Student admissions: please see the school's admissions policy or contact Derby City Council
- Student exclusions: please see the school's behaviour and exclusions policies
- Staff grievance, capability or disciplinary: these are covered by the school's grievance/disciplinary/capability procedures.
- Where the complaint concerns a third party used by the school; please complain directly to the third party themselves.
- Anonymous complaints: please refer to the Whistleblowing policy.
- Subject Access Requests and Freedom of Information Requests: please see the school's Data Protection and Freedom of Information policy.

Raising concerns

The majority of concerns can be dealt with without resorting to the formal procedure. Where you have a concern about any aspect of the school or your child's education or wellbeing please raise this with your child's form tutor/subject teacher/head of subject/head of house via the phone, email or in person in the first instance. Ideally, they will be able to address your concerns on the spot, or can arrange a meeting with you to discuss the issue.

All concerns will be dealt with sensitively and professionally. The staff member may need to take notes if they feel that the matter may need to be taken further or it may arise again in the future. Any such notes will be kept in accordance with the principles of the Data Protection Act 2018. However, such notes would be able to be used to as evidence if further investigation was required, or if the concern became a formal complaint.

Safeguarding

Wherever a complaint indicates that a child's wellbeing or safety is at risk, the school is under a duty to report this to the appropriate agencies. Any action taken will be in accordance with the school's safeguarding policy, which can be found on the school's website and current legislation.

Social Media

In order for complaints to be resolved as quickly and fairly as possible, Allestree Woodlands School requests the complainants do not discuss complaints publically via social media such as Facebook and Twitter. Complaints will be dealt with discretely for those involved, and we expect complainants to exercise discretion also.

Complaints that result in staff capability or disciplinary

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

Procedure

If you need to raise a concern in the first instance, please do so with the relevant member of staff who will be happy to talk to you and seek to establish a solution. The concern raised will be addressed within a 30-day time frame. If you are not satisfied with this response and believe the issue has not been resolved, please use the following procedure as detailed below.

Stage One

20 school days

- Completion and submission of complaints form by complainant to Headteacher
- Informal investigation by a member of staff nominated by the Headteacher
- Where dissatisfied with outcomes, progress to Stage Two
- Record of complaint made by investigating staff
- Feedback to headteacher by investigating staff.

Stage Two

30 School days

- Formal investigation by a member of the senior leadership team (SLT) nominated by the Headteacher
- Record of complaint made by investigating staff
- Feedback to headteacher by investigating staff
- Where dissatisfied with outcomes, progress to stage 3.

Stage Three

30 School days

- Formal appeal to a panel of governors
- This is the final stage of the school's complaints procedure. Where dissatisfied with outcomes, contact the Department for Education and/or Ofsted

Timeframes

Allestree Woodlands School will endeavour to abide by timeframes stated under each stage but acknowledges that in some circumstances, this is not always possible due to the complexity of information needed to review a complaint or difficulties regarding individual's availability to deal with the complaint, for example. If it becomes apparent that it is not possible to complete any stage of the complaints procedure within a given timeframe, the individual responsible for handling the complaint will contact the complainant as soon as possible and come to an agreed timeframe that works for all parties involved.

Allestree Woodlands School reserves the right not to investigate complaints that have been made three months after the subject of the complaint took place, except in exceptional circumstances. What is meant

by exceptional circumstances is where new evidence has become known, where the complaint is of an especially serious matter or where there is reasonable justification for why the complainant has been unable to raise the complaint before this time. The Headteacher will review the situation and decide whether or not to enact the complaints procedure, informing the chair of governors of the decision.

Who should I approach?

Educational matters:	Form tutor/subject teacher/subject leader
Pastoral care:	Form Tutor/Assistant Head of House/Head of House
Disciplinary matters:	the staff member who initiated the sanction
Financial/Administration matters:	the School Business Manager/Deputy School Business Manager
Complaint about a staff member's conduct:	direct approach to the staff member themselves. Where this does not resolve the situation, their line manager should be approached.

