



# **COMPLAINTS POLICY**

**March 2022**

At Howard Primary School we work hard to establish and maintain good relationships with everyone in our school community. Occasionally, expectations are not met, and issues need to be resolved. This policy sets out how we will deal with any concerns or complaints raised.

### **Who can make a complaint?**

It can be used by any person, including members of the general public, who wishes to make a complaint about any provision of facilities or services that are provided at our school unless separate statutory procedures apply (see Appendix A for when other procedures will be followed.)

### **Third Party Providers**

*If your complaint relates to the service provided by a third party on school premises, for example, an after-school club run by an outside agency, you should use the complaints procedure of the external provider and not this procedure. Contact details of outside providers can be obtained from the school office should you require them.*

### **When to use this policy?**

If you have any concerns (*which may be defined 'as an expression of worry or doubt over an issue considered to be important for which reassurances are sought'*) please speak to the relevant member of staff, this is likely to be your child's class teacher in the first instance. It is anticipated that most concerns can be addressed informally and on a timely basis, often by the clarification of issues or the provision of information without resorting to any formal procedures.

Occasionally, you may have difficulty discussing a concern with a particular member of staff. In these cases, the school office will be able to refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, the member of staff will refer you to another staff member.

If you wish to make a complaint, (*which may be defined as 'an expression of dissatisfaction however made, about actions taken or a lack of action'*) you should follow the procedure set out below. We are keen to work with you to resolve any complaints at the earliest possible stage.

### **How to raise a concern or make a complaint**

Concerns should be raised with either the class teacher or headteacher first. If the issue remains unresolved, the next step is to make a formal complaint. A concern or complaint can be made in person, in writing or by telephone. They may also be made by a third party acting on behalf of a complainant, as long as they have appropriate consent to do so.

Complainants should not approach individual governors to raise concerns or complaints. They have no power to act on an individual basis and it may also prevent them from considering complaints at Stage 2 of the procedure.

### **Complaints**

- against school staff (except the Head Teacher) should be made in the first instance, to the Head Teacher via the school office. Please mark them as Private and Confidential.
- that involve or are about the Head Teacher should be addressed to the Chair of Governors, via the school office. Please mark them as Private and Confidential.
- about the Chair of Governors, any individual governor or the whole Governing Board should be addressed to the Clerk to the Governing Board via the school office. Please mark them as Private and Confidential.

A complaint form is included in Appendix B. In accordance with equality law, we will consider making reasonable adjustments if required, to enable complainants to access and complete this complaints procedure. For instance, providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations.

### **Anonymous complaints**

We will not normally investigate anonymous complaints. However, the Head Teacher or Chair of Governors, if appropriate, will determine whether the complaint warrants an investigation.

### **Time scales**

You must raise the complaint within three months of the incident. We will consider complaints made outside of this time frame if exceptional circumstances apply. We will consider complaints made outside of term time to have been received on the first school day after the holiday period.

### **Resolving complaints**

At each stage in the procedure, we want to resolve the complaint. If appropriate, we will acknowledge that the complaint is upheld in whole or in part. In addition, we may offer one or more of the following, an:

- Explanation.
- Admission that the situation could have been handled differently or better.
- Assurance that we will try to ensure the event complained of will not recur.
- Explanation of the steps that have been or will be taken to help ensure that it will not happen again and an indication of the timescales within which any changes will be made.
- Undertaking to review school policies in light of the complaint.
- Apology.

### **Withdrawal of a Complaint**

If you want to withdraw your complaint, we will ask you to confirm this in writing.

# **Complaints Procedure**

## **Stage 1 – Informal Stage**

In most cases complaints can and wherever possible should be resolved by contacting your child's class teacher or other member of staff. Your initial communication may be by letter, telephone conversation or in person by appointment. Where a letter is not provided by the parent/carer, the member of staff involved will keep a written record of the concern raised. Where the outcome of this does not lead to the issue being resolved then your complaint will need to be dealt with through the formal stages of this procedure.

## **Stage 2 – Formal Stage Complaints against Staff (excluding the Head and the Governing Board)**

If you are not satisfied with the response from the member(s) of staff at Stage 1 then you need to submit a written complaint to the Head Teacher (a form is included within this document, Appendix B).

Within 5 school days of receiving your written complaint, the Head Teacher will write to you setting out how the complaint is to be investigated. The Head Teacher may decide a face to face meeting is the most appropriate way of doing this (please note, the face to face meeting can be delegated to another member of Howard Primary School's senior staff.) During the investigation, the Head Teacher:

- May interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish.
- Will keep a written record of any meetings/interviews in relation to their investigation.

At the conclusion of their investigation, the Head Teacher will provide a formal written response within 20 school days of the date of receipt of the complaint. If the Head Teacher is unable to meet this deadline, they will provide you with an update and a revised response date.

Once the Head Teacher is satisfied that the investigation into your complaint has been concluded and they have reached a decision on the issue(s) raised, the Head Teacher will write to you to inform you of:

- actions taken to investigate the complaint.
- a full explanation of the decision made and the reason(s) for it.
- any actions that will be taken as a result of your complaint (except in the case of any action taken against individual members of staff which would remain confidential).
- advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 2.

At this stage, the consideration of the complaint by the Head Teacher is concluded.

## **Stage 2 – Formal Stage Complaints about the Head Teacher or a member of the Governing Board**

Complaints about the Head Teacher must be made to the Chair of Governors, via the school office. Complaints about a Governor (including the Chair) must be made to the Clerk of the Governing Board, via the school office.

If the complaint is about the Head Teacher, or a member of the Governing Board (including the Chair or Vice-Chair), a suitably skilled governor or an independent investigator will be appointed to complete all the actions at Stage 2 on behalf of the Governing Board.

### Stage 3 – Governors' Complaints Review Panel

If, having received the letter from the Head Teacher, you remain dissatisfied with the manner in which your complaint was dealt with you may request that the Governors' Complaints Review Panel is convened to consider the process followed by the Head Teacher.

To request that the Review Panel meets, you should submit a written request to the Clerk to the Governing Board at the School within 10 school days of the date of the Head Teacher's letter giving the conclusion of their investigation and give details of why you feel that the procedure has not been followed appropriately. Requests received outside of this time frame will only be considered if exceptional circumstances apply.

The Clerk will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within 5 school days.

The Clerk will write to inform you of the date of the Review Panel meeting. The Clerk will aim to convene a meeting within 20 school days of receipt of the Stage 3 request. If this is not possible, the Clerk will provide an anticipated date and keep you informed. If you reject the offer of three proposed dates, without good reason, the Clerk will decide when to hold the meeting. It will then proceed in your absence on the basis of your written submission.

The review panel will be formed of three, impartial, Governors who will not have had any prior knowledge or involvement, either directly or indirectly, in the issue which is the subject of the complaint. These Governors are usually members of the Governing Board but can be Governors from other schools. The panel will take into consideration the Department for Education's 'Best practice guidance for school complaints procedures' where applicable.

The review panel will decide whether to deal with the complaint by inviting parties to a meeting or through written representations. If you are invited to attend a meeting, you may bring someone along to provide support. This can be a relative or friend. Generally, we do not encourage either party to bring legal representatives to the panel meeting. However, there may be occasions when legal representation is appropriate. For instance, if a school employee is called as a witness in a complaint meeting, they may wish to be supported by their union and/or legal representation.

At least 10 school days before the meeting, the Clerk will:

- confirm and notify you of the date, time and venue of the meeting, ensuring that, if the complainant is invited, the dates are convenient to all parties and that the venue and proceedings are accessible.
- request copies of any further written material to be submitted to the panel.

Any written material will be circulated to all parties 5 school days before the date of the meeting. The panel will not normally accept, as evidence, recordings of conversations that were obtained covertly and without

the informed consent of all parties being recorded. The panel will also not review any new complaints at this stage or consider evidence unrelated to the initial complaint made. New complaints must be dealt with from Stage 1 of the procedure.

The meeting will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own disability or special needs require it. Prior knowledge and consent of all parties attending must be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.

The panel will consider the complaint and all the evidence presented. The panel can:

- uphold the complaint in whole or in part.
- dismiss the complaint in whole or in part.

If the complaint is upheld in whole or in part, the panel will:

- decide on the appropriate action to be taken to resolve the complaint.
- where appropriate, recommend changes to Howard Primary School's systems or procedures to prevent similar issues in the future.

The Chair of the Panel will provide the complainant and the school with a full explanation of their decision and the reason(s) for it, in writing, within 7 school days. The letter will include details of how to contact the Department for Education if the complainant is dissatisfied with the way their complaint has been handled.

### **Stage 3 – Formal Stage Complaints about a member(s) of the Governing Board**

If the complaint is jointly about the Chair and Vice Chair, the entire Governing Board or a majority of the Governing Board, Stage 3 will be heard by a committee of independent Governors.

#### **Next Steps**

If you believe that we did not handle your complaint in accordance with the published complaints procedure or they acted unlawfully or unreasonably in the exercise of their duties under education law, you can contact the Department for Education after Stage 2 has been completed.

The Department for Education will not normally reinvestigate the substance of complaints or overturn any decisions made by Howard Primary School. They will consider whether the school has adhered to education legislation and any statutory policies connected with the complaint.

You can refer your complaint to the Department for Education online at: [www.education.gov.uk/contactus](http://www.education.gov.uk/contactus), by telephone on: 0370 000 2288 or by writing to:  
Department for Education, Piccadilly Gate, Store Street, Manchester. M1 2WD.

## Appendix A - Scope of this Complaints Procedure

This procedure covers all complaints about any provision of community facilities or services by our school other than complaints that are dealt with under other statutory procedures, including those listed below.

Exceptions	Who to contact
<ul style="list-style-type: none"> <li>• Admissions to schools</li> <li>• Statutory assessments of Special Educational Needs</li> <li>• School re-organisation proposals</li> </ul>	<p>Concerns about admissions, statutory assessments of Special Educational Needs, or school re-organisation proposals should be raised direct with Croydon Local Authority or Bromley Local Authority*. For school admissions, it will depend on who is the admission authority (either the Governing Board or the LA).</p> <p>*delete as appropriate</p>
<p>Matters likely to require a Child Protection Investigation</p>	<p>Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance. If you have serious concerns, you may wish to contact the local authority designated officer (LADO) who has local responsibility for safeguarding.</p> <p>Croydon Local Authority Designated Officer 020 8255 2889</p> <p>Bromley Local Authority Designated Officer 0208 461 7669 or 0208 313 4325</p>
<p>Exclusion of children from school*</p>	<p>Further information about raising concerns about exclusion can be found at: <a href="http://www.gov.uk/school-discipline-exclusions/exclusions">www.gov.uk/school-discipline-exclusions/exclusions</a>.</p> <p><i>*Complaints about the application of the behaviour policy can be made via our school's complaints procedure.</i></p>
<p>Whistleblowing</p>	<p>We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors.</p> <p>The Secretary of State for Education is the prescribed person for matters relating to education for whistleblowers in education who do not want to raise matters direct with their employer. Referrals can be made at: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a>.</p> <p>Volunteer staff who have concerns about our school should complain through the school's complaints procedure. You may also be able to complain direct to the LA or the Department for Education depending on the substance of your complaint.</p>

Staff grievances	Complaints from staff will be dealt with under the school's internal grievance procedures.
Staff conduct	Complaints about staff will be dealt with under the school's internal disciplinary procedures, if appropriate. Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.
Complaints about services provided by other providers who may use school premises or facilities	Providers should have their own complaints procedure to deal with complaints about service.  Please contact them directly.
National Curriculum - content	Please contact the Department for Education at: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a>

If other bodies are investigating aspects of the complaint, for example the police, local authority (LA) safeguarding teams or Tribunals, this may impact on our ability to adhere to the timescales within this procedure or result in the procedure being suspended until those public bodies have completed their investigations.

If a complainant commences legal action against our school in relation to their complaint, we will consider whether to suspend the complaints procedure in relation to their complaint until those legal proceedings have concluded.



## Appendix B – Complaint Form

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

<b>Your name:</b>	
<b>Pupil's name (if relevant):</b>	
<b>Your relationship to the pupil (if relevant):</b>	
<b>Address:</b>	
<b>Telephone number:</b>	<b>Daytime:</b> <b>Evening:</b>
<b>Please give details of your complaint, including whether you have spoken to anybody at the school about it.</b>	

**What actions do you feel might resolve the problem?**

**Are you attaching any paperwork? Yes / No**

**If yes, please give details:**

**Signature:**

**Date:**

**Official use**

**Date acknowledgement sent:**

**By who:**

**Complaint referred to:**

**Date:**