

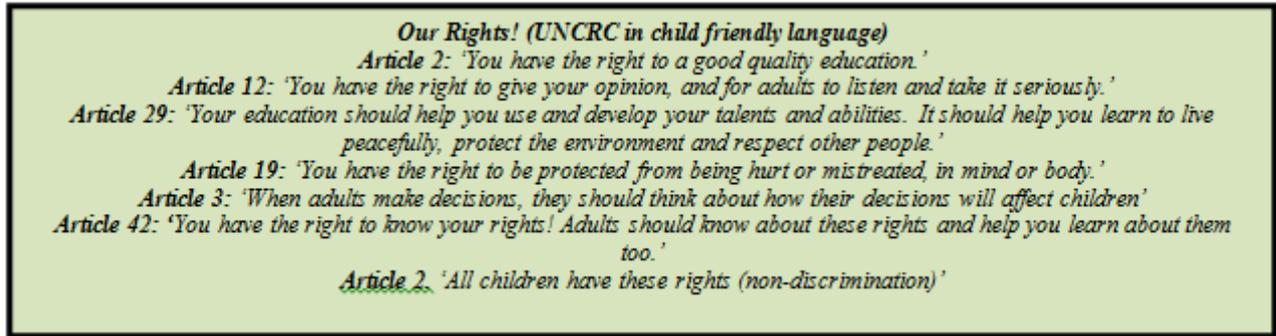
Smithy Street Primary School

Complaints Procedure



Approved by staff and governors

July 2019



POLICY AND PROCEDURES FOR DEALING WITH COMPLAINTS

1. INTRODUCTION

This policy has been approved by the governors of Smithy Street School. It sets out the way in which we will deal with complaints.

It is in the interest of everyone that all parties involved in any complaint conduct themselves in a professional, courteous and respectful manner at all times. Complaints should be dealt with promptly, at all stages.

2. DEFINITION OF A COMPLAINT

A complaint is an expression of significant dissatisfaction, written or oral, by a person or persons with a legitimate interest in the school about any aspect of their child's education. This includes the practices or policies of the school, the conduct, action or omissions of members of staff employed at the school, and the quality of teaching.

Complaints may be written or oral. It is not always appropriate to ask for complaints to be put in writing as this might unnecessarily formalise the situation, resulting in either party taking a more defensive or entrenched position and making the conflict more difficult to resolve.

For a complaint to merit serious consideration it should meet at least one of the following criteria:

- It is made by the person(s) directly affected by the matter of the complaint
- it relates to recent events
- the events in question can be dated
- there is independent corroboration of the allegations

It is important to bear in mind that not all expressions of concerns constitute a complaint. Discretion needs to be applied in determining whether action over and above the normal day to day discussions on parental concerns is needed. All senior management team members are expected to exercise such discretion before referring matters to the Headteacher.

Problems and expressions of concern should be dealt with as far as is possible, at the point of first contact. This is usually the class teacher. If it cannot be resolved at this level then the teacher should refer the matter to the Headteacher.

3. RESPONSIBILITIES

The Governing Body is responsible for the conduct of the school.

The Headteacher is responsible for the internal organisation and management of the school.

This means that:

- The Headteacher responsible for investigating complaints not resolved by the class/form teacher and, if appropriate, referring complaints to other members of staff to deal with.
- The Governing Body may be called upon to consider, resolve and or adjudicate if complaints are referred to them by the Headteacher or by a complainant who is not satisfied with the result of the informal process.
- If the complaint is not resolved at school level the interested parties have recourse to the DFE (Department for Education) or to the legal process.

In the event of a complaint being made to a member of the Governing Body, the complainant should be advised to speak to the Headteacher, so that an attempt can be made to resolve the matter informally. Governors must not prejudice themselves by giving any view or opinion on the complaint as this would prevent their participating in a panel at a later stage and may make it more difficult for the Headteacher to resolve the complaint. If at any point it appears that there are issues regarding school staff which may need to be dealt with under the disciplinary or other staffing procedures, personnel advice should be sought.

Appendix 1 details the responsibilities of the roles in the scope of this policy.

4. AIMS

We aim to:

- Underpin our school's aims and objectives by giving due consideration to the complaints of parents.
- Ensure that all complaints are considered fully, fairly and confidentially, promptly, thoroughly and, in the first instance, on an informal basis.
- Ensure complaints are considered and resolved as quickly, and as efficiently as possible
- Ensure that there is an effective partnership between school, staff, governors and parents.
- Provide guidance in the absence of a resolution to the satisfaction of the complainant, which will enable the complainant, the Headteacher or the Governing Body to consider how, if at all, the matter should be taken further.
- Ensure that all members of the school community can have their points of view heard.

The Governing Body may be called upon to consider, resolve and or adjudicate if complaints are referred to them by the Headteacher or by a complainant who is not satisfied with the result of the informal process.

If the complaint is not resolved at school level the interested parties have recourse to the DFE.

5. HOW TO MAKE A 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 on a complainant, as long as they have appropriate consent to do so.

For ease of use, a template complaint form is included at the end of this procedure (Appendix 2). If you require help in completing the form, please contact the school office. You can also ask third party organisations like the Citizens Advice to help you.

This form should be completed and returned to the school office and be addressed for the attention of the Headteacher.

Complaints should be within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. However, we will consider complaints made outside of this time frame if exceptional circumstances apply and if circumstances allow the investigation to take place.

We will consider complaints made outside of term time to have been received on the first school day after the holiday period.

6. REFERRAL STRUCTURE

In most cases referral will be as follows:

- Class teacher
- Phase Leader
- Headteacher

On occasions, for example if a complaint is particularly serious or for example involves the Headteacher, it will be appropriate to by-pass levels in the referral structure.

When a complaint is made to the Headteacher (s)he may decide to deal with it or to refer it to an appropriate level in the structure. When the Head has asked a colleague to deal with a complaint, feedback should be given to the Headteacher.

Where a teacher other than the Headteacher receives a complaint (as opposed to an expression of concern) and deals with it, the Headteacher should be notified of the complaint and how it was resolved.

If a matter remains unresolved despite the involvement of the Headteacher, the Headteacher will ask the Chair of Governors or an appointed governor to act as a facilitator. The governor may choose to seek the advice of appropriate officers of the LA before initiating formal procedures.

If all informal channels have been exhausted and there is still dissatisfaction, the complainant should be made aware of how formal procedures can be initiated.

7. POSSIBLE OUTCOMES AT THE INFORMAL STAGE

- The matter is resolved.
- The complaint has been found to be valid by the Headteacher, and he or she, within his/her responsibility for the overall internal management of the school, will take appropriate action.
- The Headteacher or the complainant will refer the matter to the Governing Body for their consideration.

8. COMPLAINTS MADE TO THE GOVERNING BODY

In the event of a complaint being received directly by the Governing Body from a parent or other stakeholders in the school, governors should have regard to the following;

- Complaints to the Governing Body must be made to the Clerk of the Governing Body, via the school office.
- Any complaint to the Governing Body or one of its members should be passed to the Headteacher for investigation. The Head should follow the informal procedure outlined above to attempt to resolve the matter and report the outcome to the complainant and details of action taken to the Chair of Governors.
- If the Chair of the Governing Body is satisfied that the informal procedures have been exhausted and the complaint is still not resolved, (s)he may, after further discussions with the Headteacher, decide to initiate the formal procedure.
- In the event of the complaint being about the Headteacher, the Chair of the Governing Body will inform the Headteacher of the complaint and then attempt, through an informal approach at first, to resolve the matter.
- The complainant will be advised of the Chair's conclusions and advise them of how to escalate to the formal procedure.

9. THE FORMAL PROCEDURE

- If informal attempts to settle the complaint have failed to satisfy the complainant, (s)he should set out the complaint fully in writing and submit this to the Clerk the Governing Body, via the school office. Where this is not possible because of literacy or second language considerations, the complaint should be made orally and where necessary arrangements for interpretations should be made.

- Receipt of the complaint will be acknowledged in writing by the Chair of the Governing Body, the Vice Chair if the Chair is not available, or the Clerk. A copy of this complaints procedure will be enclosed with the acknowledgment.
- The Governing Body will arrange for the complaint to be heard by a panel of three Governors who have not had involvement with the matter at an earlier stage. This panel should be set up at a properly convened meeting of the full Governing Body
- The panel will be provided with copies of the complaint and all other relevant documentation.
- At least five working days notice of the hearing by the panel will be given to all concerned.
- All parties involved in the dispute may be accompanied, if desired, by a friend, a representative or an interpreter, and may call witnesses.
- The Headteacher (or the Chair of Governors if the complaint is against the Headteacher) will explain what has already been done to attempt to resolve the complaint and the outcome of any investigation. Then the complainant will present his or her case and call any witnesses. The panel and Headteacher will have an opportunity to question the complainant and witnesses. The Headteacher will have the opportunity to respond to the complainant and call witnesses if appropriate
- The panel and the complainant will have the opportunity to question the Headteacher and the witnesses.
- The Headteacher, followed by the complainant, will summarise their positions.
- All, but the members of the panel, will withdraw while a panel decision is reached.
- When the evidence has been fully considered and a decision made, the panel will notify in writing the complainant and the Headteacher of the outcome, giving an explanation of the conclusion, the reason for it, and any action taken, including details of any request made of those complained against to take particular actions in respect of the complaint. This will be done as quickly as possible but within a maximum of five working days.
- The Governing Body should be informed at their next meeting that a complaint has been received and dealt with. Details should not be divulged to the full Governing Body, nor to any other party not directly involved, as to do so would violate confidentiality.

10. NEXT STEPS

If the complainant believes the school did not handle their complaint in accordance with the published complaints procedure or they acted unlawfully or unreasonably in the exercise of their duties under education law, they can contact the Department for Education after they have completed the formal stage.

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

The complainant can refer their complaint to the Department for Education online at: 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

Education complaints not about a specific school

If you wish to take further a complaint that is education related but not about a specific school, please contact Tower Hamlets Education Complaints.

How to contact us:

Tower Hamlets Education Complaints

Town Hall

Mulberry Place

5 Clove Crescent

London E14 2BG

11. MANAGING SERIAL AND UNREASONABLE COMPLAINTS

Smithy Street Primary School is committed to dealing with all complaints fairly and impartially, and to providing a high quality service to those who complain. We will not normally limit the contact complainants have with our school. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

Smithy Street Primary School defines unreasonable behaviour as that which hinders our consideration of complaints because of the frequency or nature of the complainant's contacts with the school, such as, if the complainant:

- refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance
- refuses to co-operate with the complaints investigation process
- refuses to accept that certain issues are not within the scope of the complaints procedure
- insists on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice

- introduces trivial or irrelevant information which they expect to be taken into account and commented on
- raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales
- makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced
- changes the basis of the complaint as the investigation proceeds
- repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed)
- refuses to accept the findings of the investigation into that complaint where the school's complaint procedure has been fully and properly implemented and completed including referral to the Department for Education
- seeks an unrealistic outcome
- makes excessive demands on school time by frequent, lengthy and complicated contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with
- uses threats to intimidate
- uses abusive, offensive or discriminatory language or violence
- knowingly provides falsified information
- publishes unacceptable information on social media or other public forums.

Complainants should try to limit their communication with the school that relates to their complaint, while the complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text), as it could delay the outcome being reached.

Whenever possible, the headteacher or Chair of Governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

If the behaviour continues, the headteacher will write to the complainant explaining that their behaviour is unreasonable and ask them to change it. For complainants who excessively contact Smithy Street Primary School causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will be reviewed after six months.

In response to any serious incident of aggression or violence, we will immediately inform the police and communicate our actions in writing. This may include barring an individual from Smithy Street Primary School.

Appendix 1

ROLES AND RESPONSIBILITIES

Complainant

The complainant will receive a more effective response to the complaint if they:

- explain the complaint in full as early as possible
- co-operate with the school in seeking a solution to the complaint
- respond promptly to requests for information or meetings or in agreeing the details of the complaint
- ask for assistance as needed
- treat all those involved in the complaint with respect
- refrain from publicising the details of their complaint on social media and respect confidentiality.

Investigator

The investigator's role is to establish the facts relevant to the complaint by:

- providing a comprehensive, open, transparent and fair consideration of the complaint through:
 - sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved
 - interviewing staff and children/young people and other people relevant to the complaint
 - consideration of records and other relevant information
 - analysing information
- liaising with the complainant and the complaints co-ordinator as appropriate to clarify what the complainant feels would put things right.

The investigator should:

- conduct interviews with an open mind and be prepared to persist in the questioning
- keep notes of interviews or arrange for an independent note taker to record minutes of the meeting
- ensure that any papers produced during the investigation are kept securely pending any appeal
- be mindful of the timescales to respond
- prepare a comprehensive report for the Headteacher or complaints committee that sets out the facts, identifies solutions and recommends courses of action to

resolve problems.

The Headteacher or complaints committee will then determine whether to uphold or dismiss the complaint and communicate that decision to the complainant, providing the appropriate escalation details.

Admin team member/SBM

The SBM or a member of the administration team should:

- ensure that the complainant is fully updated at each stage of the procedure
- liaise with staff members, headteacher, Chair of Governors, Clerk and LAs (if appropriate) to ensure the smooth running of the complaints procedure
- be aware of issues regarding:
 - sharing third party information
 - additional support. This may be needed by complainants when making a complaint including interpretation support or where the complainant is a child or young person
- keep records.

Clerk to the Governing Body

The Clerk is the contact point for the complainant and the committee and should:

- ensure that all people involved in the complaint procedure are aware of their legal rights and duties, including any under legislation relating to school complaints, education law, the Equality Act 2010, the Freedom of Information Act 2000, the Data Protection Act (DPA) 2018 and the General Data Protection Regulations (GDPR)
- set the date, time and venue of the meeting, ensuring that the dates are convenient to all parties (if they are invited to attend) and that the venue and proceedings are accessible
- collate any written material relevant to the complaint (for example; stage 1 paperwork, school and complainant submissions) and send it to the parties in advance of the meeting within an agreed timescale
- record the proceedings
- circulate the minutes of the meeting
- notify all parties of the committee's decision.

Committee Chair

The committee's chair, who is nominated in advance of the complaint meeting, should ensure that:

- both parties are asked (via the Clerk) to provide any additional information relating to the complaint by a specified date in advance of the meeting
- the meeting is conducted in an informal manner, is not adversarial, and that, if all parties are invited to attend, everyone is treated with respect and courtesy
- complainants who may not be used to speaking at such a meeting are put at ease. This is particularly important if the complainant is a child/young person
- the remit of the committee is explained to the complainant
- written material is seen by everyone in attendance, provided it does not breach confidentiality or any individual's rights to privacy under the DPA 2018 or GDPR.

If a new issue arises it would be useful to give everyone the opportunity to consider and comment upon it; this may require a short adjournment of the meeting

- both the complainant and the school are given the opportunity to make their case and seek clarity, either through written submissions ahead of the meeting or verbally in the meeting itself
- the issues are addressed
- key findings of fact are made
- the committee is open-minded and acts independently
- no member of the committee has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure
- the meeting is minuted
- they liaise with the Clerk (and complaints co-ordinator, if the school has one).

Committee Member

Committee members should be aware that:

- the meeting must be independent and impartial, and should be seen to be so
No governor may sit on the committee if they have had a prior involvement in the complaint or in the circumstances surrounding it.
- the aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant

We recognise that the complainant might not be satisfied with the outcome if the meeting does not find in their favour. It may only be possible to establish the facts and make recommendations.

- many complainants will feel nervous and inhibited in a formal setting

Parents/carers often feel emotional when discussing an issue that affects their child.

- extra care needs to be taken when the complainant is a child/young person and present during all or part of the meeting

Careful consideration of the atmosphere and proceedings should ensure that the child/young person does not feel intimidated.

The committee should respect the views of the child/young person and give them equal consideration to those of adults.

If the child/young person is the complainant, the committee should ask in advance if any support is needed to help them present their complaint. Where the child/young person's parent is the complainant, the committee should give the parent the opportunity to say which parts of the meeting, if any, the child/young person needs to attend.

However, the parent should be advised that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting that the committee considers is not in the child/young person's best interests.

- the welfare of the child/young person is paramount.

Appendix 2

Complaint Form

Please complete and return to Smithy Street Primary School admin office who will acknowledge receipt.

Your name:

Pupil's name (if relevant):

Your relationship to the pupil (if relevant):

Address:

Postcode:

Day time telephone number:

Evening telephone number:

Please give details of your complaint, including whether you have spoken to anybody at the school about it.

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

Are you attaching any paperwork? If so, please give details.

Signature:

Date:

Official use

Date acknowledgement sent:

By who:

Complaint referred to:

Date:

