



Shawlands Primary School

Complaints Policy

Updated by D Thompson in January 2019

Signed.....

Approved by the Governing Body on:

Signed.....

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1. Aims

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

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 and Disabilities (SEND)
- Safeguarding matters
- Exclusion
- Whistle-blowing
- Allegations of Abuse Against Staff

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

Arrangements for handling complaints from parents/carers of pupils with SEND about the school's support are within the scope of this policy. Such complaints should first be made to the class teacher/special educational needs co-ordinator (SENCO)/Headteacher; they will then be referred to this complaints policy. Our SEND 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.

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 action the complainant feels should be taken to resolve the complaint?

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/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. An online contact form is also available at <https://www.gov.uk/government/organisations/ofsted#org-contacts>.

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

Stage 1: informal concerns

As a parent/carer our hope is that a discussion with the appropriate member of staff would normally resolve your concern (including actions that can be taken to resolve any concerns, possibly including an apology) or you will be provided with an explanation on the situation.

If you feel that your concern has not been resolved at this informal stage then you have the option of making a formal complaint under Stage 2 of this Procedure.

Please note that the Chair of the Governors does have the discretion not to allow a complaint to be dealt with under Stage 2 of the Procedure where there has not been any informal discussion at local school level. The Chair also has the discretion to disallow a complaint to proceed to Stage 2 where a parent/carer has not acted in a way that is reasonable and measured. Such a decision would not be taken lightly.

Stage 2: formal complaint at school level

If you wish to make a formal complaint under Stage Two of the Complaints' Procedure then please can you:

- put the complaint in writing (you may wish to use the optional form at Appendix 1);
- address it to the Headteacher;
- briefly state the facts.

An investigation will be carried out by a member of the senior leadership team which may include a meeting with you (in which case a meeting would normally be held within 15 school days from the receipt of your complaint). This person will speak to those who were involved in the situation. Following the investigation, you will receive the findings of the senior leadership team member who has investigated your complaint, which will include any steps that have been taken or may need to be taken to seek to resolve your complaint. Normally you will receive this within 15 school days of any meeting held with you; however if a meeting has not been held with you then you can expect that normally you will receive the findings within 15 days from the receipt of your written complaint.

Please note that any complaint about the Headteacher must be raised in the first instance with the Chair of the Governing Body who will, if the issue cannot be resolved under Stage One, work with a member of the Local Governing Body to investigate your complaint under Stage Three of the Complaints' Procedure as explained below. If the complaint is against the Chair of the Governing Body then it will be considered by the Vice Chair of the Governing Body at Stage Three of the Complaints' Procedure.

If you feel that your complaint has not been resolved at Stage Two then you can request for this to be dealt with under Stage Three of the Complaints' Procedure.

Stage 3: local Governing Body

Where you feel that your complaint has not been resolved under Stage Two then please:

- put the complaint in writing (you may wish to use the optional form at Appendix 1);
- address it to the Chair of the Local Governing Body;
- briefly set out the facts;
- state why you believe that the local school has not resolved your complaint.

The Chair may appoint a member of the Local Governing Body of the school to investigate the complaint.

The investigation may include the offer of a meeting with you (in which case a meeting would normally be held within 15 school days from the receipt of your complaint). The individual who is investigating your complaint will speak to those who were involved in the situation. You will receive the findings of the investigation in writing (from the individual who has investigated your complaint) which will include any steps that have been taken or may need to be taken to seek to resolve your complaint or an explanation of the situation. Normally you will receive this within 15 school days of any meeting held with you; however if a meeting has not been held with you then you can expect that normally you will receive the findings within 15 days from the receipt of your written complaint.

If you consider that your complaint has not been resolved then you may request that your complaint is dealt with at Stage Four of the Complaints' Procedure.

Stage 4: submit the complaint to the review panel

The review panel consists of members of the Governing Body. These individuals will have access to the existing record of the complaint's progress.

The complainant must have reasonable notice of the date of the review panel; 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.

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 10 days.

6. Referring complaints on completion of the school's procedure

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>

7. 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.

8. 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.

9. 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.

The complaints records are logged and managed by the Headteacher.

This policy will be reviewed by the Headteacher and the Governing Body every 2 years

10. Complaints Procedure for Pupils with SEND.

- If you have concerns about your child's progress you should speak to your child's class teacher initially.
 - If you are not happy that the concerns are being managed and that your child is still not making progress you should speak to the School Senco or Headteacher
 - If you are still not happy you can speak to the school SEND Governor.
- If the issue still is not resolved, parents would be advised to go to the Complaints Procedure which is there to guide you when making a complaint. This can be found on the school website or alternatively a copy can be requested from the school office.

11. Links with other policies

Policies dealing with other forms of complaints include:

- Child protection and safeguarding policy and procedures
- Admissions policy
- Exclusions policy
- Allegations of Abuse Against Staff
- SEND policy and information report

Appendix 1

Shawlands Primary School Formal Complain Form

Please complete and return to the Headteacher/Chair of the Governing Body who will acknowledge receipt and explain what action will be taken.



Your name:
Pupils Name:
Your relationship to the pupil:
Address:
Contact telephone number:
Please give the details of your complaint:
What action, if any, have you already taken to try to 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 supporting evidence? If so please state:
Signature: Date:

School Notes: