

Primrose Hill Primary School



Complaints Policy and Procedures

July 2014

Review date: July 2016



Introduction

Parents and pupils are stakeholders in Primrose Hill School and the educational system as a whole. If they are unhappy about something, there should be a clear system and route for them to make the school aware of their concerns – even if all that entails is an explanation of why something happens in the way that it does.

What can a complaint be about?

The kinds of issues that might lead to a formal complaint being made may include:

- Bullying
- Discrimination on the grounds of race or gender
- The school environment
- Staff conduct
- Decisions about national tests

In each of these cases the responsibility for action lies with the school. In some cases a complaint may lead to a disciplinary or an appeal against a decision in which case it may be appropriate for the issue to be dealt with separately from the complaints procedure.

What issues should the complaints procedure not deal with?

Existing statutory bodies, personnel or other procedures already exist for dealing with each of the following issues:

- Complaints about the statementing process for children with special educational needs
- Disciplinary issues relating to members of staff (although sometimes this may come about as a result of a complaint)
- Allegations of abuse
- Admissions and exclusions
- Provision of collective worship and religious education

There is also a different procedure for complaints that are concerned with the delivery of the National Curriculum. Please see the section of Curriculum Complaints for further details.

Investigating a complaint

Most complaints can be successfully dealt with informally. However, for those situations where this is not the case, the following procedure will be used for investigating and dealing with complaints. This procedure provides the means to identify an area of concern at an early stage and to tackle it quickly and effectively. This procedure should enable swift handling of the complaint with clear time limits, and will also ensure a full and fair investigation that respects the confidentiality of the complainant.



The school will try to:

- Discuss the complaint with the complainant
- Establish what has happened and who was involved – clarify the details
- Discover what the complainant feels would remedy the situation
- Interview those involved – allow them to be accompanied if they wish
- Approach the interview with an open mind – and keep notes

If the school is unable to respond within the time limit (usually 15 days at stage 1 and 20 days at stage 2), we will inform the complainant, giving a reason and a new deadline for reply.

Resolving complaints

The school will try and reach some sort of resolution with complaints so that they can be closed down. It might be sufficient to acknowledge that a complaint is valid in whole or in part. It may also 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 incident complained of will not recur – and an explanation of steps taken to ensure this.
- An undertaking to review school policies in light of the complaint.

Vexatious complaints

If a complainant attempts to reopen issues that have been dealt with through the complaints procedure it should be explained that the procedure has been exhausted. If the complainant believes that the school has acted unreasonably they may appeal to the Secretary of State for Education as detailed in the section below.

However, the school might consider an appeal if a complainant is able to demonstrate that new information or evidence has come to light, which was not available at the time of the original complaint and which might significantly affect the findings of the complaints panel.

Monitoring complaints

The Head Teacher will monitor complaints within the school. Details will include:

- Name of complainant
- Details of the complaint
- How the complaint was investigated and by whom
- When the complaint was made
- The results and conclusions of the investigation(s)
- Any action taken as a result



Complaints are recorded at each stage, with the outcome listed as upheld, not upheld, or partially upheld. This will include an indication as to whether the time scales have been met. The school will monitor the gender, ethnicity and any disability of complaints in order to address any possible equality issues. These figures will be reported regularly to the governing body.

Publicising the complaint procedure

Details of this complaint procedure are publicised on the school website. The school will consider other forms of publicity, including:

- The school prospectus
- School bulletins/newsletters
- As part of the Home School Agreement
- A specific complaints leaflet

All school staff and governors are aware of the complaints procedure which is recognised nationally for the effectiveness of its approach.

Getting help and advice

Camden Council has a well-established complaints procedure that is recognised nationally for the effectiveness of its approach, and has also received BSI (British Standards Institute) accreditation.

The Education Department will support schools in the implementation of these complaint procedures.



THE STAGES FOR MAKING A COMPLAINT

Dividing the complaint process into stages enables complainants to have a clear idea of how to make their concerns known and also where to turn if they are not satisfied with an answer that they may have been given.

Informal stage

This is when a parent or pupil or other person contacts schools because they are not happy about something that has happened, or is happening in school.

At this stage, the Class Teacher, Phase Leader, Assistant Head Teacher or other individual responsible for the service (eg. SEND / SEBN Leader; Office Manager) can resolve the concern/s presented (through a meeting if the complainant wishes it). It may be helpful to identify at this point what sort of outcome the complainant is looking for, in order to tackle minor concerns quickly and effectively.

If the concern relates specifically to the Head Teacher, then it is desirable for the Head to resolve the issue. If this is not possible the complainant should be advised to contact the chair of the governing body.

Stage 1 – formal complaint to the Head Teacher

If the complainant is not satisfied with the response received from the Class Teacher or Phase Leader of the Informal Stage, he or she should be given the opportunity to take the complaint to the next stage, and for the Head Teacher to investigate. (As stated earlier if the complaint is about the Head Teacher or if the Head Teacher has already had extensive involvement at the informal stage, the chair of the complaints panel should carry out the investigation of this stage of the complaint).

Oral or written acknowledgement of a complaint should be provided within two working days and a target date for response should be given (usually within 15 school working days.) If it is not possible to resolve matters within this timescale an explanation should be given, with a revised target date.

The Head Teacher should provide the complainant with the opportunity to meet to discuss the complaint further and it is reasonable to allow a friend or advocate to accompany the complainant to the meeting if the complainant wishes.

The Head Teacher or designated senior member of staff should interview any relevant pupils / witnesses. Pupils may wish to be interviewed with parents or carers present. If that is not possible, then another member of staff with whom the pupil feels comfortable should be asked to attend. Written records should be kept of all meetings, telephone conversations etc.

Any action plans should be written down and approved by all parties and the complainant should be advised of the next stage of the procedure in case he or she is not satisfied with the response at Stage 1.



Stage 2 – formal complaint to the governing body

Complaints rarely reach this level, but governing bodies should be prepared to deal with them if necessary. The Education Department is happy to provide advice to governing bodies on how to deal with any complaints. A model procedure for a governors' complaint panel is included on page 8 of this guidance.

A governors' complaint panel consisting of three members of the governing body should be convened. Schools may wish to seek advice at this stage from any relevant authority such as Children, Schools & Families.

For advice from the CS&F, please contact the complaints liaison officer on the telephone number or address below. The complaints officer will be able to provide you with advice based upon experience of dealing with potentially similar problems and will provide immediate assistance or put you in touch with an officer in a specific service (e.g. the Central Complaints Unit or the Legal Service) if necessary.

Additional advice can also be obtained from the DCSF (Department of Children, Schools & Families) governors' website – go to www.governornet.co.uk and search for complaints procedure tool kit.

It is important that the governors' complaint panel should not only be independent, but be seen to be so. The full governing body should not consider individual complaints in case the investigation leads to a disciplinary hearing that would need to be heard by a separate group of governors. Similarly, some governors may have prior knowledge of a problem, which might make them unable to give fair and unbiased consideration to the issue.

A complaint panel should be arranged, with enough notice given (usually at least 5 working days) so that everyone including the complainant, can attend. At this meeting the issues around the complaint can be discussed, with everyone involved invited to put their case. It is likely that the panel would also need to interview any people involved in order to get a clearer picture of the story. Any parties involved should also be invited to submit any extra evidence that has not been seen during the earlier stages.

A written response to the complainant should be made as soon as possible but in any case within 15 school working days of the panel.

Stage 3 – appeal to the Secretary of State for DCS&F

If the complainant is still not happy by this stage, an appeal can be made to the Secretary of State for DCS&F on the following grounds:

- The governing body is acting or proposing to act unreasonably
- The governing body has failed to discharge its duties under the appropriate Education Act.

Contact details can be found later in this document.



CURRICULUM COMPLAINTS

Parents may use the complaints procedure if they believe that either the CS&F or the governing body are failing:

- To provide the National Curriculum in the school or for a particular child.
- To follow the law on charging for school activities.
- To offer only approved qualifications or syllabuses.
- To provide religious education and daily worship.
- To provide the information that they have to provide.
- To carry out any other statutory duty relating to the curriculum.

... or acting unreasonably in any of the above cases. The procedure is as follows:

Stage 1 – informal

Parents are encouraged to take their concerns directly to the Head Teacher to seek early resolution informally. If the complaint cannot be resolved in this way, the following procedure will be initiated:

Stage 2 – the governing body

The governing body complaints panel should be convened and the complaint investigated in the same way as described in the earlier procedure. The governing body will also refer to the model procedure adopted by the CS&F and attached to these procedures. However, if the complainant is still not satisfied after this, he or she may take their complaint to the CS&F.

Stage 3 – the CS&F

Complaints about the CS&F's powers or functions need to be considered by the CS&F.

If a complainant is not happy with the outcome of a complaint to the governing body about any of the above issues, they can write to the Complaints Liaison Officer, Camden CS&F Crowndale Centre, 218-220 Eversholt Street, London NW1 1BD. The CS&F complaints liaison officer will co-ordinate the response to curriculum complaints, which will generally be provided by the Inspection and Advisory Service.



USEFUL CONTACTS

Complaints Liaison Officer

Camden Children Schools & Families
Crowndale Centre
218-220 Eversholt Street
London NW1 1BD
020 7974 4091
E-mail: education.complaints@camden.gov.uk

Central Complaints Unit

Camden Town Hall
Judd Street
London WC1H 9JE
020 7974 5644
Minicom: 020 7974 5570
Fax: 020 7974 5589
E-mail: complaints@camden.gov.uk

Department for Education and Skills

Sanctuary Buildings
Great Smith Street
Westminster
London SW1P 3BT
Switchboard 0870 000 2288



MODEL PROCEDURE FOR A GOVERNORS' COMPLAINTS PANEL

When should a complaints panel be convened?

If a complainant makes either an appeal against a decision made by a Head Teacher at an earlier stage or the complaint is about the Head Teacher, the procedures outlined below should be followed. The complaint should generally be made in writing, although governors should be sympathetic to cases where a complainant has difficulty with written communication.

Acknowledgement

Written acknowledgement of the complaint should usually be made within ten days. The acknowledgement should inform the complainant that the complaint is to be heard by three members of the school's governing body within 20 school working days of receiving the complaint. The letter should also explain that the complainant has the right to submit any further documents relevant to the complaint. These must be received with five school days in time for the documents to be sent to the three members.

The panel

The Chair of the governing body should arrange to convene a governors' complaints panel elected from members of the governing body. It may be necessary for the governing body to appoint reserves to this panel to ensure that three governors are available to carry out their task within the set time.

The panel members should be governors who have had no prior involvement with the complaint. If s/he has not previously been involved, the Chair of the governing body should chair the panel – otherwise another governor (e.g. the Vice Chair of the governing body) should do it. Generally it is not appropriate for the Headteacher to have a place on the panel. It may be helpful to have a parent (who is a governor) on the panel. Governors will need to be sensitive to issues of race, gender, disability and religious affiliation.

Timescale

The panel Chair will ensure that the panel will hear the complaint within 20 working days of receiving the request to move to stage 2. All relevant correspondence regarding the complaint should be given to each panel member as soon as the composition of the panel is confirmed. If the correspondence is extensive, the Chair should prepare a thorough summary for sending to panel members.

The Chair will write and inform the complainant, Head Teacher, any relevant witnesses and members of the panel of the date, time and place of the meeting. This should be done at least 5 working days in advance. The notification to the complainant should also inform him/her of the right to be accompanied to the meeting by a friend/advocate/interpreter. The letter will also explain how the meeting will be conducted and the complainant's right to submit further written evidence to the panel.



Who should attend?

The Chair should invite the Head Teacher to attend the panel meeting and prepare a written report for the panel in response to the complaint. The Head Teacher may also invite members of staff directly in matters raised by the complainant to respond in writing or in person to the complaint. Any relevant documents including the Head Teacher's report should be received by all concerned – including the complainant – at least 5 working days prior to the meeting.

The involvement of staff other than the Headteacher is subject to the discretion of the Chair. It is the responsibility of the Chair to ensure that the meeting is properly minuted.

The meeting

The aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant. However, it has to be recognised that sometimes it may only be possible to establish facts and make recommendations which will satisfy the complainant that his or her complaint has at least been taken seriously.

The panel should remember that many parents are unused to dealing with groups of people in formal situations and may feel inhibited when speaking to the panel. The Chair should therefore ensure that the proceedings are as informal as possible.

If either party wishes to introduce previously undisclosed evidence or witnesses, it may be in the interests of natural justice to adjourn the meeting so that the other side has time to consider and respond to the new evidence.

The meeting should allow for:

- The complainant to explain their complaint and for the Head Teacher to explain the school's response
- The Head Teacher to question the complainant about the complaint and the complainant to question the Head Teacher and/or other members of staff about the school's response
- Panel members to have an opportunity to question both the complainant and the Head Teacher
- Any party to have the right to call witnesses (subject to the approval of the chair) and all parties having the right to question all the witnesses.
- Final oral statements by both the complainant and the Head Teacher.

The decision

The Chair will explain to the complainant and the Head Teacher that the panel will now consider its decision, and a written decision will be sent to both parties within 15 working days. The complainant, Head Teacher, other members of staff and witnesses will then leave.



The panel will then consider the complaint and all the evidence presented and :

- Reach a unanimous, or at least a majority, decision on the complaint
- Decide upon the appropriate action to be taken to resolve the complaint
- Where appropriate, suggest recommended changes to the school's systems or procedures to ensure that problems of a similar nature do not happen again.

A written statement outlining the decision of the panel must be sent to the complainant and Head Teacher. The letter to the complainant should explain whether a further appeal can be made, and if so, to whom. Generally this would be the end of the governing body's involvement in the complaint process.

However, the governing body might also consider an appeal if a complainant is able to demonstrate that new information or evidence has come to light, which was not available at the time of the original complaint and which might significantly affect the findings of the complaints panel.

The school should ensure that a copy of all correspondence and notes are kept on file in the school's records. These records should be kept separately from the pupil's personal records.

Checklist for the panel hearing

- The hearing should be as informal as possible.
- Witnesses are only required to attend for the part of the hearing for which they give their evidence.
- After introductions, the complainant is invited to explain their complaint, followed by their witnesses.
- The Head Teacher may question both the complainant and the witnesses.
- The panel may ask questions at any point.
- The Head Teacher is then invited to explain the school's actions, followed by any witnesses for the school.
- The complainant may question both the Head Teacher and the witnesses.
- The complainant is invited to sum up their complaint.
- The Head Teacher is invited to sum up the school's response to the complaint.
- The Chair explains to the complainant and Head Teacher when they can expect to hear from the panel.
- The complainant and the Head Teacher leave together to allow the panel to reach a decision, which would generally be communicated formally in writing.



SCHOOL COMPLAINT FORM

Name of school:.....

Your name:.....

Pupil's name:.....

Your relationship to pupil:

Your address and postcode:

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Your daytime telephone number:

Your evening telephone number:

Your complaint is (include details of actions taken to try to resolve the situation):

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(If you run out of space, please use extra paper)

DISSEMINATION OF THE POLICY

The policy will be given to all members of staff and copies will be available for parents.

PROCEDURES FOR MONITORING AND EVALUATION

The head teacher, members of the senior management team and members of the curriculum leadership team, will monitor the policy.