



# Complaints Resolution Procedure

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| <b>Scrutinised and recommended by</b> | <b>Finance and Resources Committee</b> |
| <b>Next Review by</b>                 | Spring 2022                            |
| <b>Responsibility</b>                 | School Leadership Group                |

## **1. Introduction**

The values and ethos of Westminster City School are central to our Complaints Resolution Procedure. We are committed to ensuring the highest levels of communication and partnership with our parents through our pastoral structure, through the Headteacher's Forum and through regular opportunities for face-to-face communication.

Parents/carers, students and any other interested parties (hereafter, complainant) are encouraged, through this procedure and through the pastoral structure, to raise concerns or to make complaints easily and without anxiety and in the knowledge that concerns and complaints will be treated seriously, impartially and, except where disclosure is legally required, confidentially.

This Complaints Resolution Procedure describes the actions to be followed if a complainant wishes to make a formal complaint about any aspect of Westminster City School. This includes complaints about the curriculum but excludes complaints for which other policies exist including Sexual Health and Relationships Education, Admissions, Exclusions, Special Educational Needs and Staff Grievances.

This policy is written with due regard to the government guidance, *Creating an Academy complaints procedure* updated January 2015.

## **2. The Five Stage Procedure**

The key stages of our Complaints Resolution Procedure are as follows:

- Stage 1 Informal Resolution with a relevant staff member.
- Stage 2 Formal Complaint to the relevant member of Leadership Group for investigation.
- Stage 3 Formal Resolution by appeal to the Head Teacher.
- Stage 4 Independent Resolution through a panel hearing.
- Stage 5 Referral to the Department for Education (DfE)

Note: If a complaint is made directly against the Head Teacher the procedure begins at Stage 4.

### **2a. Stage 1 – Informal Resolution (this is where most complaints will be dealt with)**

#### **Resolution**

Complainants should, wherever possible, seek an early and informal resolution of all concerns. Westminster City School will take reasonable measures necessary to respond to and rectify any concerns before they become a Formal Complaint. Such measures will include some or all of the following:

- giving advice or reassurance;
- explaining the context to an incident or decision;
- gathering information from other staff or students;
- finding information from other sources;
- referring the concern or potential complaint to a senior colleague;
- reviewing or amending practice; giving feedback to complainant;
- apologising for mistakes or oversights; or
- arranging an informal meeting to listen to, and try and solve, the complaint.

The member of staff who responds to the complainant should provide a prompt summary in writing to the complainant within 10 school days, detailing the concern and what has been done at the informal resolution stage.

### Making contact

A complainant with a concern or potential complaint should normally first contact the student's tutor, if the concern is of a pastoral nature, or the child's classroom teacher, if the concern is around learning and lessons. There may be occasions where the first contact may be with an alternative, normally more senior teacher, for example the student's Head of Year or Subject Leader. Other staff (for example, a subject teacher, or member of the Leadership Group) may need to be involved or consulted if this teacher cannot resolve the matter alone.

If the complainant is not putting forward a complaint on behalf of, or in respect of, a particular student, if, for example, it is a member of the public, contact would be made with the Head Teacher, via the Head Teacher's PA and the matter dealt with accordingly (which could include other members of the Leadership Group resolving the issue).

Parents and carers are welcome to contact the Chair of Governors in the manner outlined on the Academy website on any issue, however if they are raising a concern or complaint the Academy will ask that they follow the Complaints Resolution procedure.

Any complaint against a member of the Leadership Group should go to the Head Teacher. A complaint against the Head Teacher should go straight to the Chair of Governors (via letter marked Private and Confidential).

### Time-frame

In the event that a complainant is dissatisfied with Westminster City School's response through the informal complaints resolution process, then they are entitled to proceed with a formal written complaint in accordance with the procedure below (this will be within 10 school days from the date of the informal decision letter)

## **2b. Stage 2 – 5 Formal Complaints**

### Stage 2 – Formal Resolution by the relevant member of the Leadership Group

1. If the concern or complaint has not been resolved informally, the complainant should put it in writing using the Formal Complaint Record (Appendix A), addressed to the relevant member of Leadership Group (Appendix B).
2. In their complaint, the complainant is required to suggest proportionate and reasonable action which will resolve their complaint.
3. There will be an initial response within 10 school days of the complaint being received. Where necessary, the member of Leadership Group will meet with the complainant to discuss the matter and if possible to reach a resolution at this stage.
4. Where a complaint is received during a school holiday, it will be deemed to have reached the school on the first full school day following its arrival.
5. It may be necessary to carry out investigations. The Academy has the discretion to decide which member of Leadership Group should lead on the investigation. The member of the Leadership Group will keep records of all complaints, and of meetings held in relation to them. Once the member of Leadership Group is satisfied that all the relevant facts have been established, a response to the complaint will be made and the complainant will be informed in writing, within 15 school days of the Formal Complaint being received by Westminster City School.
6. The nature of the response will depend on the nature of the complaint but it will always give a judgement whether and to what extent, if at all, the complaint is justified, and reasons; the response may include actions which the Academy intends to take or a decision.
7. A complainant, for complaints of a particularly serious kind (and for any complaints relating to the actions or conduct of a member of Leadership Group), may choose to address the Formal

Complaint directly to the Head Teacher, in which case Stage 3, the Formal Resolution by Appeal to the Head Teacher, will be dealt with by the Head Teacher.

### Stage 3 – Formal Resolution by Appeal to the Head Teacher

1. If Stage 2 has not resolved the complaint satisfactorily the complainant should write to the Head Teacher within 15 school days of the date of the written response stating why an appeal for resolution by the Head Teacher is requested and, wherever possible, the action which the complainant wishes Westminster City School to take to resolve the concern.
2. The Head Teacher will acknowledge the appeal. Stage 3 will then follow the same steps, timescale, record keeping and form of response as set out for resolution by the member of Leadership Group in Stage 2.
3. If the complainant is not happy with the Head Teacher's response at Stage 3 then they can request this to be escalated to Stage 4. This must be done in writing to the Chair of Governors and the complainant must explain clearly how they would like the complaint resolved. This must be within 10 school days of the date of the decision letter.

### Stage 4 – Independent Resolution through a panel hearing

1. If Stage 3 has not resolved a complaint satisfactorily, the complainant should write within 10 school days of the Head Teacher's response to The Chair of Governors, who will acknowledge the letter of complaint within five school days of receiving the complaint.
2. A panel of two Governors and one member who is independent of the management and the running of the Academy (all of whom have not been involved in the complaint up to this point) will be convened to hear the complaint, normally within 20 school days of the complaint being acknowledged by the Chair of Governors.
3. The Clerk to the Governors or PA to the Head Teacher (depending on availability), unless he/she is the object of the complaint, will be present to act as clerk to the panel.
4. Members of the panel will have access to all relevant documentation and will be able to ask representatives of Westminster City School and the complainant for any other relevant information or documentation. It is intended that the process should not be legalistic.
5. The complainant may be accompanied at this meeting by one other person (e.g. relative, friend or a relevant specialist). If the complaint is from a group then no more than two representatives from that group will be allowed to attend the meeting.
6. If a student has made a complaint, they are encouraged to bring a parent, and may also be accompanied by one other person (e.g. relative, friend or a relevant specialist).
7. Due to the sensitive nature of some complaints it may be inappropriate for a student to be in the entirety of the panel hearing. The Chair of the complaints panel will, where he/she feels it is appropriate, ask a student of the Academy to leave the panel hearing at their discretion. The Chair also has the right to remove any person whose behaviour is unacceptable.
8. Both the Academy and the complainant can submit supporting papers to the complaints panel and these will be accepted at the discretion of the Chair of the panel.
9. If the Chair of the panel imposes a deadline before which papers must be submitted, then they reserve the right to refuse anything submitted after that date.
10. The Head Teacher may be accompanied by another person to support them during the hearing.
11. If possible, the panel will resolve the complaint without further investigation. Where further investigation is needed, the panel will decide how to carry out the investigation.
12. After due consideration of all relevant facts, the panel will give written findings in response to the complaint; the findings will depend on the nature of the complaint but the panel will always give a judgement whether and to what extent, if at all, the complaint is justified, and the panel's

reasons. The findings may include recommendations or actions which the panel requires Westminster City School to take.

13. The findings of the panel will be final. A copy of the findings will be sent to the complainant, Head Teacher and Governors (at the Academy address) and any person who is the object of the complaint, by electronic mail or by post, at the discretion of the panel.

#### Stage 5 - Referral to the Department of Education.

If Stage 4 has not resolved a complaint satisfactorily, the complainant should write within 10 school days of the report of the Governors' findings on the complaint to the Department of Education requesting their advice using the online form:

[https://form.education.gov.uk/submitform.php?self=1&form\\_id=cCCNJIxSfBE&type=form&ShowMsg=1&form\\_name=Contact+the+Department+for+Education&noRegister=false&ret=%2Fmodule%2Fservices&noLoginPrompt=1](https://form.education.gov.uk/submitform.php?self=1&form_id=cCCNJIxSfBE&type=form&ShowMsg=1&form_name=Contact+the+Department+for+Education&noRegister=false&ret=%2Fmodule%2Fservices&noLoginPrompt=1)

### **3. Students wishing to make a complaint**

Students are entitled to make a formal complaint in exceptional circumstances. The pastoral structure of Westminster City School gives many opportunities for informal resolution and all reasonable attempts should be made to resolve concerns before a formal complaint. If a student wishes to carry forward a formal complaint, the stages outlined above apply.

### **4. Confidentiality**

All information, correspondence, statements and records relating to individual complaints are kept confidential by the Academy, except where the Secretary of State or a body conducting a formal inspection requests access to them. Complainants are expected to comply with the confidentiality of the process.

### **5. Complaints Register**

Westminster City School will maintain a register of all formal complaints (Stage 2 and above). This register will help to identify trends and ensure that a resolution is made with appropriate feedback to the relevant parties.

### **6. Publication of Procedures**

The existence of the Complaints Resolution Procedure shall be published on Westminster City School's website as part of its publication scheme. Printed copies are available on request at Westminster City School.

## 7. Summary of time scales for a complaint

|             | Initial response by Academy                             | Investigation and response                                      | Response by complainant*   |
|-------------|---|---|--|
| Informal    | Within 10 school days of a concern being raised.        | Included in initial response.                                   | A formal complaint to be made within 10 school days from the date of the informal decision letter. |
| Formal      | Within 10 school days of the complaint being received.  | Within 15 school days of the complaint being received.          | Within 15 school days of the date of the member of Leadership Group's written response.            |
| Appeal      | Within 10 school days of receipt of the appeal request. | Within 15 school days of the appeal.                            | Within 10 school days of the date of the Head Teacher's written response.                          |
| Independent | Within 5 school days of receipt of the complaint.       | Within 20 school days of the initial response to the complaint. | Within 10 school days of the date of the Governors' report.  |

\*After any of these time intervals have elapsed, it will be assumed that the complainant does not wish to continue with the complaint, and the matter will be closed by the Academy. Complainants cannot re-open a closed complaint unless there are exceptional circumstances to justify their doing so.

## 8. Conduct and unreasonable complainants

Westminster City School is committed to dealing with all complaints fairly and impartially in accordance with its Complaints Resolution Procedure. Westminster City School expects that all parties will be respectful and courteous throughout the complaints process to maintain the confidentiality of it and Westminster City School will not tolerate verbal or physical harassment or abuse towards any of its staff members. Westminster City School will not tolerate any attempts to make public statements or derogatory or negative comments about the Academy or employees during this process.

In cases where threats are made against staff or allegations are made public or unnecessary unpleasant behaviour is seen, the Academy reserves the right to impose communication restrictions or close the complaint. This will only be done in exceptional circumstances and the Academy will warn complainants that their behaviour is unreasonable before issuing the sanctions above.

If a complainant makes a complaint which, after investigation, is deemed to be excessive, unfounded or based on exaggerated or elaborated statements, then the Head Teacher may decide to class the complaint as malicious. The Academy will keep a list of malicious complainants. The Academy reserves the right to stop the complaints process if the complaint is investigated and seen to be unfounded. This is especially so for complainants who have previously had a complaint deemed as malicious.

If necessary, the Chair of the Complaints Panel has the right to stop the complaints process at Stage 4 if the behaviour of the complainant is unreasonable as outlined above.

More guidance on how this type of behaviour will be dealt with is available in Appendix C.

## Appendix A Formal Complaint Record

Please complete all sections of this record. The record should be sent to the Head Teacher's PA, Westminster City School.

Name of complainant:

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Name of student at Westminster City School:

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Please give **full details** of your Formal Complaint.

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Please suggest the proportionate and reasonable action that Westminster City School can take to resolve your Formal Complaint

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*If you would like to do so, please continue on a separate sheet or attach a letter to this Formal Complaint Record.*

## Appendix B

### Leadership Group contacts for stage 2

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| Head Teacher   | Complaint against a member of Leadership Group   |
| Deputy Head Teacher (Student Standards and Achievement)        | Safeguarding; bullying; pastoral care; SEND; Exams   |
| Deputy Head Teacher (Academic Standards)                       | Teaching and Learning; Curriculum; subject choices; Marking and Assessment and Christian Ethos |
| Assistant Head Teacher (KS3 Student Standards and Achievement) | School trips; Community liaison  |
| Assistant Head Teacher (Inclusion and Partnerships)            | Community conduct; Student Voice   |
| Assistant Head Teacher (KS5 Student Standards and Achievement) | Sixth Form; Bursary  |
| Business Manager   | Premises; financial management; catering; Staff recruitment                                    |



## Appendix C

### Unreasonable Complaints

This appendix sets out how we will decide which actions or behaviours will be treated as unreasonable or unreasonably persistent, and what we will do in those circumstances.

It is important to distinguish between people who make a number of complaints because they really think things have gone wrong, and people who are unreasonably persistent in making their complaints.

If the complainant is persisting because their complaints have not been considered in full then the Academy must address this. However, if the Academy has already done so and has demonstrated this to the complainant, the Head Teacher (or Chair of the Governors Panel) should consider whether the behaviour of the complainant is now inappropriately persistent or malicious. This process should only be used as a last resort and after all reasonable measures have been taken to resolve complaints in accordance with the Academy's Complaints Resolution Procedure.

#### Identifying unreasonable or unreasonably persistent behaviour

We will not tolerate deceitful, abusive, offensive, threatening, discriminatory or other forms of unacceptable behaviour from complainants. Nor will personal attacks or threats towards employees be tolerated. When such actions occur, Westminster City School will take proportionate action to protect the wellbeing of our staff and the integrity of our processes, this may include closing the complaint following a warning that the behaviour is not acceptable.

The following are some of the actions and behaviours which the Academy would consider to be unreasonably persistent behaviour. Single incidents may be unacceptable but unreasonably persistent behaviour will usually be found when the complainant demonstrates the following behaviour over time:

- refusing to specify the grounds of a complaint despite offers of assistance;
- refusing to cooperate with the complaints investigation process while still wishing their complaint to be resolved;
- refusing to accept that issues are not within the power of the Academy to investigate, change or influence;
- insisting on the complaint being dealt with in ways which are incompatible with the Complaints Resolution Procedure or with good practice (insisting, for instance, that there must not be any written record of the complaint);
- making what appears to be an unjustified complaint about the staff dealing with the complaints, and seek to have them replaced;
- making excessive demands on the time and resources of staff dealing with the complaint by, for example, lengthy phone calls or emails to numerous Academy staff and expecting immediate responses raising subsidiary or new issues whilst a complaint is being addressed that were not part of the complaint at the start of the complaint process;
- introducing trivial or irrelevant new information whilst the complaint is being investigated and expecting this to be taken into account and commented on;
- changing the substance or basis of the complaint without reasonable justification whilst the complaint is being considered;
- denying statements made at an earlier stage in the complaint process;
- electronically recording meetings and conversations without the prior knowledge of the other person involved;
- refusing to accept the outcome of the complaint process after its conclusion or repeatedly arguing the point with no new evidence;
- making the same complaint repeatedly, perhaps with minor differences, after the Complaints Resolution Procedure has been concluded, and insist that the minor differences constitute 'new' complaints which should be put through the full Complaints Resolution Procedure; or

- raising numerous detailed but unimportant questions and insisting they are all answered.
- Threatening staff both directly or indirectly.
- Posting inappropriate comments about the Academy on social media or to external parties.

Actions in the event of unreasonable or unreasonably persistent behaviour.

In most instances when we consider someone's behaviour is unreasonable we will explain why and ask them to change it. We will also warn them that, if the behaviour continues, we may take action to restrict their contact with the Academy. Any restriction imposed should be appropriate and proportionate. Where the behaviour is so extreme that it threatens the immediate safety and welfare of Academy staff we may report the matter to the police or consider taking legal action.

- Restrictions that may be imposed by the Head Teacher include:
- Restricting contact only with named members of staff;
- Restricting contact by telephone except with a named Academy staff member;
- Restricting correspondence in connection with the complaint to letter and not email;
- Banning a complainant from the Academy site except with prior permission from the Head Teacher.
- Refusing to communicate further with the complainant.

In the event of unreasonable or unreasonably persistent behaviour which leads the Head Teacher to impose restrictions, the Head Teacher or designated member of Academy staff will notify the complainant:

- why their behaviour is being treated as unacceptable;
- the action the Academy is going to take;
- the duration of this action; and
- When this action will be reviewed.

Where the behaviour is abusive or it threatens the immediate safety and welfare of staff, the Academy will consider other options, including reporting the matter to the police or taking legal action to restrict access to Academy premises. In such cases, the Academy may not give the complainant prior warning of that action.

If a complainant makes a complaint which, after investigation, is deemed to be excessive, unfounded or based on exaggerated or elaborated statements, then the Head Teacher may decide to class the complaint as malicious. The Academy will keep a list of malicious complainants. The Academy reserves the right to stop the complaints process if the complaint is investigated and seen to be unfounded. This is especially so for complainants who have previously had a complaint deemed as malicious.

If necessary, the Chair of the Complaints Panel has the right to stop the complaints process at Stage 4 if the behaviour of the complainant is unreasonable as outlined above.