

# BISHOP WORDSWORTH'S SCHOOL

## COMPLAINTS PROCEDURE

### A Statutory Procedure

#### **Definitions:**

1. *'Parent(s)' includes guardian(s) or any person who has parental responsibility for the student or who has care of the student.*
2. *A 'concern' is 'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'. A complaint is 'an expression of dissatisfaction however made, about actions taken or a lack of action'.*
3. *'Is to', 'are to' and 'must' are obligatory. 'Should' is not obligatory but is good practice and is to be adhered to unless non-compliance can be justified.*

#### **GENERAL**

1. This Procedure is written in accordance with Schedule 1, Part 7 of the Education (Independent School Standards) Regulations 2014.
2. Allegations against teachers and other staff of abuse against children are to be acted on in accordance with the Department for Education (DfE) statutory guidance in the Child Protection and Safeguarding Policy.
3. This Policy concerns complaints by parents of current or recently departed students only. Complainants not within this scope should consult the appropriate procedures or external agency listed in Paragraph 23.

#### **COMPLAINT STAGES & RESPONSE**

4. **Aim.** The aim of this Procedure is to enable concerns and complaints by parents to be resolved informally if possible and for the Procedure to:
  - a. Be easily accessible.
  - b. Be simple to understand and use.
  - c. Be impartial and non-adversarial.
  - d. Allow swift handling with established time-limits for action while keeping people informed of the progress.
  - e. Ensure a full and fair independent investigation where necessary.
  - f. Respect confidentiality.
  - g. Address all the points at issue.
  - h. Provide an effective response and appropriate redress if necessary.
  - i. Provide information to Bishop Wordsworth's School's (the School's) leadership team so that any appropriate improvements may be made.
5. **Stages.** The aim is enabled by a five-stage procedure whereby the concern or complaint may be resolved at any stage or taken to the next stage if the complainant is not satisfied. The stages are:
  - a. **Stage 1 (Informal) – Concern or Complaint Made to a Staff Member or Governor.** Any concerns or complaints should first be made to the relevant member of staff, who may be the Head, either verbally or in writing. It is hoped that most issues can be resolved at this stage and therefore it will normally be appropriate to ask the

complainant at the earliest stage what they think might resolve the issue (note that DfE advice is that an acknowledgement that the School could have handled the situation better is not the same as an admission of unlawful or negligent action). A governor should normally refer a complainant to the Head or relevant member of staff unless the complaint refers to governance in which case the governor may attempt to resolve it or, more usually, refer it to the Company Secretary.

b. **Stage 2 (Formal) – Complaint Heard by the Head.** A formal complaint must be by letter or email unless the complainant has a disability which precludes this in which case it may be made in person or by telephone. The Head may delegate hearing the complaint to a member of the Leadership Team.

c. **Stage 3 (Formal) – Complaint Heard by the Chair of Governors.** Any complaint that has not been determined to the complainant's reasonable satisfaction using Stage 1 or Stage 2 must be made to in writing to the Company Secretary, as in Stage 2 above. It is to be acknowledged and passed to the Chair of Governors. At this stage, the complaint will not be disclosed to the whole Governing Body, except in very general terms, in order that governors are not prejudiced if they later sit on a complaints panel. The Chair may hear the complaint, ask another governor to hear it or decide that it should be heard by a panel and therefore invoke Stage 4. If a governor hears a Stage 3 complaint, that governor may make such enquiries of members of staff as he or she thinks appropriate. All information so provided will be copied to the complainant. The governor's decision will be put in writing and sent to the Company Secretary who will copy it to the Head who may in turn copy all or part of it to other members of staff concerned with or affected by the decision. It will also be copied to the Chair of Governors. If the complaint proceeds to Stage 4 or Stage 5, the written decision will form part of the material to be considered at either or both of those Stages. The Governor who heard or conducted the complaint under Stage 3 may not be part of the Stage 4 Complaints Panel.

d. **Stage 4 (Formal) – Complaint Heard by Governing Body's Complaints Panel.** See paragraphs 18 to 22.

e. **Stage 5 (Formal) – Complaint Referred to an External Agency.** See Paragraph 23.

6. **Complaint Detail.** Complainants should give as much detail as possible about the source and nature of the complaint. Anonymous complaints should not be considered. Complaints should be made as soon as possible but no later than three months after the event unless there are specific circumstances why the complaint could not have been made within three months.

7. **Response.** An initial response to formal complaints is to be made by letter or email within three school days and the target for a final response is fifteen school days. If the final response will take longer than this the complainant is to be advised. Notwithstanding this target time of school days, complaints are to be responded to during School holidays if possible.

8. **Investigation.** At any stage it may be appropriate for an investigation to be set up to establish the facts. An investigator may be appointed by the Head or Chair of Governors. Anybody who is a subject of the complaint is to be informed of the investigation.

9. **Outcome.** The complainant is to be informed when the complaint has been considered, whether or not it has been upheld and what further action they may take if not satisfied with the response.

10. **Schematic.** A schematic of the main points of the Complaints Procedure is at Annex A and guidelines for handling complaints are at Annex B.

## **TYPES OF CONCERNS OR COMPLAINTS**

11. **General.** The day to day running of the School is the responsibility of the Head and general complaints should be made to a relevant member of staff or to the Head.

12. **Against Students.** Complaints should normally be addressed to the appropriate Head of Pastoral Section or, in serious cases, to the Deputy Head (Pastoral). On receipt of a complaint, the Head of Pastoral Section or the Head is to inform the parents of the student(s) concerned and initiate an investigation by appropriate School staff. However, if the complaint concerns Child Protection or Safeguarding then the procedures in that Policy are to be followed.

13. **Against Members of Staff.** Complaints should be addressed to the Head who is to inform the member of staff concerned and initiate an investigation. If the complaint is an allegation of improper behaviour with children, the allegation is to be handled in accordance with the Child Protection and Safeguarding Policy. The Head is to observe the agreed staff disciplinary procedures for an accusation of serious professional misconduct; this may include the suspension of the member of staff from their duties pending the completion of the investigation. Initially, the Head is to inform the Chair of Governors and Chair of the Pay & Staffing Committee that a complaint has been made. Further guidelines are at Annex B.

14. **Against the Head.** Complaints against the Head are to be routed via the Company Secretary to the Chair of Governors who is to inform the Head and initiate an investigation; agreed staff disciplinary procedures are to be observed. In the case of an accusation of serious professional misconduct, this may include the suspension of the Head from their duties pending consideration by the Chair of Governors (or a governors' panel) of the investigation findings. If the complaint is an allegation of improper behaviour with children, the allegation is to be handled in accordance with Child Protection and Safeguarding Policy.

15. **Against a Governor.** Complaints against a governor are to be routed via the Company Secretary to the Chair of Governors, or the Vice Chair if the Chair is the subject of the complaint. The Chair, or Vice Chair, is to initiate an investigation. If the complaint is an allegation of improper behaviour with children, the allegation is to be handled in accordance with Child Protection and Safeguarding Policy.

16. **Complaints Concerning the Curriculum.** Complaints concerning the curriculum should be addressed to the Deputy Headmaster (Academic) who is the Curriculum Director.

17. **Serial and Persistent Complaints.** If the School has followed this Procedure but is contacted repeatedly by an individual making the same points it will normally be appropriate to follow the Unreasonable Correspondence Procedure at Appendix 1 to Annex B to this Policy.

## **COMPLAINT PANELS**

18. The aim of a complaints panel hearing is to resolve the complaint and achieve reconciliation between the School and the complainant if possible. Panel members are to be reminded that many complainants feel nervous and inhibited in a formal setting and that parents often feel emotional when discussing an issue that affects their child. Extra care is to be taken if students attend the Panel so they do not feel intimidated.

19. A complaints panel is to consist of either 2 or 4 governors appointed by the Chair of Governors who were not involved in the complaint and a member who is independent of the School. The panel members are to elect one of their number as Chair. If the whole Governing Body is aware of the detail of a complaint before a complaints panel has been

convened, it may be appropriate for an independent panel to hear the complaint: e.g. of governors from another school.

20. The complainant may attend the panel hearing and may be accompanied.

21. The Panel may be conducted as the members feel appropriate but generally is to follow the procedure for discipline panels at Annex B of the Staff Disciplinary Procedure.

22. The findings and recommendations of the Panel are to be distributed by letter or email within 7 days (with appropriate privacy markings) to governors (restricted, if appropriate, to non-staff governors) to the complainant and, if appropriate, to anybody who was the subject of the complaint. The letter or email is to include notification to the complainant that, if still not satisfied, they may contact the relevant agency listed at Paragraph 23. The Panel has the following options for findings:

- a. Dismiss the complaint in whole or in part.
- b. Uphold the complaint in whole or in part.
- c. Decide on the appropriate action to be taken to resolve the complaint.
- d. Recommend changes to the School's systems or procedures to avoid similar issues.

### **FURTHER COMPLAINANT ACTION**

23. If still unhappy with the School's findings a complainant may then refer the complaint as follows:

- a. General complaints to the Education and Skills Funding Agency (ESFA): 'academy.questions@education.gov.uk'. Advice may also be obtained from the DfE helpline: Tel 0370 002288 or 0300 1234 234 or by 'googling' "complaints about academies". The ESFA cannot change a panel decision but can ask for the decision or Complaints Procedure to be reviewed: it may only deal with the following categories of complaints:
  - (1) Undue delay if the School did not comply with this Complaints Procedure.
  - (2) Breach of the Funding Agreement
  - (3) An allegation that the School failed to comply with any other legal obligation.
- b. The quality of education or leadership: to Ofsted.
- c. About discrimination: to the Equality Advisory Support Service: [www.equalityadvisoryservice.com](http://www.equalityadvisoryservice.com).
- d. About data protection: to the Information Commissioner's Office: <https://ico.org.uk>.
- e. About examination malpractice or maladministration: with the Office of Qualifications and Examinations Regulation (Ofqual) and relevant awarding body.
- f. About employment matters: (raised through the School's grievance procedure): to an Employment Tribunal.
- g. About safeguarding or child protection matters: to the Wiltshire Council's Children Protection Board.
- h. About a child or young person's Statement of Special Educational Need & Disability: to the ESFA unless there is another route of appeal, for example the First Tier Tribunal (Special Educational Needs and Disability) Service formerly the Special Educational Needs and Disability Tribunal (SENDIST).
- i. About admissions: appeals through the Admissions Policy and then to the ESFA.

- j. About exclusions of students from School: <https://www.gov.uk/school-discipline-exclusions/exclusions>.
- k. Whistleblowing: Whistleblowing Policy; Ofsted; ESFA.
- l. About services provided by other bodies using School facilities: to the body providing the service.

These external agencies should also be consulted by complainants that do not meet the condition outlined in Paragraph 3.

## **RECORDING COMPLAINTS**

24. A written record is to be kept by the Company Secretary of all formal complaints and how they are resolved, including the panel findings where appropriate. A complainant has the right under the Freedom of Information Act to see the record of their complaint.

25. All correspondence, statements and records relating to complaints are to be kept confidential except where the Secretary of State or a body conducting an investigation under Section 162A of the 2002 Act requests access to them.

## **CHANGES IN LEGISLATION**

26. If, during the currency of this Policy, any statute or statutory instrument is enacted that adds to, modifies or is in conflict with any provisions of the Policy, then the Policy will be deemed to include any such statutory provision to the extent necessary to make the Policy compliant with that provision.

## **MONITORING AND EVALUATION**

27. The Governing Body will monitor the level and nature of complaints and review the outcomes annually to ensure the effectiveness of this Procedure.

28. This Policy is to be reviewed annually. It was first adopted in February 1995. The most recent 3 years' review history is below:

8 <sup>th</sup> November 2018	Minor updates
26 <sup>th</sup> November 2019	Minor updates
20 <sup>th</sup> November 2020	Minor updates
16 <sup>th</sup> November 2021	Minor updates; removal of surplus annex
6 <sup>th</sup> June 2023	Minor updates
6 <sup>th</sup> June 2024	No updates

Annexes:

- A. Complaints Procedure: Information for Parents.
- B. Guidelines for Dealing with Complaints.
- C. Complaints about Members of Staff by Parents and Students (Guidelines for Governors, Head and Staff).

See also: Behaviour & Discipline Policy.

**ANNEX A  
TO COMPLAINTS PROCEDURE**

**COMPLAINTS PROCEDURE – INFORMATION FOR PARENTS**

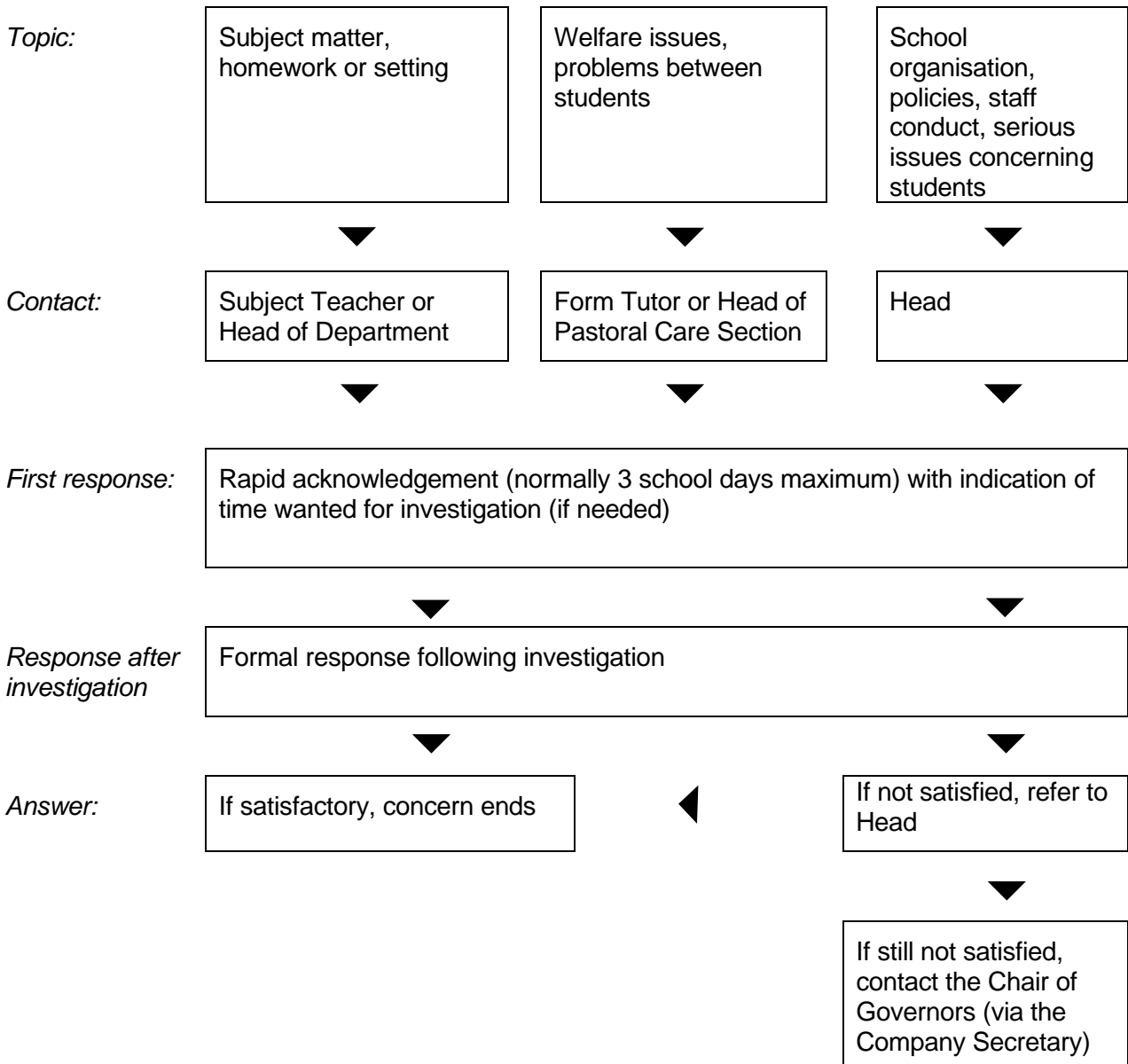
If you have a concern or complaint about our School we have formulated a procedure to follow as summarised below. When a letter is specified an email is acceptable.

*When to contact us:* When you are concerned about something at our School or wish to complain.

*Why?* We want a supportive partnership in which problems are ironed out. This is far better for students than divisions between home and School.

*How?* Telephone call if the issue is urgent followed by a letter or email. Always send a letter or email when making a formal complaint.

*Who?* Depends of the nature of the issue, the main options are:



**COMPLAINTS PROCEDURE – GUIDELINES FOR DEALING WITH COMPLAINTS**

1. **Receiving the Complaint.** The recipient of a complaint is to:
  - a. Listen empathetically to the complainant.
  - b. Offer an immediate neutral acknowledgement verbally or within three school days in writing indicating what action will be taken, by whom and by when.
  - c. Decide, in consultation with senior staff if necessary, to whom the complaint should be referred.
  - d. Ensure that all relevant information is passed on to an investigator if appointed.
2. **Action on Informal Complaints.** If the staff member considering an informal complaint finds that there is a case to answer the following methods of redress may be offered:
  - a. An apology.
  - b. An explanation
  - c. Action to put things right.
  - d. An admission that the situation could have been handled differently or better.
  - e. An assurance that the event complained of will not recur.
  - f. An explanation of the steps that have been taken to ensure that it will not happen again.
  - g. An undertaking to review School policies in light of the complaint.

Complaints made directly to a governor are to be referred as directed at Subparagraphs 5.a and 5.c of this Policy.

3. **Feedback to the Complainant.** The complainant is to be informed of the staff member's findings as soon as possible and also how the complaint may be elevated to a formal complaint if they are not satisfied. The Head is also to be informed of the outcome and he is to inform the Chair of Governors if appropriate.
4. **Serial and Persistent Complaints.** The definition and procedure for unreasonable correspondence which includes serial and persistent complaints is at Appendix 1 to this Annex.

Appendix:

1. Unreasonable Correspondence Procedure.

## **UNREASONABLE CORRESPONDENCE PROCEDURE**

### **PURPOSE OF THIS PROCEDURE**

1. A few people correspond with or complain to the School or Governing Body in a way that could reasonably be described as obsessive, harassing or repetitious. Such correspondence takes up a disproportionate amount of staff time and can result in unacceptable stress for governors and staff. This Procedure is designed to address such unreasonable correspondence and complaints which, in the paragraphs below, are referred to together as 'unreasonable correspondence'
2. It is important that the use of this Procedure does not prevent people from accessing School services to which they have an entitlement. It is designed to ensure that their rights are protected, while ensuring that scarce resources are used fairly and effectively, and that governors and staff receive a reasonable degree of protection from the inconvenience that can be caused by unreasonable correspondence and complaints.
3. This Procedure is not designed to address violent or threatening behaviour which requires an urgent response.

### **DEFINING UNREASONABLE CORRESPONDENCE OR COMPLAINTS**

4. A complaint may be regarded as unreasonable when the person making the complaint:
  - a. Refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance.
  - b. Refuses to co-operate with the complaints investigation process while still wishing their complaint to be resolved.
  - c. Refuses to accept that certain issues are not within the scope of a complaints procedure.
  - d. Insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice.
  - e. Introduces trivial or irrelevant information which the correspondent 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.
  - f. Makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced.
  - g. Changes the basis of the complaint as the investigation proceeds.
  - h. Repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed).
  - i. 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.
  - j. Seeks an unrealistic outcome.
  - k. Makes excessive demands on School time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint during its investigation.



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

- a. Maliciously.
- b. Aggressively.
- c. Using threats, intimidation or violence.
- d. Using abusive, offensive or discriminatory language.
- e. Knowing it to be false.
- f. Using falsified information.
- g. Publishing unacceptable information in a variety of media such as in social media websites and newspapers.

6. Correspondents are to be advised to minimise further communications with the School while a complaint is being progressed because repeated correspondence could delay the outcome being reached.

### **HANDLING UNREASONABLE CORRESPONDENCE & COMPLAINTS**

7. A detailed procedure for handling unreasonable correspondence cannot easily be defined or followed because each case will be different. However, the following guidelines are to be observed where appropriate.

8. **Initial Action.** If governors or staff receive correspondence that they consider is unreasonable, they are to discuss their concerns with the Head or Chair of Governors. If the Head or Chair agrees with the assessment, then the Head, or preferably the Chair, should discuss any concerns with the correspondent informally.

9. **Formal Action.** If an informal approach is not appropriate or is rejected but the behaviour continues and the Head and Chair agrees that the correspondence is unreasonable, the Chair is to write to the correspondent explaining why governors consider the correspondence to be unreasonable, its effect upon staff, governors and the School, and asking them to cease such correspondence.

10. **Communication Plan.** If appropriate, specific methods of communication may be imposed on the correspondent via a Communication Plan (e.g. no telephone calls and only emails to the Head or Chair) and the number of contacts per month limited after which further correspondence will be ignored. The Communication Plan should normally be reviewed after six months. If the behaviour has improved after six months, future correspondence may be treated in the normal way. If there has not been a significant improvement, the correspondent is to continue to be treated as unreasonable and there are to be further six-monthly reviews if appropriate. The correspondent is to be advised that, if no substantive new issue is raised, any future correspondence will be limited as per the Communication Plan and whether this decision will be reviewed in six months.

11. **Receipt of Future Correspondence.** Any staff or governors who are likely to receive correspondence from the correspondent are to be instructed to forward it to the Head or Chair.

12. **Appeal.** There is no internal route of appeal against a decision that correspondence is unreasonable.

13. **Reviewing the Decision.** Six months after the correspondent has been advised that their complaint and/or correspondence is unreasonable, that decision is to be reviewed if appropriate. The Chair and Head are to consider whether there has been any

improvement in the unreasonable behaviour over that time and write to the correspondent advising them of the outcome of the review.

## **COMPLAINTS ABOUT MEMBERS OF STAFF BY PARENTS AND STUDENTS**

### **GUIDELINES FOR GOVERNORS**

1. The Governors recognise:
  - a. The extreme sensitivity of issues involving complaints about members of staff and issues arising from these.
  - b. The importance of balancing the need to represent the justifiable concerns of parents with the responsibility to support the staff of the School.
  - c. The need to distinguish between matters of policy and procedure and issues of staff discipline.
  - d. The need at all times to have due regard for established procedures governing complaints, discipline, capability (alleged incompetence), grievance and appeals etc which have been adopted by the Governing Body.
2. A Governor who is the recipient of a complaint is not to attempt to resolve it unless it is a minor comment or issue concerning a staff member of which the governor has direct knowledge. Therefore, a governor is normally to request a complainant to put the complaint in writing and then inform the Head and, if appropriate, the Chair of Governors that there may be a complaint.
3. The Head, in consultation with the Chair if appropriate, is to decide whether the complaint will be investigated. If the decision is to proceed, the investigation is to be instigated by the Head in accordance with the procedures in this Policy.
4. On the completion of the investigation, the Head is to:
  - a. Report the outcome to the governors restricting the report to non-staff governors if appropriate.
  - b. If necessary, initiate and follow the appropriate procedure on issues of discipline or capability.
5. In the event of the complaint concerning the Head, the Chair of Governors is to comply with this Procedure.

### **GUIDELINES FOR THE HEAD AND STAFF**

6. No complaint about a member of staff is to be considered if it is based on hearsay or is anonymous although exceptionally, if an anonymous complaint is of a very serious nature, the Head or Chair of Governors may take appropriate action.
7. The complainant and the exact nature of the complaint must be advised to the member of staff concerned.
8. The complaint must be acknowledged as soon as it is received and an undertaking given that an investigation will take place.
9. At this stage, no judgement must be made by the member of staff who receives the complaint. He or she must be seen to be impartial.
10. If an investigator is appointed he/she is to be independent of the issue and the people involved (but would normally be a member of the School staff). The investigation is to be completed promptly and in accordance with Paragraph 8 of this Policy.