

COMPLAINTS POLICY



ST MARY'S LEWISHAM CE PRIMARY SCHOOL

Our Vision

To be a learning community that promotes the unique gifts, wellbeing and potential of every person. Our work is founded on the life and teaching of Jesus Christ, building on His message of equality, peace and justice, guided by His words 'As I have loved you, so you must love one another' (John 13:34).

1 Introduction

1.1 This policy sets out the procedure by which St Mary's Lewisham CE Primary School (the 'School') will deal with concerns and complaints by parents and others who do not work at the School. It is intended to be used in relation to non-trivial legitimate complaints which may not be pursued through another statutory complaints procedure.

1.2 Who to contact

Nature of Contact	Appropriate person to receive contact	Relevant Policy/Procedure
Request for published Information	School office	Freedom of Information Act
Request for personal pupil Information	Headteacher/Deputy Head/ Senior member of staff	Data Protection Act Charging and Remissions Policy
Complaint about GB policy or its application or against a governor	Clerk/Chair of Governors	Complaints Policy
Unreasonable exercise of discretion by Headteacher	Headteacher/Chair of Governors	Complaints Policy
Allegation about conduct of a member of staff	Headteacher/Chair of Governors	Safeguarding Policy Discipline Procedures (confidential to School and employee)
Allegation of verbal or physical assault by employee on pupil	Headteacher/Chair of Governors	Safeguarding Policy Local Child Protection Procedures (confidential to School, LA CPO and parents of alleged victim)
Allegation about capability of a member of staff	Headteacher/Chair of Governors	Capability Procedures (confidential to School and employee)
Complaint from a parent of a child with SEN	SENCo/Headteacher	Complaints Policy

Conduct of another pupil e.g. bullying	Headteacher/Deputy Headteacher/Senior member of staff	Behaviour Policy (confidential to School and parents of alleged perpetrator)
Conduct of third party providers of facilities or services and others using the School's premises	Third party provider etc	Complaints policy of third party providers etc
Complaint by member of staff	Headteacher/Chair of Governors	Grievance procedures

1.3 Interpretation

- i) All references to parents include prime carers and legal guardians; and
- ii) all reference to “days” in this policy means ordinary working school days and excludes training days, bank holidays and days on which the School is closed for whatever reason.

If assistance with translation or writing is required, the School is responsible for making appropriate reasonable arrangements.

2 General Principles

2.1 The aim of this policy is to bring about a resolution and/or reconciliation as informally and quickly as may be reasonably possible. It is intended to be investigatory, not adversarial, and to allow for an impartial and fair investigation to be undertaken.

2.2 The School expects anyone who wishes to raise problems with the School to:-

- treat all school staff with courtesy and respect;
- respect the needs of pupils and staff within the School;
- avoid the use of violence (including threats of violence) towards people or property;
- recognise the time constraints under which members of staff in schools work¹ and allow the School a reasonable time to respond to a complaint; and
- recognise that resolving a specific problem can sometimes take some time.

2.3 A concern or complaint should be considered as soon as practicable. To allow for a proper investigation, concerns or complaints should be brought to the attention of the School as soon as possible. In general, **any matter raised more than 3 months after the event will not be considered, except in exceptional circumstances.** Exceptional circumstances might include serious concerns such as child protection issues or bullying allegations where the School might either involve appropriate external agencies or else conduct its own internal review to test whether there is any corroborative evidence which might trigger a formal investigation.

2.4 If an additional or separate complaint is introduced by the complainant or a witness during any stage of the investigation, that complaint must be referred for initial investigation by the Headteacher or Chair of Governors as a separate matter. Thereafter, if the complaint proceeds to Stage 3 under paragraph 3.4 below, it may, at the option and discretion of the Governing Body Complaints Review Panel, be consolidated and considered together with other complaints relating to the same matters.

2.5 In general, information about children is confidential. However parents are entitled to a copy of their own child's educational record should they request one. Confidential personal documents relating to members of staff or information relating to other pupils will not be disclosed.

2.6 Ideally, governors involved with the complaints process should receive appropriate training.

2.7 An anonymous concern or complaint will not be investigated under this procedure, except in exceptional circumstances.

3 Raising a Concern or Complaint

3.1 Stage 1 - Informal Stage

3.1.1 For most concerns it is normally appropriate to communicate directly with the member(s) of staff involved.

3.1.2 In the first instance, a concern can be expressed in person, by telephone or in writing. The concerned person should tell the member of staff that they want to talk about a concern. In most cases the matter will be resolved on the spot.

3.1.3 The concern becomes a complaint if the person concerned remains unhappy and wishes to take the matter further. They should ask the member of staff for a more formal meeting when their complaint can be fully discussed - see Stage 2 under paragraph 3.2 below.

3.1.4 However, if it appears to the member of staff that the concern or complaint:-

- is serious; or
- is outside the staff member's responsibility; or
- the member of staff otherwise feels unable to deal with the issue further (for example, where they are subject to intimidating behaviour by the complainant);

the complainant should be asked to make an appointment to speak directly to the Headteacher. The staff member should alert the Headteacher of the matter without delay. If the concern relates to the Headteacher, it should be referred to the Chair of Governors. The Headteacher may consider a matter personally or can ask another member of staff to consider the complaint objectively and impartially, with a view to resolving it.

3.1.5 Members of staff should not become involved with concerns relating to extended school services but refer them on appropriately.

3.1.6 If the complainant is uncertain about who to contact, s/he should please seek advice from the school office or the Chair of Governors.

3.2 Stage 2 - More formal: complaint heard by staff member

3.2.1 The staff member will normally arrange to meet the complainant within five working days, at a mutually convenient time, in the School, in private and relaxed surroundings, to listen to the complaint with the aim of attempting to resolve it.

3.2.2 If the complaint cannot be resolved and the complainant remains unhappy, the staff member must notify the Headteacher of the matter within two working days.

3.3 Communication and time scale for Stages 1 and 2

3.3.1 For both Stages 1 and 2 the member of staff, the Headteacher will try to respond to complaints in the shortest time reasonably possible. All complaints will be acknowledged within three school days of the member of staff being made aware of the complaint. The member of staff will usually try to arrange a meeting with the complainant to discuss the complaint - unless this would not be appropriate. The School will respond to complaints initiated by email, but will reserve the right to insist on other forms of communication as the complaint progresses.

3.3.2 In the case of complaints relating to a member of staff/adult who does not work at the School full time, the complainant should be aware that informal resolutions may take longer as the member of staff/adult may not always be on site. If the complaint involves a pupil in relation to the member of staff, efforts will be made informally to resolve that complaint before the pupil's next lesson/session with that member of staff/adult.

3.4 Stage 3 - Formal Stage

3.4.1 In the case of serious concerns, it may be appropriate to address them directly to the Headteacher or to the Chair of Governors (as appropriate). If the complainant is uncertain about who to contact, s/he should please seek advice from the school office or the Chair of Governors.

3.4.2 If a concern or complaint is not resolved at Stage 1 or Stage 2 above, the complaint must be put in writing on the form provided at Appendix 1 and passed to the Headteacher or the Chair of Governors (as appropriate) who will be responsible for ensuring that it is investigated appropriately. The investigation procedure is set out in Appendix 3.

3.4.3 Details which might assist the investigation should be included in the complaint, such as names of potential witnesses, dates and times of events, and copies of relevant documents. **It is very important that a clear statement is included of the actions that the complainant would like the school to take to resolve the complaint.** Without this, it is much more difficult to proceed. The completed form should be delivered to the School office in a sealed envelope addressed to the Headteacher or the Chair of Governors (as appropriate).

3.5 On receipt of the complaint under Stage 3

3.5.1 The School will formally acknowledge the complaint within two school days of receiving the complaint under Stage 3. If this does not happen, the complainant should please inform the School office in case the envelope has gone astray.

3.5.2 On receiving the complaint, the Headteacher or the Chair of Governors (as appropriate) may invite the complainant to a meeting to clarify their concerns and to seek an informal resolution. If the complainant accepts that invitation, s/he may be accompanied by a friend, to assist in explaining the nature of the concerns.

3.5.3 It is possible that the complaint will be resolved through a meeting with the Headteacher or the Chair of Governors. If not, the following procedure will apply.

3.6 Investigation

3.6.1 If a complaint is taken forward arrangements will be made for the matter to be fully investigated, using the appropriate procedure. Any investigation will begin as soon as possible and when it has been concluded, the complainant will be informed in writing of its conclusion. See Appendix 3 for information concerning investigation procedures.

3.6.2 If the complainant is not satisfied with the manner in which the process has been followed or the outcome, s/he may request that the Governing Body reviews the process followed by the School in handling the complaint and the outcome of that process. Any such request must be made in writing to the Clerk to the Governing Body, within ten working days of receiving notice of the outcome, and include a statement specifying any perceived failures to follow the procedure. The School will use its best endeavours to follow the procedure described below so far as practicable. A Review Request form is provided at Appendix 2.

3.7 Stage 4 - Governing Body Complaints Review Panel

3.7.1 The convening of a Governing Body Review Panel is for serious matters which have not been resolved at the earlier stages. The panel can dismiss or uphold the complaint in whole or in part, decide on the appropriate action to be taken to resolve the complaint, and/or recommend changes to the School's systems or procedures to ensure that problems of a similar nature do not recur.

3.7.2 The Clerk will (within five school days of receipt) write to the complainant to acknowledge receipt of their request for a Governing Body Complaints Review Panel. This letter should:-

- a) confirm that Governing Body Complaints Review Panel will meet within twenty school days of the date of receipt; and
- b) request copies of any written submissions from the complainant, signed and dated statement(s) by noon on a specific cut off time and date (usually seven school days).

3.7.3 Any governors' review will be conducted in private by a panel of three members of the Governing Body (none of whom should have had any prior involvement in the complaint or the circumstances surrounding it). This will usually take place within twenty school days of receipt of the request, and should be clerked.

3.7.4 The review will normally be conducted through consideration of written submissions, but reasonable requests to make oral representations will be considered.

3.7.5 The panel will first receive written evidence from the complainant. However, the complainant (who may be accompanied by a friend if they wish) may be invited to attend the meeting in order to clarify the matter.

3.7.6 The panel will subsequently invite representatives of the School (the Headteacher or the Chair of Governors as appropriate) to make a response to the complaint. As the panel meeting is intended to be investigatory, rather than adversarial, the persons giving evidence or making representations to the panel will normally attend separately.

3.7.7 The panel may also have access to the records kept of the process followed and outcome reached. When the panel has collected sufficient information, it will deliberate. The complainant, as well as the Headteacher and the Chair of Governors, will be informed in writing of the outcome, usually within five school days of the panel meeting. The letter will include the reasons for the decision, and will advise the complainant of the final stage of appeal to the Secretary of State for Education (see paragraph 3.7.10 below).

3.7.8 It is the responsibility of the panel chair to take control of the meeting, ensure that it is conducted fairly under the policy and procedure adopted.

3.7.9 The aim of the meeting is to resolve the complaint and achieve reconciliation between the school and the complainant.

3.7.10 The matter will then be closed as far as the School is concerned. If the complainant believes the Governing Body has acted illegally or arbitrarily in handling the complaint, then the complainant can make representation to the Secretary of State for Education at The Schools Complaints Unit (SCU) at the Department for Education, 2nd Floor, Piccadilly Gate, Manchester M1 2WD.

Appendix 1 - Complaint Form

Please complete this form and return it to the Headteacher or the Chair of Governors (as appropriate). They will acknowledge its receipt and inform you of the next stage in the procedure.

Your name:

Relationship with the school:

Pupil's name (if relevant to your complaint):

Your Address:

Daytime telephone number:

Evening telephone number:

Please give concise details of your complaint, (including dates, names of witnesses etc) to allow the matter to be fully investigated:

You may continue on separate sheets or attach additional documents if you wish.

Number of additional pages attached =

What action, if any, have you already taken to try and resolve your complaint? (I.e. who have you spoken with or written to and what was the outcome?)

What actions do you feel might resolve the problem at this stage?

Signature:

Date:

For school use only
Date Complaint Form Received:.....
Received By:.....
Date of Acknowledgement sent:.....
Acknowledgement sent by:.....

Complaint referred to:			
Date:			

Appendix 2 - Complaint Review Request Form

Please complete this form and return it to the Headteacher or Chair of Governors (as appropriate). They will acknowledge its receipt and inform you of the next stage in the procedure.

Your name:

Your address:

Daytime telephone number:

Evening telephone number:

Dear Sir/Madam

I submitted a formal complaint to the school on.....and am dissatisfied by the procedure that has been followed and/or the outcome. My complaint was submitted to.....and I received a response

from.....on.....

I have attached the copies of my formal complaint and of the response(s) from the school. I am dissatisfied with the way in which the procedure was carried out because:

and/or by the outcome because:

You may continue on separate sheets or attach additional documents if you wish

Number of additional pages attached =

Appendix 3 - Investigation Procedure

The investigation of an allegation or a complaint should always be carried out thoroughly and responsibly. The outcome of such an investigation will have significance not only for the complainant but also for any member of staff against whom a complaint has been made.