Complaints about the Headteacher or the governors

Where a complaint regards the Headteacher, the complainant should first directly approach the Headteacher in an attempt to resolve the issue informally. If the complainant is not satisfied with this outcome they should notify the clerk to the governors (see contact details at the end of the document). The Stage Two process will then commence, but with the chair of governors as the individual responsible for the investigation rather than a member of the SLT.

Where a complaint regards a governor, the same process applies as for the Headteacher. Where a complaint concerns the Chair of Governors, the individual should contact the clerk to the governors. Informal resolution will be sought, but where this fails, the complaints procedure at Stage 3 will take immediate effect. The vice chair of governors will mediate any proceedings.

Unreasonable and/or vexatious complaints

Where a complainant raises an issue that has already been dealt with via the school's complaints procedure, and that procedure has been exhausted, the school will not reinvestigate the complaint except in exceptional circumstances, for example where new evidence has come to light.

If a complainant persists in raising the same issue, the Headteacher will write to them explaining that the matter has been dealt with fully in line with the school complaints procedure, and therefore the case is now closed. The complainant will be provided with the contact details of the Department for Education (see the end of this document) if they wish to take the matter further.

Unreasonable complaints include the following scenarios:

- The complainant refuses to co-operate with the school's relevant procedures.
- The complainant changes the basis of the complaint as the complaint progresses.
- The complainant seeks an unrealistic outcome
- Excessive demands are made on the time of staff and school governors and it is clearly intended to aggravate.
- The complainant acts in a way that is vexatious, abusive or offensive.

The Headteacher will use their discretion to choose not to investigate these complaints. Where they decide to take this course of action, they must inform the chair of governors that they have done so, explaining the nature of the complaint and why they have chosen not to investigate. If the chair deems it appropriate to, they can redirect the Headteacher to investigate the complaint. The full complaints procedure will commence from stage one on this direction.

If the chair upholds the Headteacher's decision not to look into the complaint and the complainant deems this decision to be so unreasonable that no other rational body in the same position would have made that decision, then the complainant may write to the Department for Education (see the contact details on page 8).

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

- If you have any queries regarding any aspect of the complaints procedure, please direct these to: The Clerk to the Governors at Allestree Woodlands School, Blenheim Drive, Allestree, Derby, DE22 2LW clerktogovernors@woodlands.derby.sch.uk.

Chair of Governors – chairofgovernors@woodlands.derby.sch.uk .

- If you remain dissatisfied with the outcome of the complaints procedure, please contact the local authority –
Derby City Council. Council House, Corporation Street, Derby DE1 2FS
- If you remain dissatisfied with the outcome of the complaints procedure, please contact the
 - Education and Skills Funding Agency (ESFA),
 - Earlsdon Park, 53-55 Butts Road, Coventry, CV1 3BH
- If the complainant feels that the governing board acted 'unreasonably' in the handling of the complaint, they can complain to the Department for Education after the complaints procedure has been exhausted. Please note that unreasonable is used in a legal sense and means acting in a way that no reasonable school or authority would act in the same circumstances.
 - Department for Education, Piccadilly Gate, Store Street. Manchester, M1 2WD
- Ofsted will also consider complaints about schools after the complaints procedure has been exhausted. Ofsted, Piccadilly Gate Store Street, Manchester, M1 2WD

Relevant legislation and guidance

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

The Data Protection Act 2018 <https://www.legislation.gov.uk/ukpga/2018/12/contents/enacted>

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

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

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

Keeping Children Safe in Education 2020
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/954314/Keeping_children_safe_in_education_2020_-_Update_-_January_2021.pdf

If you wish to make a complaint, please show regard to our staff.

Allestree Woodlands School is committed to promoting a safe and healthy workplace culture, and will take a positive approach towards tackling the problem of bullying and harassment at work.

Bullying, aggression and harassment towards school staff (including Governors and others who provides services to and for the school) is unacceptable. All members of staff have the right to expect a safe and secure workplace, and the school has a legal and ethical duty to do their utmost to prevent staff from being bullied, abused or harassed in the course of their work.

The School expects all school users (including students, parents and visitors) to treat staff and other school users with the courtesy and respect that they would expect to receive themselves.

The School will not tolerate violence, threats of violence or abusive language or behaviour towards our staff (including Governors and others who provide services to and for the School). If this happens, legal action will be taken.

Where you have concerns about the school curriculum or other matters these will be discussed, as far as possible, within informal contact and meetings with the appropriate teachers, senior staff or the Headteacher. It is hoped that your concerns can be resolved speedily and amicably.

Where a particular difficulty cannot be resolved, a complaint can be registered with the school. The school follows a complaints procedure that follows local and national guidelines.

Headteacher

APPENDIX 1 – Stages of the Complaint

Stage One – Informal investigation by a member of staff nominated by the Headteacher

Where, as a result of raising a concern the complainant, still feels that the issue has not been addressed, or where the outcome has been that the complaint needs further investigation than can be resolved briefly, they may progress by making an informal complaint. In doing so, the following steps will be followed:

1. Complainant contacts the staff member/subject leader/Head of house
2. The complainant must explain in writing: (*NB: if writing is a problem please contact the school*)
 - An overview of the complaint so far
 - who has been involved
 - why the complaint remains unresolved
 - action they would like to be taken to put things right.
3. The staff member/subject leader/head of house will respond within 5 school days (excluding those which fall in the school holidays) of having received the written complaint. They will explain what action they intend to take.
4. Where the complaint is about a member of staff or a school governor/academy trustee, the Headteacher will arrange an informal mediation meeting between the two parties to see if a resolution can be agreed.
5. The staff member/subject leader/ head of house will provide a written confirmation of the outcome of their investigation within 15 school days (excluding those which fall in the school holidays) of having sent confirmation of the intended action. Where the complainant is not satisfied with the outcome, they are able to progress to stage two of the complaints process, and launch a formal written complaint.
6. The staff member will make a record of the concern and the outcomes of the discussion which will be held centrally for twelve months, in line with the principles of the Data Protection Act 2018

Stage Two– Formal investigation by a member of the senior leadership team (SLT) nominated by the Headteacher

1. The complainant may submit a formal complaints form to the Headteacher using the Allestree Woodlands School Formal Complaints Form (*please see the end of this document*)
2. The Headteacher or member of the SLT will respond in writing within 10 school days (excluding those that fall in the school holidays) of the date of receipt of the complaint to acknowledge receipt of the complaint and explain what action will be taken, giving clear timeframes.
3. A log of all correspondence in relation to the complaint will be kept in accordance with the Data Protection Principles.
4. The Headteacher or member of the SLT will consider all relevant evidence; this may include but is not limited to:

- a statement from the complainant,
 - where relevant a statement from an individual who is the subject of the complaint
 - any previous correspondence regarding the complaint
 - any supporting documents in either case
 - interview with anyone related to the complaint.
5. The Headteacher or member of the SLT may decide to have a meeting with the complainant (and where relevant, the subject of the complaint) if they feel that it would be appropriate for the investigation.
6. After considering the available evidence, the Headteacher or member of the SLT can:
- Uphold the complaint and direct that certain action be taken to resolve it
 - Reject the complaint and provide the complainant with details of the stage three appeals process
 - Uphold the complaint in part: in other words, the Headteacher or member of the SLT may find one aspect of the complaint to be valid, but not another aspect. They may direct for certain action to be taken to resolve the aspect that they find in favour of the complainant.
 - The Headteacher or member of the SLT must inform the complainant of their decision in writing within 20 school days (excluding those that fall in the school holidays) of having issued written acknowledgement of the receipt of the complaint. They must explain clearly why they have come to the decision that they made. They must detail any agreed actions as a result of the complaint. Finally, they must provide the complainant with details of how to progress the complaint to stage three if they are not satisfied, providing them with the contact details of the clerk to the governors (see the end of the procedure for these).

Stage Three – Appeal – review by a panel of the governing board.

If the complainant wishes to appeal a decision by the Headteacher or member of the SLT at stage two of the procedure, or they are not satisfied with the action that the Headteacher or member of the SLT took in relation to the complaint, the complainant is able to appeal this decision.

They must write to the clerk (see the contact details at the end of the procedure) as soon as possible after receiving notice of the Headteacher or member of the SLT decision, briefly outlining the content of the complaint and requesting that a complaints appeal panel be convened.

The clerk will fulfil the role of organising the time and date of the appeal hearing, inviting all the attendees, collating all the relevant documentation and distributing this 5 days in advance of the meeting, recording the proceedings in the form of minutes, and circulating these and the outcome of the meeting.

The complainant must request an appeal panel within 4 weeks of receiving the Headteacher or member of the SLT decision or it will not be considered, except for in exceptional circumstances. On receipt of this written notification, the following steps will be followed:

1. The clerk will write to the complainant within five school days (not including the school holidays) to confirm receipt of the appeal request and detail further action to be taken.

2. The clerk will convene a panel of three school governors. All three panel members will have no prior knowledge of the content of the complaint.
3. The appeal hearing will take place within 20 school days (excluding those which fall in the school holidays) of receipt of the date of the confirmation letter from the clerk to the complainant, confirming the appeal.
4. In addition to the panel, the following parties will be invited, where applicable:
 - the complainant
 - the Headteacher or member of the SLT who dealt with the complaint at Stage 2
 - Where the complaint regards a member of staff, the staff member who is the subject of the complaint.

The complainant is also able to bring a companion with them to the hearing if they wish. Where the subject of the complaint is a member of staff, that staff member is also able to bring a companion with them.

The companion will be a friend or a colleague. Neither party is able to bring legal representation with them. If after the hearing any party feels that legal action is necessary, please see the contact details at the end of the procedure.

5. If the attendance of any students is required at the hearing, parental permission will be sought if they are under the age of 18. Extra care will be taken to consider the vulnerability of children where they are present at a complaints hearing.
6. Where the complaint is about a governor/trustee, the complainant may request that the appeal is heard by an entirely independent panel. It is at the discretion of the governing board who will notify the clerk of their decision. Where an entirely independent panel is required, timescales may be affected while the school source appropriate individuals for the review.
7. The panel can make the following decisions:
 - Dismiss the complaint in whole or in part
 - Uphold the complaint in whole or in part
 - Decide on the appropriate action to be taken to resolve the complaint
 - Recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not recur.
8. All parties who attended the meeting will be informed in writing of the outcome of the appeal within 5 school days (excluding those that fall in the school holidays).

This is the final stage at which the school will consider the complaint.

If the complainant remains dissatisfied and wishes to take the complaint further, please see the contact details at the end of the document. The school will not consider the complaint beyond this.

APPENDIX 2 – FORMAL COMPLAINTS FORM

Please contact the school if an alternative format is needed or if assistance in completing the form is required.

Your Name	
House/Flat/Building Number and street name	
Town	
County	
Postcode	
Your Telephone number	
Your Email address	

Formal Complaint

Please provide as much detail as possible. All of the boxes expand to take additional text.

Name of child(ren) affected	
Relationship to child(ren) named above	
I am writing to make a formal complaint about	
Please describe what your complaint is and how it arose	
What do you think the school did wrong or did not do? Include date, names of witnesses etc.	
What action, if any, have you already taken to try and resolve your complaint? (who have you spoken with or written to and what was the outcome?)	
What do you think the school should do to resolve matters at this stage?	

Please list copies of any documents you are attaching to the complaint.

Please consider if you give consent to share your personal data with any investigating officer or not. Please tick either:

I give my consent for information held in paper and electronic records in respect of my case to be made available to any allocated investigator. I consent to this confidential and sensitive data to be shared for that specific purpose. I realise that any information held about any third party cannot be shared without their specific consent.

Should it be necessary in the view of the investigator to seek that third party consent I give my approval that they may share sufficient information with that third party to enable that person to make an informed choice about whether or not to give consent to sharing that person's information with the investigator.

OR

I do not give my consent to share my personal data to an investigating officer. I acknowledge that this may limit the scope of the complaint investigation.

Signed _____ Dated _____

Please return the completed form by post to The Headteacher, Allestree Woodlands School, Blenheim Drive, Allestree, Derby DE22 2LW OR by email to headteacher@woodlands.derby.sch.uk.

OFFICE USE ONLY:

Date form received:

Received by:

Date acknowledgment sent:

Acknowledgment sent by:

Complained referred to:

Date referred:

Date response sent:

Outcome of complaint: