

St Thomas' CE Primary School

Complaints Procedure

May 2017

1. Introduction

The school's Governors are committed to provide the best education they can for all pupils attending the school. They recognise however that occasions may arise where parents, guardians or others wish to make a complaint. The governors are determined that any complaint against their decisions, actions or omissions, or against any decisions, actions or omissions by their staff, shall be dealt with fairly, effectively and as quickly and efficiently as possible. To this end, they have adopted the principles and procedures set out in this document. The Procedure is available/accessible on <http://www.st.rbkc.sch.uk/policies/>

2. Underlying framework and principles

The principles guiding the governors' procedure for handling complaints are that it should:

- (a) be easily **accessible** and well publicised;
- (b) encourage informal resolution wherever possible
- (c) be impartial and non-adversarial
- (d) be **simple** to understand and use;
- (e) allow **speedy** handling, with established time limits for action, and keep people informed of progress;
- (f) ensure a full and **fair** investigation is carried out;
- (g) respect people's desire for **confidentiality**;
- (h) address all the points at issue, provide an **effective** response and, if appropriate, redress;
- (i) provide **information** to management so that services can be improved if necessary.

Complaints will be treated seriously and courteously and given the time they require to be heard. It is important to the school that complainants have confidence in these procedures and know that their case will be thoroughly investigated and heard impartially.

Complainants will be advised at the earliest possible stage of:

- The scope, if any, for pursuing their complaint and the extent of the procedure for dealing with it.
- The way in which the complaint is likely to be handled.

Complaints will be dealt with as quickly and effectively as possible, adhering to time limits laid down for responding to complaints at each stage of the procedure. The procedures for the hearing of complaints will be adhered to by everyone involved unless there is good reason not to.

3. Definition of a complaint

A complaint, within the terms of the procedures described here, is an expression of dissatisfaction, however made, by a person or persons with a legitimate interest in the school but not being employed at the school*, about the standard of teaching of members of the teaching staff or about the conduct, actions or omissions of members of staff employed at the school or of the decisions made by the governing body.

** this is not meant to exclude staff who have a child at the school from using these procedures to make a complaint concerning the treatment of their child or their treatment as a parent of that child.*

4. Definition of a complainant

A complainant is someone:

- who has been, or feels that they have been wronged; or

- whose child or children have been (or it is alleged have been) wronged, i.e. parent, guardian or other person or agency with parental responsibility; or
- someone representing a person in one of the above groups, for example a Councillor, Member of Parliament or solicitor.

5. The Four school-based stages to hear a complaint:

- Stage 1 (informal): complaint heard by staff member (though not the subject of the complaint);
- Stage 2 (formal): complaint heard by head teacher;
- Stage 3 (formal): complaint heard by Chair of Governors
- Stage 4 (formal): complaint heard by GB's complaints appeal panel.

6. Resolving complaints

At each stage in the procedure the school will keep in mind ways in which a complaint can be resolved. It might be sufficient to acknowledge that the complaint is valid in whole or in part. In addition, it may be appropriate to offer one or more of the following:

- an apology;
- an explanation;
- an admission that the situation could have been handled differently or better; an assurance that the event complained about will not recur;
- an explanation of the steps that have been taken to ensure that it will not happen again;
- an undertaking to review school policies in the light of the complaint.

It will be useful if complainants are encouraged to state what actions they feel might resolve the problem at any stage. It is important that we identify areas of agreement between the parties. It is also of equal importance to clarify any misunderstandings that might have occurred so that we can create a positive atmosphere in which to discuss any outstanding issues.

7. Vexatious Complaints

There will be occasions when, despite all stages of the procedures having been followed, the complainant remains dissatisfied. If the complainant tries to reopen the same issue, the chair of the governing body is able to inform them in writing that the procedure has been exhausted and that the matter is now closed. If the complainant writes again on the same issue, then the correspondence may be recognised as vexatious and there will be no obligation on the part of the school to respond.

The school may take steps to limit or in some way ration contact for example:

- directing the parent to a specific teacher or other member of staff as a contact point.
- responding to the complainant at specific intervals.
- informal or formal written warnings given as to future behaviour and the consequences of that behaviour.

In these instances however, care should be taken not to dismiss any new complaints that have been raised alongside previous complaints.

Any new issues should be addressed separately under the relevant stage of the complaints procedure and a continued dialogue with the school is seen as extremely important as part of ensuring the best possible outcomes for children and a significant benefit of doubt should be given to parents / carers.

If a complainant in this category refuses to engage in the school's formal complaints procedures, but continues to complain, then the head teacher or chair of governors will consider informing the complainant that the complaints are vexatious.

If the complainant believes that the school has acted unreasonably they may appeal to the Department for Education.

8. Cut-Off Limits

Parents should make a complaint as soon as possible after an incident arises. Generally the school will consider complaints up to 6 months after the incident has occurred. However the school is willing to consider exceptions; there may be good reasons why a parent has not made a complaint earlier (e.g. they were gathering further information to support their complaint or they were not fully aware of the implications of an incident until a later date).

9 Handling complaints of various kinds

Where there are established statutory or other procedures for the disposal of a complaint, those procedures will be followed. Areas to which this applies are:

Parental choice of school

This is a matter for the School's Admissions Committee to resolve in accordance with the procedures laid down in section 94 of the Schools Standards and Framework Act 1998. Complaints should be referred to the Admissions Governors, St Thomas' CE Primary School, Appleford Road, London W10 5EF

Complaints about the Curriculum

If the complaint is that the National Curriculum is not being taught at the school, or that the Religious Education or collective worship does not meet the legal requirement, the complaint should, in the first instance, be referred to the Chair of Governors, St Thomas' CE Primary School, Appleford Road, London W10 5EF

Temporary disapplications of the National Curriculum

Section 367 of the Education Act 1996 gives parents the right of appeal to the governing body in respect of the cases where the head teacher has determined to disapply or modify the National Curriculum for a particular pupil for a specified period of time. The Act also allows appeal where a request by a parent to disapply or modify the National Curriculum for their child has been refused by the head teacher.

Such appeals shall be heard in accordance with the provisions of the Act and are not covered by the procedures set out here.

Appeals to the Special Educational Needs Tribunal

In certain circumstances parents may make an appeal to the Special Educational Needs Tribunal. This applies to a parent who has requested an assessment of their child's special educational needs, or whose child has a statement of special educational needs, issued by the Local Education Authority, following such a request and assessment. Details of how to make such an appeal are given in the booklet **Special Educational Needs Tribunal – How to appeal (available from the Special Educational Needs Section at the RBKC Town Hall)**

Exclusions from School

Sections 66 and 67 of the School Standards and Framework 1998 gives parents the right to make representations and, in the case of permanent exclusions, appeals to the governing body in cases where the child has been excluded from school. The procedure for making such representations are set out in the leaflets *fixed term exclusions from school and permanent exclusions from school* which are available at the school or from the Head of the Pupil Support Service in the Family and Children's Services Department of the Council.

Child protection

Where a complaint concerns alleged child abuse or child protection issues, the Local Authority should be advised immediately (The Principal Education Welfare Officer, at RBKC Town Hall) and they shall determine whether Child Protection procedures shall be invoked or not.

10. Complaints not covered by established procedures

Those complaints for which there is no other established procedure will be handled in the manner set out below. The procedure has two distinct stages – one informal and one formal. If the complainant is not satisfied at the conclusion of the formal stage, they may be able to pursue their complaint further with the Secretary of State for Education, or the Office of the Ombudsman.

The Stages of Complaints

The following stages should be followed:-

- **Stage 1** (informal): complaint heard by staff member (though not the subject of the complaint) or head teacher if appropriate
- **Stage 2** (formal): complaint heard by head teacher. The head teacher's influence will already have shaped the way complaints are handled in the school. At this point, the complainant may be dissatisfied with the way the complaint was handled at Stage 1 as well as pursuing their initial complaint. The head may delegate the task of collating the information to another staff member but not the decision on the action to be taken.
- **Stage 3** (formal): complaint heard by Chair of Governors. If the complainant is not satisfied with the response of the head teacher or the complaint is about the head teacher, the complainant should write to the Chair of Governors to request that their complaint is considered further.
- **Stage 4** (formal): complaint heard by GB's complaints appeal panel. The complainant usually needs to write to the Clerk to the Governing Body giving details of the complaint and asking that it is put before the appeal panel. The Chair, or if the Chair has been involved at any previous stage in the process, a nominated governor will convene a GB complaints panel.

COMPLAINTS PROCEDURE – INFORMAL STAGE

1. All complaints, however received, will be reported to the head teacher unless the complaint is specifically about the head teacher (see below). The head teacher may respond to the complaint directly or refer the complaint to another member of staff if she considers that to be appropriate. See Appendix I for Complaint Template (if a separate letter has not already been sent)
2. Where the complaint has been passed to a member of staff, that person will have a duty to inform the head teacher of progress in dealing with the complaint and of any issue which they are unable to resolve with the complainant. All written complaints and responses should be passed to the head teacher and filed in the office.
3. The head teacher may at the informal stage, refer the complainant to officers in the Local Authority if she considers that they may be able to assist in the resolution of the complaint. The head teacher may also approach the LA officers for their assistance in the resolution of the complaint.
4. The head teacher has the discretion to omit the informal stage of the procedure if she considers the circumstances or nature of the complaint makes this appropriate.
5. If the complaint is not, in the opinion of the head teacher, well founded, the complainant should be advised of this and an explanation given. If the complaint was made in writing, the complainant should be told in writing. In any case the complainant should be advised of their right to proceed to the formal stage of the procedure.
6. If the head teacher considers that the complainant had good cause or some cause for complaint but is unable to resolve the complaint to the complainant's satisfaction, she should advise the complainant of their right to proceed to the formal stage of the procedure. Again, if the complaint was made in writing, the response should be in writing.
7. A complaint made in writing will be acknowledged, in writing, within five school days of its receipt and the complainant will receive a written response within 15 school days of making the complaint unless there is good reason not to do so and the complainant will be advised of the reason for this.
8. Where the complaint is a complaint about the conduct of the head teacher the complaint should be sent to the chair person of governors who can be contacted through the school. The chair of governors will then take the role of the head teacher (as described in paragraphs 3,4,5,6 and 7) or nominate another member of the governing body to take that role. **If the complaint concerns child abuse or child protection issues the chair of governors will contact the LA immediately (Principal Education Welfare Officer).**

Investigating complaints:

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

- establish what has happened so far, and who has been involved;
- clarify the nature of the complaint and what remains unresolved;
- meet with the complainant or contact them (if unsure or further information is necessary);
- clarify what the complainant feels would put things right;
- interview those involved in the matter and/or those complained about;
- conduct the interview with an open mind and be prepared to persist in the questioning and follow-up actions if necessary;
- keep accurate notes of the interview, or arrange for an independent note taker to record minutes of the meeting.

COMPLAINTS PROCEDURE – FORMAL STAGE

1. Where it has not been possible to achieve an informal resolution acceptable to the complainant, the complainant will be invited to put their complaint in writing to the Head Teacher (if the complaint is already in writing a covering letter from the complainant or from the school may be attached). See Appendix I for Complaint template
2. The Head Teacher should acknowledge in writing receipt of the complaint within five school days of receiving it and respond to the complaint within fifteen school days where possible. The Head Teacher should decide whether she wishes to either investigate the complaint herself, or request another member of staff to investigate or, refer it on to a panel of governors established for that purpose.
3. In any case the Local Authority may be asked for assistance in the investigation. If the Head Teacher has already considered the complaint at the informal stage or if the complaint is about the head teacher herself, she should nominate another member of the governing body or a panel of governors to consider the complaint.
4. Where the complainant has difficulty in putting their complaint into writing, the Head Teacher, or chair of governors should consider whether to offer assistance or whether to offer an interview to the complainant. Where, following such an interview, further time is needed to investigate the matter, this will be stated at the interview and a time limit set by the Head Teacher, or designated governor.
5. Following any interview, a written record of the discussion will be made as well as a record of any further investigations.
6. Upon completion and consideration of the complaint at the formal stage, the outcome may be:
 - Complaint unfounded, no further action proposed;
 - Complaint upheld but action already taken by the head teacher or staff considered adequate;
 - Complaint upheld, direction given to head teacher to offer redress;
 - Complaint referred to appropriate committee of the governing body or to the LA for consideration or further procedures invoked, e.g. disciplinary action

The complainant will be notified in writing of the outcome of the investigation and of the decision taken.

Roles and Responsibilities during the Complaints Procedure:

The person responsible for conducting an investigation or dealing with a complaint should:

- set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible;

- collate any written material and send it to the parties in advance of the hearing (recommended at least five school days in advance);
- meet and welcome the parties as they arrive at the hearing;
- record the proceedings;
- notify all parties of the panel's decision and any appeal routes, should this be appropriate.
- copies of the meeting minutes should be provided to all parties involved, allowing a reasonable opportunity for the minutes to be agreed and, if necessary, challenged.

Complainants should respond to the written findings from the investigation within 4 school weeks if they wish to take the matter further. If there is no further response the school will assume the matter is closed.

It is not unknown for complainants to raise additional complaints because they do not agree with the record of the meeting. Where necessary, comments may be noted by both parties if there is a disagreement with the record of the meeting.

Conclusion

The School's Complaints Procedure is now exhausted. If the Complainant is dissatisfied with the outcome they may, if they are a parent of a child at the school, refer their complaint to the Secretary of State for Education (DFE). Complainants should be advised to write to The School Complaints Unit (SCU) at: Department for Education, 2nd Floor, Piccadilly Gate, Manchester, M1 2WD

What will the Department for Education do?

If a complaint has exhausted the local procedures, SCU will examine if the complaints policy and any other relevant policies were followed in accordance with the provisions set out. SCU also examines policies to determine if they adhere to education legislation. However, the department will not re-investigate the substance of the complaint. This remains the responsibility of schools.

If legislative or policy breaches are found, SCU will report them to the school and the complainant and, where necessary, require remedial action to be taken. Failure to carry out remedial actions could ultimately result in a formal Direction being issued by the Secretary of State.

Complaint Form Template

Please complete and return to (Name of person co-ordinating the complaint) who will acknowledge receipt and explain what action will be taken.

Your name:

Pupil's name (if relevant):

Your relationship to the pupil (if relevant):

Address:

Postcode:

Day time telephone number:

Evening telephone number:

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: