

# Complaints procedure

## West Hill Primary School



**Approved by:** Sam Cornish

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## 1. Aims

Our school aims to meet its statutory obligations when responding to complaints from parents of pupils at the school, and others.

West Hill Primary is dedicated to providing the best possible education and support for all its pupils. This means having a clear, fair and efficient procedure for dealing with any complaints to or against the school, so that any issues that arise can be dealt with as swiftly and effectively as possible.

When responding to complaints, we aim to:

- Be impartial and non-adversarial
- Facilitate a full and fair investigation by an independent person or panel, where necessary
- Address all the points at issue and provide an effective and prompt response
- Respect complainants' desire for confidentiality
- Treat complainants with respect
- Keep complainants informed of the progress of the complaints process
- Consider how the complaint can feed into school improvement evaluation processes

We try to resolve concerns or complaints by informal means wherever possible. Where this is not possible, formal procedures will be followed.

The school will aim to give the complainant the opportunity to complete the complaints procedure in full.

To support this, we will ensure we publicise the existence of this policy and make it available on the school website.

## 2. Legislation and guidance

This document meets the requirements of section 29 of the [Education Act 2002](#), which states that schools must have and make available a procedure to deal with all complaints relating to their school and to any community facilities or services that the school provides.

It is also based on [guidance for schools on complaints procedures](#) from the Department for Education (DfE).

In addition, it addresses duties set out in the [Early Years Foundation Stage statutory framework](#) with regards to dealing with complaints about the school's fulfilment of Early Years Foundation Stage requirements.

## 3. Definitions and scope

The DfE guidance explains the difference between a concern and a complaint.

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

The school will resolve concerns through day-to-day communication as far as possible.

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

The school intends to resolve complaints informally where possible, at the earliest possible stage.

There may be occasions when complainants would like to raise their concerns formally. This policy outlines the procedure relating to handling such complaints.

This policy does not cover complaints procedures relating to:

- Admissions
- Statutory assessments of special educational needs (SEN)
- Safeguarding matters
- Exclusion
- Whistle-blowing
- Staff grievances
- Staff discipline

Please see our separate policies for procedures relating to these types of complaint.

Arrangements for handling complaints from parents of children with SEN about the school's support are within the scope of this policy. Such complaints should first be made to the class teacher; they will then be referred to this complaints policy. Our SEN policy and information report includes information about the rights of parents of pupils with disabilities who believe that our school has discriminated against their child.

If there is an allegation or concern about physical or sexual misconduct towards a child, or there is a belief that a child may be at risk of serious harm, the school may immediately refer the case to child protection and welfare services. If it is decided that there is a cause for an official investigation, the decisions by these authorities will supersede those made by the school and outlined in this policy.

For more information on our school's provision for protecting our students, read our child protection and safeguarding policy, and the allegations of abuse against staff policy.

Complaints about services provided by other providers who use school premises or facilities should be directed to the provider concerned.

## 4. Principles for investigation

When investigating a complaint, we will try to clarify:

- What has happened
- Who was involved
- What the complainant feels would put things right

We also intend to address complaints as quickly as possible. To achieve this, realistic and reasonable time limits will be set for each action within each stage.

Where further investigations are necessary, new time limits will be set, and the complainant will be sent details of the new deadline with an explanation for the delay.

The school expects that complaints will be made as soon as possible after an incident arises and no later than 3 months afterwards. We will consider exceptions to this time frame in circumstances where there were valid reasons for not making a complaint at that time and the complaint can still be investigated in a fair manner for all involved.

## **Complaints about our fulfilment of early years requirements**

We will investigate all written complaints relating to the school's fulfilment of the Early Years Foundation Stage requirements, and notify the complainant of the outcome within 28 days of receiving the complaint. The school will keep a record of the complaint (see section 9) and make this available to Ofsted on request.

Parents and carers can notify Ofsted if they believe that the school is not meeting Early Years Foundation Stage requirements, by calling 0300 123 4234 or 0300 123 4666, or by emailing [enquiries@ofsted.gov.uk](mailto:enquiries@ofsted.gov.uk). An online contact form is also available at <https://www.gov.uk/government/organisations/ofsted#org-contacts>.

We will notify parents and carers if we become aware that the school is to be inspected by Ofsted. We will also supply a copy of the inspection report to parents and carers of children attending the setting on a regular basis.

## **5. Stages of complaint (not complaints against the headteacher or a governor)**

If you have a concern that you would like to take up with the school you should initially inform a member of staff either in person, over the telephone or in writing. You will then be invited to an informal meeting with the member of staff most appropriate for dealing with your concern.

You may wish to approach your child's teacher first as they will be best placed to help you either directly or by figuring out which other member of staff you should be speaking to.

We encourage parents to approach staff with any concerns they may have, and aim to resolve all issues with open dialogue and mutual understanding.

If your complaint is about a member of staff, you should first raise this with the headteacher either in person or in writing, and a meeting will be arranged with the headteacher to discuss the issue at hand.

If your complaint is about the headteacher, you should raise your concern in writing with the chair of governors. You can contact the chair of governors by email: [governors@westhill.wandsworth.sch.uk](mailto:governors@westhill.wandsworth.sch.uk).

The chair of governors may refer complaints that are taken straight to them back to the appropriate member of staff if they do not warrant the governing body's involvement at that point.

### **Stage 1: informal**

The school will take informal concerns seriously and make every effort to resolve the matter quickly. It may be the case that the provision or clarification of information will resolve the issue.

The complainant should raise the complaint as soon as possible with the relevant member of staff or the headteacher as appropriate, either in person or by letter, telephone or email. If the complainant is unclear who to contact or how to contact them, they should contact the school office.

The informal stage will involve a meeting between the complainant and a member of staff or headteacher as appropriate.

You are welcome to bring a friend or partner to this meeting or at any other stage of the complaints procedure. This includes the right of teachers to be accompanied by a representative from their Trade Union. It may be appropriate for a pupil to attend the meeting if their parent has raised a concern, depending on the nature of the issue. When pupils are interviewed, an additional member of staff will always attend. Children will be told what the interview is about and that they can have someone with them. Care will be taken not to create an intimidating atmosphere.

If the complaint is not resolved informally, it will be escalated to a formal complaint.

## **Stage 2: formal**

### **Inform the headteacher in writing**

This letter should provide details such as relevant dates, times, and the names of witnesses of events, alongside copies of any relevant documents. The complainant should also state what they feel would resolve the complaint. The school has a standard complaints form which is attached at the end of this policy.

The headteacher will acknowledge your complaint in writing within 10 working days. They may already be aware of the situation. They will outline their decision if there is one to be made and any action to be taken as a result of your complaint.

The headteacher (or designated member of the senior leadership team) may call a meeting to clarify concerns, and seek a resolution. The complainant may be accompanied to this meeting, and should inform the school of the identity of their companion in advance.

In certain circumstances, the school may need to refuse a request for a particular individual to attend any such meeting – for example, if there is a conflict of interest. If this is the case, the school will notify the complainant as soon as they are aware, so that the complainant has the opportunity to arrange alternative accompaniment.

The headteacher (or other person appointed by the headteacher for this purpose) will then conduct their own investigation. The written conclusion of this investigation will be sent to the complainant within 10 working days.

The headteacher will keep a record of all interactions with you and other staff, meetings and decisions made in reference to your complaint and these will be held centrally. You have the right to copies of these records under the Freedom of Information and Data Protection Acts.

If the complainant wishes to proceed to the next stage of the procedure, they should inform the chair of governors in writing within 10 working days.

If the complaint is against a member of staff, the headteacher will talk to that employee. If it is an allegation of abuse, a formal investigation may be instigated by the school or external child welfare authorities to whom the school reports. Please refer to our Allegations of Abuse Against Staff Policy for an outline of this procedure.

### **Inform the chair of governors in writing**

If, having spoken to the headteacher, you are dissatisfied, you may lodge your complaint with the chair of governors in writing.

This letter should set out the details of the complaint including evidence as set out above. The complainant should also specify what they feel would resolve the complaint, and how they feel the previous stage of the procedure has not addressed their complaint sufficiently.

The written conclusion of this investigation will be sent to the complainant within 10 working days, outlining the response and any action that has or will be taken. If they have decided not to take any further action on the issue, they will explain what they have decided, how they have reached this decision, and will outline your right of appeal and how you can start your appeal.

Complaints will not be shared with the whole governing body, except in very general terms, in case an appeal panel needs to be organised.

If the complainant wishes to proceed to the next stage of the procedure, they should inform the chair of governors in writing within ten working days.

## **Stage 3: submit the complaint to the review panel**

The review panel consists of members of the governing board. No member of the governing body can sit on the appeals panel if they have had any former knowledge or involvement in the case that is being dealt with at that time. The panel will elect its own chair. These individuals will have access to the existing record of the complaint's progress (see section 9). You will be invited to this meeting so you may explain your complaint in more detail.

The complainant must have reasonable notice of the date of the review panel (at least three days); however, the review panel reserves the right to convene at their convenience rather than that of the complainant. At the review panel meeting, the complainant and representatives from the school, as appropriate, will be present. Each will have an opportunity to set out written or oral submissions prior to the meeting.

The complainant must be allowed to attend the panel hearing and be accompanied by a suitable companion if they wish. The panel will give careful consideration to how the complainant can be made to feel most comfortable presenting to the panel, especially in the case of a young child having to be present or explain information.

At the meeting, each individual will have the opportunity to give statements and present their evidence, and witnesses will be called as appropriate to present their evidence.

The panel, the complainant and the school representative will be given the chance to ask and reply to questions. Once the complainant and school representatives have completed presenting their cases, they will be asked to leave and evidence will then be considered.

The panel must then put together its findings and recommendations from the case. The panel will also provide a copy of the findings and recommendations to the complainant and, where relevant, the subject of the complaint, and make a copy of the findings and recommendations available for inspection by the headteacher.

The school will inform those involved of the decision in writing within five working days.

The appeals panel will:

- Dismiss all or part of the complaint
- Uphold all or part of the complaint
- Decide on the appropriate action to be taken to resolve the complaint
- Evaluate all the evidence available and recommend changes to the school's systems or procedures as a preventative step against similar problems arising in the future.

West Hill Primary School will review and evaluate *all* complaints no matter how far they are taken or what the outcome to ensure that similar problems are avoided in the future or to see if they could have been managed any more effectively.

## **6. Complaints against the headteacher or a governor**

Complaints made against the headteacher should be directed to the chair of governors. Complaints about the headteacher should be reported to the chair of governors by letter or email via the school office (office email address) or the Chair of Governors at the following email address:

[governors@westhill.wandsworth.sch.uk](mailto:governors@westhill.wandsworth.sch.uk). A form is attached at the end of this policy. Where disability or learning difficulties exist, a complaint may be made in person or by telephone. In this instance, notes of meetings and calls will be kept and a copy of any written response added to the record.

Where a complaint is against the chair of governors or any member of the governing board, it should be made in writing to the clerk to the governing board in the first instance.

## **7. Referring complaints on completion of the school's procedure**

### *Local Authority Mediation Role*

Local Authorities are not part of the formal statutory process for school complaints. However West Hill Primary School works closely with Wandsworth Local Education Authority and governors believe there can be value in using a mediation process for some complaints. If both parties are in agreement, West Hill Primary School Governors have agreed to offer Local Authority mediation at this stage before a complaint is escalated to the Schools Complaints Unit.

### *Complaints to the Secretary of State*

If the complainant is unsatisfied with the outcome of the school's complaints procedure, they can refer their complaint to the School Complaints Unit (SCU), which investigates complaints relating to maintained schools on behalf of the secretary of state.

The SCU will not re-investigate the matter of the complaint. It will look at whether the school's complaints policy and any other relevant statutory policies that the school holds were adhered to. The SCU also looks at whether the school's statutory policies adhere to education legislation. It may direct the school to re-investigate the complaint where it is clear the school has acted unlawfully or unreasonably.

For more information or to refer a complaint, see the following webpage: <https://www.gov.uk/complain-about-school/state-schools>

## 8. Persistent complaints

Where a complainant tries to re-open the issue with the school after the complaints procedure has been fully exhausted and the school has done everything it reasonably can in response to the complaint, the chair of governors (or other appropriate person in the case of a complaint about the chair) will inform the complainant that the matter is closed.

If the complainant subsequently contacts the school again about the same issue, the school can choose not to respond. The normal circumstance in which we will not respond is if:

- The school has taken every reasonable step to address the complainant's needs, *and*
- The complainant has been given a clear statement of the school's position and their options (if any), *and*
- The complainant is contacting the school repeatedly but making substantially the same points each time

However, this list is not intended to be exhaustive.

The school will be most likely to choose not to respond if:

- We have reason to believe the individual is contacting the school with the intention of causing disruption or inconvenience, and/or
- The individual's letters/emails/telephone calls are often or always abusive or aggressive, and/or
- The individual makes insulting personal comments about, or threats towards, school staff

Unreasonable behaviour which is abusive, offensive or threatening may constitute an unreasonably persistent complaint.

Once the school has decided that it is appropriate to stop responding, the complainant will be informed in writing, either by letter or email.

The school will ensure when making this decision that complainants making any new complaint are heard, and that the school acts reasonably.

### Unreasonably persistent complaints

Please see West Hill Primary School's policy for Unreasonable Complainants

## 9. Record-keeping

The school will record the progress of all complaints, including information about actions taken at all stages, the stage at which the complaint was resolved, and the final outcome. The records will also include copies of letters and emails, and notes relating to meetings and phone calls.

This material will be treated as confidential and held centrally, and will be viewed only by those involved in investigating the complaint or on the review panel.

This is except where the secretary of state (or someone acting on their behalf) or the complainant requests access to records of a complaint through a freedom of information (FOI) request or under the terms of the Data Protection Act, or where the material must be made available during a school inspection.

Records of complaints will be kept for 7 years.

The details of the complaint, including the names of individuals involved, will not be shared with the whole governing board in case a review panel needs to be organised at a later point.

Where the governing board is aware of the substance of the complaint before the review panel stage, the school will (where reasonably practicable) arrange for an independent panel to hear the complaint.

Complainants also have the right to request an independent panel if they believe there is likely to be bias in the proceedings. The decision to approve this request is made by the governing board, who will not unreasonably withhold consent.

## **10. Learning lessons**

The Governing Body will review any underlying issues raised by complaints with the Headteacher, where appropriate, and respecting confidentiality, to determine whether there are any improvements that the school can make to its procedures or practice to help prevent similar events in the future.

## **11. Monitoring arrangements**

The Governing Body will monitor the effectiveness of the complaints procedure in ensuring that complaints are handled properly. The Governing Body will track the number and nature of complaints, and review underlying issues as stated in section 10.

The complaints records are logged and managed by the Head Teacher.

This policy will be reviewed and approved by the Governing Body every two years.

## **12. Links with other policies**

Policies dealing with other forms of complaints include:

- Child protection and safeguarding policy and procedures
- Admissions policy
- Exclusions policy
- Staff grievance procedures
- Staff disciplinary procedures
- SEN policy and information report
- Policy for Unreasonable Complainants
- Whistleblowing Policy



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Are you attaching any paperwork? If so, please give details:
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Signature:
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Date:
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Official use
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Date acknowledgement sent:
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By who:
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Complaint referred to:
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Date:
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