An anonymous complaint will not be investigated, unless there are exceptional circumstances. These would include serious concerns such as child protection issues or bullying allegations, where the School will involve appropriate external agencies or conduct its own internal review to test whether there is any corroborative evidence which might trigger a formal investigation.

Preparing for an Investigation

When the school receives a formal complaint, it should be acknowledged and a commitment made that the complaint will be investigated and the outcome of the investigation notified to the complainant as soon as reasonably possible.

It is essential that there is a clear understanding of the complaint. Where necessary, the nature of the complaint should be confirmed with the complainant.

Any member of staff against whom a complaint has been made should be notified that a complaint has been received and that the appropriate school procedure will be followed. It is occasionally not appropriate to provide the member of staff with any details of the complaint until any investigation has been completed. The decision whether or not to inform the member of staff of the nature of the complaint will be taken by the Headteacher or other investigator (as appropriate) who may take advice if necessary.

Once any complaint has been confirmed the School needs to determine which procedure (school or LA) is most appropriate and to select an appropriate person to conduct any investigation.

Conducting the Investigation

The investigation must be carried out in accordance with the provisions of the relevant procedure.

Arrangements should be agreed so that accurate notes can be taken of all interviews and the outcome of the investigation be accurately recorded.

The complainant should be given the opportunity to offer documentation and to identify potential witnesses or sources of evidence.

The member of staff subject to the complaint (if investigated under this policy rather than the Discipline Procedures) should be advised that they may be accompanied by a friend or trade union representative when invited to be interviewed.

Where children are potential witnesses, discretion should be exercised over their involvement and advice should be taken from statutory agencies. Where the complaint under investigation is serious, for example, of a child protection nature or involving alleged criminal conduct, the School will report allegations straight away to the appropriate agency (the LADO, police or children's social services). It will not be appropriate for the School to conduct its own investigations until expressly permitted to do so by relevant the external agencies. This may be after their own investigations have been completed as care must be taken not to interfere with evidence.

Once the external agencies (LA and/or police) have confirmed that investigations can proceed, if these are still required in the light of any which may already have been carried out, it may be appropriate to allow parents to be present at child interviews. Otherwise, consideration should be given to having two staff present at interviews or the use of a tape recorder for corroboration. Subject to the comments above, any interviews should be conducted as soon as possible to ensure that recollections are as fresh as possible and to minimise the possibility that evidence will become tainted through witnesses discussing alleged incidents with other persons.

In conducting interviews, the investigator should prepare the questions to be asked prior to the interview. These can always be supplemented during the interview. The investigator should allow the interviewee to answer in their own way. Their responses should be listened to attentively. Any temptation to cut an interviewee short or to seek to “lead” them must be resisted. The interviewee should be given the opportunity of providing other relevant information at the end of the interview.

Interviewees should, however, be advised that their responses must be confined to the substance of the complaint. Any attempt by the interviewee to introduce information relating to other members of staff or to issues unrelated to the complaint should be resisted.

The investigator should avoid reaching conclusions or passing judgement until the investigation has been completed and their report is being written.

Concluding the investigation

The report may contain:-

- a brief outline of the process that has been followed;
- a statement of the complaint/concern;
- a summary of the findings, linked to the relevant evidence;
- any recommendations for future action; and/or
- annexes containing copies of witness statements and other evidence collected during the investigation.

The report of the investigation will usually be confidential to the School, as it is likely to contain sensitive personal information. If a request is received to release the report, under either the Data Protection Act or Freedom of Information, the School should seek legal advice from the Local Authority. Steps should be taken to preserve the confidentiality of the names of child witnesses.

A summary of the process undertaken and the outcome of the investigation may be provided to the complainant. Caution must be exercised in reporting back to the complainant as revealing certain details may prejudice the ability of an employee to continue in post.

Following consideration of the report by the relevant body, any final recommendations may also be shared with the parties, unless there is good reason not to do so. Wherever possible, recommendations should be constructive and not punitive.

The complainant should be advised that s/he may, if they are not satisfied that the appropriate procedure has been followed, request a review of that process by the Governing Body.

What actions do you as investigator feel might resolve the problem at this stage? What recommendations would you make to the senior management or governors?

Signature:

Date:

For school use only

Date Complaint Form Received:.....

Received By:.....

Date of Acknowledgement sent:.....

Acknowledgement sent by:.....

Adopted by Governors on:

Date for review: April 2020

Signed:

Chair of Governors:

Date:

Signed:

Headteacher:

Date: