

# Ashmole Primary School



## Complaints Procedure Policy

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Updated on:	Changes made / notes:
January 2015	<i>'Headteacher' changed to 'Head of School'</i>
September 2016	<i>Reviewed List of named key staff and roles added</i>

## Complaints Procedure Policy

### Introduction

- Governing bodies are required by law to have a procedure in place to deal with complaints relating to aspects of the school or the provision of facilities or certain services at the school. The law requires that this procedure must be publicised.
- The vast majority of complaints and concerns can be resolved informally.
- A complaint can be brought by a parent of a registered child at the school or any person who has been provided with a service or a facility at the school. The procedure refers to this person as a complainant.
- The complainant must feel able to raise concerns and complaints with members of staff without formality, either in person, by telephone or in writing.
- At first it may be unclear whether a complainant is asking a question or expressing an opinion rather than making an education complaint. A complainant may want a preliminary discussion about an issue to help decide whether he or she wishes to take it further.
- A concern or unresolved problem becomes a complaint only when the complainant asserts that a school has acted wrongly in some significant decision, action or failure to take action.
- Even when a complaint has been made it can be resolved or withdrawn at any stage.
- Schools may have a nominated member of staff with responsibility for the operation and management of the school complaints procedure. This member of staff, however, may not necessarily be the Head of School.

### Special Circumstances

Any complaint or other notice that suggests that a child has been at risk of significant harm through violence, emotional abuse, sexual interference or neglect may be referred without further notice to Children's Social Care and/or to the social services authority for the area in which the child lives. If a social services authority decides to investigate a situation this may postpone or supersede investigation by the head teacher or governing body.

### Other Solutions to Complaints

Where a matter can be resolved through a legal appeal it will not be considered as a formal complaint. The key areas are: admissions decisions; certain decisions relating to formal assessment of special educational needs; and decisions to permanently exclude a child.

### Dealing with concerns informally

The complainant should be given an opportunity to discuss their concern with the appropriate member of staff. An appointment may need to be made.

- The complainant should be able to bring a friend to any discussion.
- The member of staff dealing with the concern should make sure that the complainant is clear what action (if any) or monitoring of the situation has been agreed.
- This stage should be completed speedily and concluded in writing with appropriate detail.
- Where no satisfactory solution has been found, the complainant should be informed that s/he will need to consider whether to make a formal complaint in writing to the Headteacher. To assist in this process a complaint form should be provided (example attached).
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### Members of staff 2016 – 2017

If concerns cannot be resolved by the class teaching team, it may be preferable for team leaders and senior members of staff to be contacted.

Role	Name
EYFS team leader	Kirsty Williams
Key Stage 1 team leader	Gemma Chukwudinma
Key Stage 2 team leader	Shelly Griffiths
Deputy Headteacher	Rebecca Dwyer
Head of School	Adam Hickman
Executive Headteacher	Christopher Toyne
Chair of Governors	Phil Higgins

Appointments can be made in person at the school office, by telephone (02077352419), by email ([admin@ashmoleprimaryschool.org.uk](mailto:admin@ashmoleprimaryschool.org.uk)) or in writing at Ashmole Primary School, Ashmole Street, London SW8

### **Stage 1 – Referral to the Head of School for investigation**

- 1.1 The Head of School should acknowledge the complaint in writing. In some cases the Headteacher will have already been involved in looking at the matter; in others it will be his/her first involvement.
- 1.2 The Head of School should consider providing an opportunity to meet with the complainant to supplement any information previously provided.
- 1.3 If the complaint is against a member of staff the Head of School should talk to the staff member against whom the complaint has been made.
- 1.4 If necessary, the Head of School should interview witnesses and take statements from those involved.
- 1.5 The Head of School should keep reasonable written records of meetings, telephone conversations and other documentation.
- 1.6 Once all the relevant facts have been established, the Head of School should produce a written response to the complainant. The Headteacher may wish to meet the complainant to discuss/resolve the matter before confirming the outcome in writing.
- 1.7 The written response should include a full explanation of the decision and the reasons for it. Where appropriate, it should include what action the school will take to resolve the complaint.
- 1.8 Stage 1 should be completed in 15 school days. However, it is recognised that where the case is complex, it may prove difficult to meet this timetable. In such cases, the Head of School should write to the complainant giving a revised target date.
- 1.9 Schools will not pay financial compensation as a response to complaints, though may spend money on a relevant educational purpose (e.g. paying a fee for a repeat examination).
- 1.10 The formal Stage 1 response should also advise the complainant that if s/he is not satisfied with the response and wishes to take the matter further, s/he should write to the Chair of the Governing Body within 15 school days of receiving the outcome letter. The outcome letter should set out the name of the Chair of the Governing Body and the address to which the complainant can send the letter.
- 1.11 Complaints against the Head of School - If the complaint is wholly or mainly about the Head of School, the Governing Body should consider the complaint in accordance with Stage 2 of the procedure described below. However, before Stage 2 is instigated the Chair of the Governing Body will invite the Head of School to respond to the complaint in writing within ten school days. The Chair will send a copy of the Head of School's response to the complainant who will be asked to indicate within five school days of receipt of the response whether s/he is satisfied with the response. If the complainant is not satisfied with the response stage 2 should commence as described in paragraph 2.1 below.

### **Stage 2 – Consideration by the Governing Body**

- 2.1 If the complainant decides to take the matter further, the Chair of the Governing Body should write to the complainant to acknowledge the complaint within five school days of receipt of the complaint. A copy of the acknowledgement and the complaints form should be sent to the Headteacher and the Clerk to the Governing Body. (A standard letter is attached to this document which the Chair may wish to use).
- 2.2 Investigating the complaint – If the complaint has been investigated at Stage 1 the result of the investigation must be made available to the Clerk/Chair of the Governing Body by the Headteacher. However, where the complaint is against the Headteacher and the complaint is referred to Stage 2, the Chair of the Governing Body must decide how the complaint should be investigated.
- 2.3 Governing bodies are advised to establish a Complaints Appeal Panel (CAP) drawing on three governors with no prior, direct involvement with the complaint. In deciding the make-up of the CAP, where possible the governing body will try and ensure that it is a cross-section of the categories of governor and sensitive to the issues of race, gender and religious affiliation.

## Complaints Procedure Policy

2.4 The Headteacher should not serve on the CAP. If the Chair of the governing body has had any prior involvement in the complaint then the Chair must not sit on the CAP.

2.5 The CAP should consider the complaint on the basis of the written evidence and set up a hearing to hear both parties. The CAP should reconsider the issues raised in the original complaint and not confine themselves to consideration of procedural issues.

2.6 The Chair of the CAP should take a decision at the beginning of Stage 2 on whether to seek the services of a Clerk to:

- deal with the administration of the procedure;
- provide independent advice on procedure and evidence;
- ensure that the relevant facts are established;
- minute the meeting; and
- draft the decision letter.

2.7 The Clerk/Chair of the CAP should write to the complainant to explain how the review will be conducted. The letter should be copied to the Head of School.

2.8 The Clerk/Chair of the CAP should confirm the date of the meeting with the other governor(s).

2.9 The complainant and Head of School should be invited to attend the meeting. The date and time of the meeting should be convenient to the complainant and Head of School, within reason. The notification should inform the complainant of his/her right to be accompanied to the meeting by a friend/representative. It should also explain how the meeting will be conducted and of the complainant's right to submit further written evidence to the committee.

2.10 The Head of School should also be invited to prepare a written report for the CAP in response to the complaint.

2.11 All relevant correspondence regarding the complaint should be circulated to the CAP; the complainant and the Head of School in advance of the meeting.

2.12 If the Head of School and/or the complainant wish to call witnesses, the agreement of the Chair of the CAP should be obtained in advance of the meeting.

2.13 It is the responsibility of the Chair of the CAP to ensure that the meeting is properly conducted. However, the proceedings should be as informal as possible.

2.14 The aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant. However, at the end of the meeting the CAP will need to issue a finding in writing either upholding or not upholding the complaint or upholding some parts and not others.

2.15 If either party wishes to introduce previously undisclosed evidence or witnesses, it is in the interest of natural justice to adjourn the meeting so that the other side has time to respond to the new evidence. Late evidence of witnesses should not be accepted unless there is a good reason for the lateness.

2.16 The meeting should allow for:-

- the complainant to explain his or her complaint and the Head of School to explain the reasons for his or her decision;
- the Head of School to question the complainant about the complaint and the complainant to question the Headteacher;
- the CAP to have an opportunity to question both the complainant and the Head of School;
- any party to have the right to bring witnesses (subject to the approval of the Chair of CAP) and all parties having the right to question all the witnesses; and
- a final statement by the Head of School and complainant.

2.17 The Chair of the CAP should explain to the complainant and the Head of School that the CAP will consider its decision, and a written response will be sent to both parties as soon as possible. The complainant, Head of School and any witnesses will then leave.

## Complaints Procedure Policy

2.18 The CAP will consider the complaint and all the evidence presented and reach an unanimous, or at least a majority, decision on the complaint. Where appropriate the CAP can decide on the action to be taken to resolve the complaint and/or suggest recommended changes to the school's system or procedures to ensure that problems of a similar nature do not happen again.

2.19 As in Section 1.9 above, the CAP will not pay financial compensation as a response to a complaint, though may spend money on an appropriate educational purpose.

2.20 The Clerk/Chair of CAP will send a written statement outlining the decision with reasons to both the complainant and the Head of School.

2.21 The complainant should be advised that if s/he is dissatisfied with the response s/he has the right take the matter further by complaining to the Secretary of State, Department for Education.

2.23 Stage 2 should be completed in 15 school days. However, it is recognised that this timetable is likely to improve impossible for complaints which are complex. In such cases the chair of the complaints committee should write to the complainant and Head of School giving a revised target date.

### **Stage 3 – Complaint to the Secretary of State, DfE**

3.1 If the complainant is unhappy with the way in which a school has dealt with the complaint, a stage 3 complaint must be submitted to the Secretary of State, Department for Education.

3.2 The complaint can be submitted through the Department for Education online "School complaints form" in the attached link: <https://www.education.gov.uk/schools/leadership/schoolperformance/school-complaints-form> or in writing to Secretary of State, Department for Education, Sanctuary Buildings, 20 Great Smith Street, London SW1P 3BT.

3.3 For the Secretary of State to intervene following a complaint, he needs to be sure that either

- The school has acted or is proposing to act unreasonably in the exercise or performance of its functions imposed by or under the Education Act 1996; or
- The school has failed to discharge any duty imposed by or for the purposes of the Education Act 1996.

3.4 Guidance on making a complaint about a school to the Department for Education can be found on Department for Education website at the following link:

<http://www.education.gov.uk/schools/leadership/schoolperformance/b00212240/making-complaint-school>

### **Vexatious Complaints**

4.1 There will be occasions when despite all stages of the procedure having been followed, the complainant remains dissatisfied. If the complainant tries to reopen the same issue, the Chair of the Governing Body can inform the complainant in writing that the procedure has been exhausted and that the matter is now closed.

### **Monitoring and review**

This policy is reviewed annually by the governing body.