



Complaints Procedure

Committee responsible	Finance & Resources
Approval required by	Committee/FGB
Statutory or Recommended	Statutory
Frequency of review	3 Years
Date approved	
Date of next review	
Display on website	Yes
Link with other policies	

Signed Headteacher

Dated / /

Signed Chair of Governing Body

Dated / /

Amendments from JF (17.5.19)



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Complaints Procedure (July 2019)

1. Introduction

1.1 At St Mary's we strive to provide the best education for all our pupils, and in doing so the staff work very hard to build positive relationships with all parents. However, Section 29 of the Education Act 2002 states the need to have in place a procedure to deal with complaints relating to the School and to any community facilities or services the School provides. The law also requires the complaints procedure to be publicised. This document sets out the procedure that the School will follow in such cases.

1.2 We aim to be fair, open and honest when dealing with any complaint. We give careful consideration to all complaints and deal with them as swiftly as possible. We aim to resolve any complaint through dialogue and mutual understanding and, in all cases, we put the interests of the child above all other issues. We will provide sufficient opportunity for any complaint to be fully discussed, and then resolved.

1.3 In accordance with equality legislation, the School will consider making all reasonable adjustments to enable the complainant to access and complete the Complaints Procedure (e.g. providing information in alternative formats; assistance in raising a formal complaint; holding meetings in accessible locations).

1.4 There is a difference between raising a concern and making a complaint. However, it is recognised that taking informal concerns seriously at an early stage will reduce the number that develop into formal complaints. A concern may be defined as 'an expression of worry or doubt over an issue considered to be important for which assurances are sought', whereas a complaint may be defined as 'an expression of dissatisfaction however made, about actions taken or a lack of action'.

1.5 This document deals with complaints but the underlying principle is that concerns ought to be handled, if at all possible, without the need for formal procedures with a view to resolving together whatever issue there is. The requirement to have a complaints procedure need not in any way undermine efforts to resolve a concern informally. Experience has shown that in most cases the class teacher or the individual delivering the service, receiving the first approach, should be able to address your concern by resolving issues on the spot, including apologising where necessary.

2 Scope of the Complaints Procedure

2.1 This Complaints Procedure should only be used for complaints about:

- education and care provided to pupils at the School and
- the School's operational arrangements

2.2 This Complaints Procedure is limited to matters which can reasonably be investigated and therefore complaints should relate to matters which have occurred within the last 3 months. However, complaints made beyond this time frame may be considered in exceptional circumstance. Complainants should not approach individual governors to raise concerns or complaints.

2.3 Complaints made anonymously will not normally be investigated. However, the Head Teacher or Chair of Governors, if appropriate, will determine whether the complaint warrants an investigation.

2.4 There are other policy documents relating to numerous areas, and this Complaints Procedure should not be used for:

- complaints about admission to the School or the statutory assessment of Special Needs



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- matters likely to require a Child Protection Investigation
- matters relating to exclusion of a child from school
- whistleblowing matters
- the content of the National Curriculum
- complaints about the actions of a governor – these should be reported to the Chair of Governors in the first instance
- complaints about the actions of another parent – these should be reported to the Headteacher, who will investigate as to whether action can be taken by the School
- allegations of abuse – these should be discussed with the Headteacher or a senior member of staff in the first instance
- issues between the School and community groups (e.g the parent/teacher association) – these should be resolved informally by discussion
- complaints by staff relating to grievances about their employment – refer to the separate Grievance Policy
- complaints about staff conduct – which will normally dealt with under internal disciplinary procedures

3 Applicability

3.1 This Complaints Procedure is not limited to parents or carers of children that are registered at the School. Any person, including members of the public, may make a complaint about any provision of facilities or services that we provide.

3.2 The Complaints Procedure shall apply to all employees and governors of the School. It is the shared responsibility of the Headteacher and the Chair of Governors to ensure that these groups are made aware of the procedure.

4 Framework of Principles

4.1 The Complaints Procedure will:

- encourage resolution of problems by **informal** means wherever possible
- be easily **accessible** and **publicised**
- be **simple** to understand and use
- be **impartial**
- be **non-adversarial**
- allow **swift** handling with established **time-limits** for action and keeping people informed of the progress
- ensure a full and **fair** investigation by an independent panel where necessary
- respect people's desire for **confidentiality**
- address all the points at issue and provide an **effective** response and **appropriate** redress, where necessary
- provide **information** to the School's senior leadership¹ team so that services can be improved

5 Investigating Complaints

5.1 It is suggested that at each stage, the person investigating the complaint [**the investigator**], makes sure that they:

- acknowledge in writing to the complainant the date on which a formal complaint was received
- consider all records, evidence and relevant information provided to 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

¹ The Senior Leadership Team comprises: Head Teacher, Deputy Head Teacher and Business Manager



- interview all parties that are involved in the complaint, allowing them to be accompanied if they wish
- conduct the interview with an open mind and be prepared to persist in the questioning
- after considering the available evidence, either uphold the complaint in full or in part, or reject it; and, direct what actions should be taken to resolve those aspects of the complaint for which they find in favour of the complainant
- keep notes of the interview and respond to the complainant in a clear and concise manner as to the outcome of the investigation

6 Resolving Complaints

6.1 At each stage in the procedure it will be important to keep in mind ways in which a complaint can be resolved. In some cases 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 of 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 light of the complaint

6.2 Where appropriate, complainants should state what actions they feel might resolve the problem at any stage. An admission that the School could have handled the situation better is not the same as an admission of negligence.

6.3 The procedure should be effective in identifying areas of agreement between the parties. It is also equally important to clarify any misunderstandings that might have occurred, as this can create a positive atmosphere in which to discuss any outstanding issues.

7. Vexatious Complaints

7.1 There may 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 may decide to inform them in writing that the procedure has been exhausted and that the matter is now closed. The policy for dealing with unreasonable complaints is at Appendix C.

8. Time-Limits

8.1 Complaints need to be considered, and resolved, as quickly and efficiently as possible and realistic time limits for each action have been set within this Complaints Procedure. However, where further investigations are necessary, new time limits can be set and the complainant sent details of the new deadline with an explanation for any delay.



9. Allegations of abuse

9.1 The School will follow the London child protection procedures for managing allegations of abuse against staff. London child protection procedures: allegations and procedures set out in Keeping Children Safe in Education 2018.

<http://www.gov.uk/government/publications/keeping-children-safe-in-education--2>

9.2 Suspension of the member of staff, against whom an allegation has been made, needs careful consideration, and the headteacher will seek the advice of the Local Authority Designated Officer [**LADO**] and an HR consultant in making this decision. All options to avoid suspension will be considered. In the event of an allegation against the headteacher, the decision to suspend will be made by the chair of governors in consultation with the LADO and HR.

9.3 If an allegation pertains to an adult not employed directly by the School, for example, catering staff, cleaning staff, peripatetic teachers, sports coaches etc., the School will work directly with the employing agency and the LADO as described above.

9.4 The School has a procedure for managing the suspension of a contract for a community user in the event of an allegation arising in that context.

9.5 Staff, parents and governors are reminded that publication of material that may lead to the identification of a teacher who is the subject of an allegation is prohibited by law. Publication includes verbal conversations or writing including content placed on social media sites.

10. Interviewing child witnesses

10.1 When interviewing children in order to gather information regarding a complaint, the interview should be conducted in the presence of another member of staff or, in the case of serious complaints, e.g. where the possibility of criminal investigation exists, in the presence of their parents.

10.2 The school will ensure that the conduct of interviews does not prejudice a LA designated officer's (LADO), or police, investigation.

10.3 The school understands the importance of ensuring a friendly and relaxed area which is free from intimidation. All children interviewed will be made fully aware of what the interview concerns and their right to have someone with them.

10.4 The interviewer will not express opinions in words or attitude, so as to not influence the interviewee.

10.5 Staff are allowed a colleague to support them at their interview. The colleague must not be anyone likely to be interviewed themselves, including their line manager. The interviewee will sign a copy of the transcription of the interview.

11. The Complaints Procedure

11.1 Prior to making a formal complaint, it is strongly recommended that concerns should be raised at an early stage with the relevant class teacher, or where a concern does not involve the class teacher with the Deputy Head Teacher or other senior member of staff. If the



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concern is not addressed satisfactorily by the class teacher, then it should be referred to the Deputy Head Teacher or other senior member of staff. The Head Teacher will be informed by the relevant member of staff of the outcome of any concern that has been raised.

11.2 Where it has not been possible to resolve a concern through an informal route, a formal complaint may be raised. The stages of the Complaints Procedure, also shown diagrammatically at Appendix A, are as follows:

Stage	Process
One	Complaint is heard by the Headteacher (if unresolved through an informal approach to staff).
Two	Complaint is heard by Governing Body's Complaints Appeal Panel (if unresolved at Stage 1).
Three	If the complaint is still unresolved the complainant may take this to the Secretary of State for Education.

12. Stage 1: Managing and recording complaints

12.1 Where it has not been possible to resolve a particular matter through an informal approach, a formal complaint² must be made to the Head Teacher (unless it is about the Head Teacher³), via the School Office. A complaint may be made in person, by telephone, or in writing, but preferably in writing by using the complaint form (see Appendix B). The Head Teacher will record the date of the complaint and acknowledge receipt of the complaint in writing, either by letter or e-mail, within a period of 3 working days. The School will aim to investigate a complaint received under Stage 1 within 15 school days of receiving a complaint.

12.2 If the complaint is about the Head Teacher or member of the Governing Body, a suitably skilled governor, or independent investigator, will be appointed to complete the actions required under Stage 1. Complaints about the Head Teacher must be made in writing to the Chair of Governors, and a complaint against a member of the governing body must be made in writing to the Clerk to the Governors, both via the School office.

12.3 As part of any response the Head Teacher may seek to clarify the nature of the complaint, ask or confirm what remains unresolved, and what outcome the complainant would like to see. The Head Teacher will consider whether a face to face meeting is the most appropriate way of doing this. Where a written complaint has not been received, the Head Teacher will complete the complaints form at Appendix B and agree this with the complainant before proceeding further. A brief note of meetings and telephone calls should be kept and a copy of any written response added to the record.

12.4 The Head Teacher may delegate the investigation of a complaint to another member of the School's senior leadership team ("investigator"), but any decision arising from that investigation shall be taken by the Head Teacher.

12.5 During the investigation of a complaint, the Head Teacher (or investigator) will, if necessary, interview those involved in the matter, allowing them to be accompanied if they wish. A written record of any meetings, telephone calls or interviews will be kept.

12.6 Where a reasonable attempt has been made to accommodate the complainant with a date(s) for a meeting which has been refused or are unable to attend, the meeting will proceed in their absence and a conclusion reached to bring the complaint to a close.

² Complaints made outside term time will be deemed to have been received on the first school date after the holiday period. Where other bodies (e.g. LA or Police) are investigating aspects of a complaint, this may impact on the timescales set out in these procedures.

³ Where the Head Teacher has been involved in directly investigating matters at the informal resolution stage, the Chair of Governors should be involved in discussing the complaint at Stage 1.



12.7 Where it has not been possible to adhere to published timescales, the Head Teacher will provide the complainant with revised dates by which the investigation will be completed and a response provided.

12.8 The Head Teacher will provide a formal written response to the complainant within 5 school days of the completion of the complaint investigation. The response will detail any actions taken to investigate the complaint and a full explanation of the decision made and reasons for it. Where appropriate, it will include details of actions that the School will take to resolve the complaint. Details of the complaint will not normally be shared with the Governing Body in case a panel hearing becomes necessary. The response will include advice to the complainant as to how their complaint might be escalated should they be dissatisfied with the outcome of Stage 1.

13. Stage 2: Governing Body Review

13.1 If the complainant is dissatisfied with the outcome of Stage 1 and wishes to escalate the complaint to Stage 2, a formal request should be made by the complainant, in writing, to the Clerk of the Governing Body within 10 school days of the issue of the Stage 1 response. A complaints panel will be formed from three, impartial, governors. Where necessary, the governing body may appoint one or more external panel members in place of School governors. Requests for an escalation to Stage 2 received outside the stipulated timescale will only be considered in exceptional circumstances.

13.2 The Clerk will write to the complainant to confirm receipt of their request⁴, and provide an outline schedule for preparing for, and convening a meeting, and how the Panel Review will be conducted. The aim will be to convene a meeting within 20 school days of receiving the request. The complainant will be offered a meeting date for the panel to consider their complaint with at least 5 days' notice, at which all participants will be given the opportunity to put their case. If that date is not convenient for the complainant, two further dates will be attempted. If the complainant rejects the offer of a meeting for three proposed dates, without good reason, the Panel Chair will decide whether to hold a meeting, and the complaint will be considered in the absence of the complainant but the complainant will have the opportunity to submit written representations.

13.3 If a complainant wishes to withdraw their complaint, this must be confirmed in writing.

13.4 If a complainant commences legal action against the School in regards to their complaint, consideration may need to be given to suspending the complaints procedure until legal proceedings have concluded.

13.5 Any of the parties subject to the complaint are permitted to submit any further written documentation at least 5 days before the meeting. Recordings of conversations obtained covertly and without informed consent of all parties will not normally be accepted. New complaints or evidence unrelated to the initial complaint will not be accepted by the panel.

13.6 The complainant may be accompanied by a relative or friend to a meeting of the panel. Witnesses may also wish to be accompanied by a friend or union representative. Attendance at a meeting of the panel by legal representatives of any party is not normally allowed. The meetings of the panel are private, and electronic recordings are not permitted.

13.7 In reaching a decision(s) the panel can

- Uphold a complaint in whole or part
- Dismiss the complaint in whole or part

⁴ Subject to school closures at holiday times.



If the complaint is upheld in whole or part the panel will decide the appropriate action to be taken to resolve the complaint, and, where appropriate, recommend changes to the School's systems or procedures to prevent re-occurrence of similar issues in the future. The Chair of the panel will provide the complainant and School with a full explanation of the panel's decision and reason for it, in writing, within 5 school days. The letter to the complainant will include details of how to contact the Department of Education if they are dissatisfied with the way their complaint has been handled.

14. Checklist for a Panel Review

- The hearing should be as informal as possible.
- Witnesses are only required to attend for the part of the hearing in which they give their evidence.
- After introductions, the complainant is invited to explain their complaint, and be followed by their witnesses.
- The Headteacher may question both the complainant and the witnesses after each has spoken.
- The Headteacher is then invited to explain the School's actions and be followed by the School's witnesses.
- The complainant may question both the Headteacher and the witnesses after each has spoken.
- The panel may ask questions at any point.
- The complainant is then invited to sum up their complaint.
- The Headteacher is then invited to sum up the School's actions and response to the complaint.
- Both parties leave together while the panel decides on the issues.
- The chair explains that both parties will hear from the panel within a set time scale.

15. Review of this Complaints Procedure

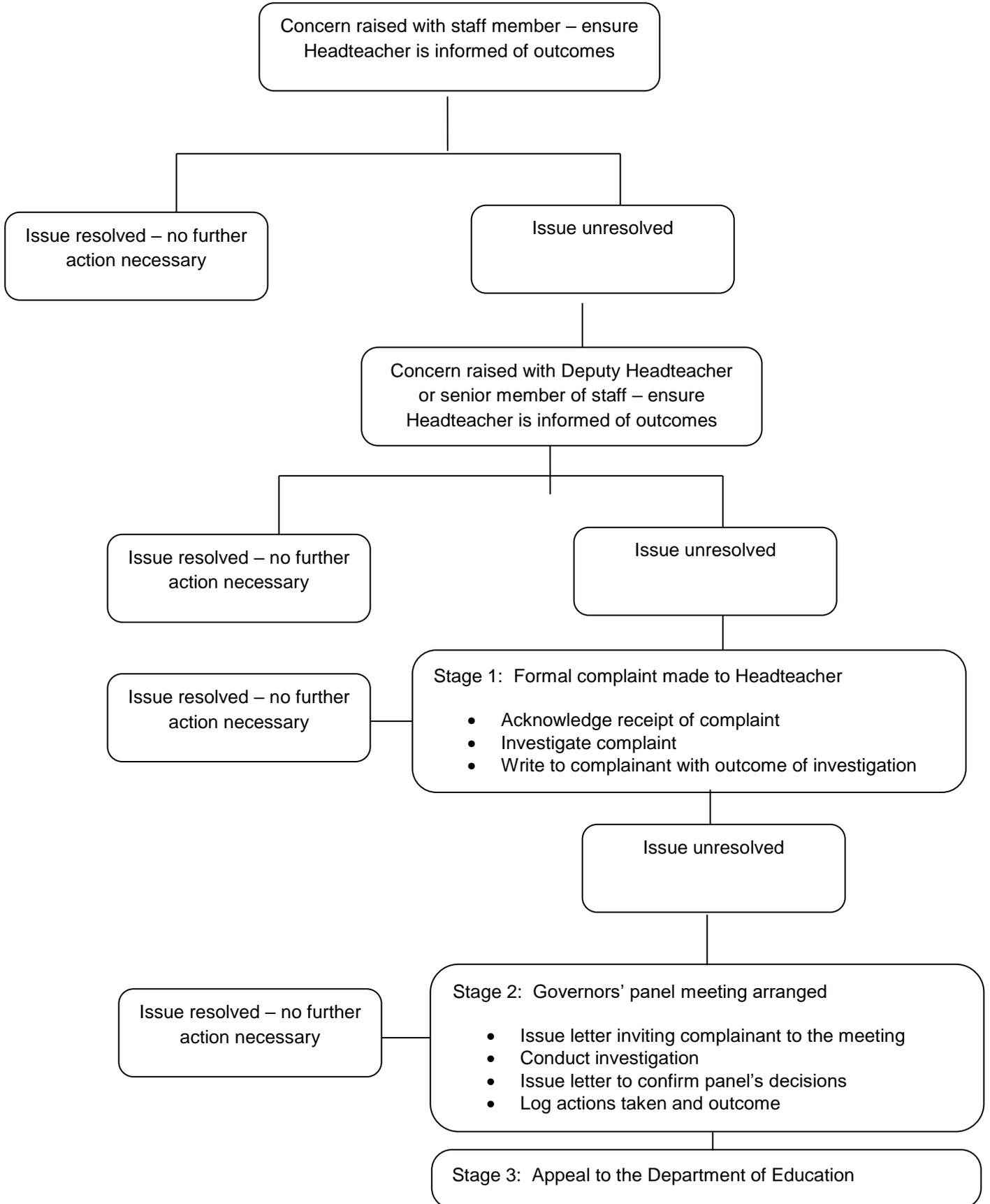
15.1 The Governing Body will monitor the level and nature of complaints and review the outcomes on a regular basis to ensure the effectiveness of the procedure and make changes where necessary. If information is shared in this way with the Governing Body then individuals involved in the process should not be named.

15.2 The Governing Body is free to determine how often this Complaints Procedure should be reviewed.

Date of next review: May 2022

Appendix A

Flowchart – dealing with complaints





Appendix B

Complaints Form - Example

Please complete and return to the Head Teacher who will acknowledge receipt and explain what action will be taken.

<p>Your name:</p> <p>Pupil's name:</p> <p>Your relationship to the pupil:</p> <p>Address:</p> <p>Postcode:</p> <p>Day time telephone number:</p> <p>Evening telephone number:</p> <p>Please give details of your complaint.</p> <p>What action, if any, have you already taken to try and resolve your complaint. (Who did you speak to and what was the response)?</p>
<p>What actions do you feel might resolve the problem at this stage?</p> <p>Are you attaching any paperwork? If so, please give details.</p> <p>Signature:</p> <p>Date:</p> <p>Official use:</p> <p>Date acknowledgement sent:</p> <p>By who:</p> <p>Complaint referred to:</p> <p>Date:</p>



Appendix C

Policy for Unreasonable Complainants

The School is committed to dealing with all complaints fairly and impartially, and to providing a high quality service to those who complain. We will not normally limit the contact complainants have with the School; however, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

The School defines unreasonable complainants as 'those who, because of the frequency or nature of their contacts with the School, hinder our consideration of their or other people's complaints'.

A complaint may be regarded as unreasonable when the person making the complaint:

- Refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance.
- Refuses to co-operate with the complaints investigation process while still wishing their complaint to be resolved.
- Refuses to accept that certain issues are not within the scope of a complaints procedure.
- Insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice.
- Introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on, or raises large amount of detail but unimportant questions, and insists they are fully answered, often immediately and to their own timescales.
- Makes unjustified complaints about staff who are trying to deal with the issues and seeks to have them replaced.
- Changes the basis of the complaint as the investigation proceeds.
- Repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed).
- Refuses to accept the findings of the investigation into that complaint where the School's complaints procedure has been fully and properly implemented and completed including referral to the DfE.
- Seeks an unrealistic outcome.
- Makes excessive demands on School time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with.

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

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

Complainants should limit the numbers of communications with the School while a complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text) as it could delay the outcome being reached.



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Whenever possible, the headteacher or chair of governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

If the behaviour continues, the headteacher will write to the complainant explaining that their behaviour is unreasonable and asking them to stop. For complainants who excessively contact the school causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after six months.

In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. This may include banning an individual from the premises.