



**St Mary's CE Primary School**  
Felsham Road  
Putney

# **Formal Complaints Policy and Procedure**

*Vision: Delivering excellence, allowing all to flourish*  
*Mission: Creating a culture of wonder, guided by Christian faith*  
*Values: Endurance, Compassion, Thankfulness*

June 2021

As a Church of England School, Christian values are at the heart of all we do. We value our relationship with parents and all members of the school and local community. If you have a concern, we want to know about it so that it can be dealt with immediately. Most concerns can be dealt with easily and quickly, but to ensure all concerns are handled effectively the Governing Body has adopted a complaints policy and procedure.

The School's Complaints Procedure is devised with the intention that it will:

- usually be possible to resolve problems by informal means;
- be simple to use and understand;
- treat complaints confidentially;
- allow problems to be handled swiftly;
- inform future practice so that a problem is unlikely to recur;
- reaffirm the partnership between parents, staff and governors as we work together for the good of the pupils in the school;
- ensure that the school's attitude to a pupil will never be affected by a parental complaint;
- discourage anonymous complaints;
- actively encourage strong home-school links;
- ensure that any person complained against has equal rights with the person making the complaint;
- be subject to a regular review cycle.

### **WHO CAN MAKE A COMPLAINT?**

This complaints procedure is not limited to parents or carers of children that are registered at the school. Any person, including members of the public or volunteers at the school, may make a complaint about any provision of facilities or services that we provide.

### **DATA PROTECTION, FREEDOM OF INFORMATION AND CONFIDENTIALITY**

A school is a public body and Data Protection and Freedom of Information legislation and principles apply.

For example:

- relevant school policies and procedures should be made available on request. Key policies are published on the school website.
- all parties must receive the same information, e.g. the pack of documents distributed to a Complaints Panel must also go to the complainant and the head teacher/school;
- everyone involved in a complaint should be aware that any information which they provide could be made available to the other parties;
- individuals are entitled to request access to their written or electronic personal records held by the school. This includes email exchanges;
- everyone involved must be assured that the complaint and its investigation will remain confidential within the confines of the procedures;
- records of the complaint must be kept according to the principles of the Data Protection Act (see the Information Commission Office's website).

### **REQUESTS TO RECORD MEETINGS**

Complainants sometimes ask if they can record meetings on mobile phones or other devices. However, this poses a difficulty for how the recording is subsequently used or stored. We cannot guarantee secure storage or confidentiality to others involved

in the proceedings. Instead notes should be taken of all meetings and copies, marked confidential should be sent to the participants as a record of what was said. Head teachers and governors will refuse any request to record proceedings.

### **THE DIFFERENCE BETWEEN A CONCERN AND A FORMAL COMPLAINT**

A concern may be defined as *'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'*. A formal complaint may be defined as *'an expression of dissatisfaction however made, about actions taken or a lack of action'*.

It is in everyone's interest that concerns and complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to use the formal stages of the complaints procedure. We take concerns seriously and will make every effort to resolve the matter as quickly as possible.

If you have difficulty discussing a concern with a particular member of staff, we will respect your views. In these cases, the head teacher will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, the head teacher will refer you to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the concern objectively and impartially is more important.

We understand however, that there are occasions when people would like to raise their concerns formally. In this case, we will attempt to resolve the issue internally, through the stages outlined within this complaints procedure.

Those with a concern or a complaint should not approach individual governors with them. 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.

### **HOW DO I RAISE A CONCERN?**

Concerns should be raised with either the class teacher or head teacher. If the concern remains unresolved, the next step is to make a formal complaint.

We would like you to tell us about your concern so that we can discuss with you how best to resolve it. The majority of concerns can be resolved informally by speaking to a member of staff. We welcome suggestions for improving our work in the school. Whatever your concern, please know that we shall treat it as strictly confidential.

Be assured that our support and respect for you and your child in the school will not be affected in any way; please do not delay telling us of your concern. It is difficult for us to properly investigate an incident which is more than a day or two old.

After hearing your concern, we will act as quickly as we can; we will let you know the timescale within which you may expect a response. Please allow time for any action we may take to be effective.

Please contact your child's class teacher or other appropriate member of staff and arrange a time when you can discuss your concern. It may be possible for you to see the member of staff straight away but normally it is better to make an appointment so that you can sit and talk things through. It may be possible to give a

response immediately, but where any investigation or information is required, a response will be given within five days.

### **HOW DO I RAISE A FORMAL COMPLAINT?**

If you have not been able to resolve your concern informally, or the circumstances justify it, you may raise a formal complaint. Complaints against school staff (except the head teacher) should be made in the first instance, to the head teacher via the school office using the school complaints form.

Complaints against the head teacher should be addressed to the Chair of Governors, via the school office using the school complaints form. Complaints about the Chair of Governors, any individual governor or the whole governing body should be addressed to the Clerk to the Governing Body, via the school office using the school complaints form. Any other complaints should be addressed to the head teacher via the school office using the school complaints form.

All such complaints should be marked as 'urgent and confidential'. If you require help in completing the school complaints form, please contact the school office, and assistance will be provided to you. You can also ask third party organisations like Citizens Advice to help you.

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**

The school will not normally investigate anonymous complaints. Either the head teacher or Chair of Governors (depending on who is the subject of the complaint) will determine whether or not the complaint warrants an investigation.

### **SERIAL AND UNREASONABLE COMPLAINTS**

There may be occasions when a complainant remains dissatisfied despite all stages of the procedure being followed. Should a complainant try to re-open a complaint on the same issues the chair of governors should write informing them that the procedure has been exhausted and that the matter is now closed. See Annex F.

### **TIMESCALES FOR COMPLAINTS**

You must raise the complaint within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. The school will only consider complaints made outside of this time frame if exceptional circumstances apply.

### **COMPLAINTS RECEIVED OUTSIDE OF TERM TIME**

The school will consider complaints made outside of term time to have been received on the first school day after the holiday period (when the school is open for educational sessions).

## **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;
- an admission that the situation could have been handled differently or better;
- an assurance that we will try to ensure the event complained of will not recur;
- an 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;
- an undertaking to review school policies in light of the complaint;
- an apology.

*Please note that in certain circumstances, for example, if the outcome of an investigation is related to safeguarding or employment law, full details of the outcome of an investigation may not be shared with the complainant.*

## **WITHDRAWAL OF A COMPLAINT**

If a complainant wishes to withdraw their complaint, we will ask them to confirm this in writing to the school office.

## **STAGE 1**

Formal complaints must be made to the head teacher, via the school office. This must be submitted in writing using the school complaints form. If you require help in completing the school complaints form, please contact the school office, and assistance will be provided to you.

The head teacher will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within 3 school days. Within this response, the head teacher will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. The head teacher can consider whether a face to face meeting is the most appropriate way of doing this.

Note: The head teacher may delegate the investigation to another member of the school's senior leadership team but not the decision to be taken.

During the investigation, the head teacher (or investigator) will:

- if necessary, interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish;
- collate any relevant documents;
- 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 15 school days of the date of receipt of the complaint. If the head teacher is unable to meet this deadline, they will provide the complainant with an update and revised response date.

The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions we] will take to resolve the complaint.

The head teacher will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 1.

If the complaint is about the head teacher, or a member of the governing body (including the Chair or Vice-Chair), a suitably skilled governor will be appointed to complete all the actions detailed above at Stage 1. Complaints about the head teacher or member of the governing body must be made directly to the Clerk, via the school office. The complaint should be marked as 'urgent and confidential'.

If the complaint is: jointly about the Chair and Vice Chair; the entire governing body; the majority of the governing body; or other circumstances justify it, Stage 1 will be considered by an independent investigator appointed by the governing body. At the conclusion of their investigation, the independent investigator will provide a formal written response.

## **STAGE 2**

If the complainant is dissatisfied with the outcome at Stage 1 and wishes to take the matter further, they can escalate the complaint to Stage 2 – a meeting with members of the governing body's complaints panel, which will be formed of three impartial governors. This is the final stage of the complaints procedure.

A request to escalate to Stage 2 must be made to the Clerk, via the school office marked 'urgent and confidential', within 10 school days of receipt of the Stage 1 response.

The Clerk will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within 3 school days. Requests received outside of this time frame will only be considered if exceptional circumstances apply.

The Clerk will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within 20 school days of receipt of the Stage 2 request. If this is not possible, the Clerk will provide an anticipated date and keep the complainant informed. If the complainant rejects the offer of three proposed dates without good reason, the Clerk will decide when to hold the meeting. It will then proceed in the complainant's absence on the basis of written submissions from both parties.

The complaints panel will consist of at least three governors with no prior involvement or knowledge of the complaint. Prior to the meeting, they will decide amongst themselves who will act as the chair of the complaints panel. If there are fewer than three governors available, the Clerk will source any additional, independent governors through another local school or through their LA's Governor Services team, in order to make up the panel. Alternatively, an entirely independent panel may be convened to hear the complaint at Stage 2.

The panel will decide whether to deal with the complaint by inviting parties to a meeting or through written representations, but in making their decision they will be sensitive to the complainant's needs.

If the complainant is invited to attend the meeting, they 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, with the consent of the chair of the panel. If a school employee is called as a witness in a complaint meeting, they may wish to be supported by a union representative or friend.

Note: Complaints about staff conduct will not generally be handled under this complaints procedure. Complainants will be advised that any staff conduct complaints will be considered under staff disciplinary procedures, if appropriate, but outcomes will not be shared with them. Representatives from the media are not permitted to attend.

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

- confirm and notify the complainant 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 at least 10 school days before the meeting.

Any written material will be circulated to all parties at least 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 to be included. 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, in which case all parties must be told about it beforehand and consent of all parties attending must be sought before recordings of 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 the 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 3 school days.

The letter to the complainant will include details of how to contact the Department for Education if they are dissatisfied with the way their complaint has been handled by the school.

If the complaint is: jointly about the Chair and Vice Chair; the entire governing body; the majority of the governing body; or other circumstances justify it, Stage 2 will be heard by a panel of independent governors. The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions the school will take to resolve the complaint. The response will also advise the complainant of how to escalate their complaint should they remain dissatisfied.

### **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 Stage 2.

The Department for Education will not normally reinvestigate the substance of complaints or overturn any decisions made by the school. They will consider whether the 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](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.

### **LINKS WITH OTHER SCHOOL POLICIES AND PRACTICES**

This policy links with and should be read in conjunction with a number of other school policies, practices and action plans including:

- Anti-Bullying Policy
- Behaviour Policy and Practice
- Keeping Children Safe in Education – September 2020
- SEND Report
- Inclusion Policy
- The School's Equality Information and Objectives
- Home/School Agreement

### **CONSULTATION AND PARTICIPATION**

Parent and Pupil Surveys are conducted regularly in which parents and pupils have an opportunity to give their views on various aspects of the school's performance.

### **MONITORING AND REVIEW**

We will review this policy once every two years as well as responding to trends that suggest the need for review.



Name/s and job title of reviewer	Date of review	Date of governor approval	Suggested date for review
Miss Cheryl Payne – Head Teacher	March 2019	March 2019	March 2020
Miss Cheryl Payne – Head Teacher	November 2019	November 2019	March 2021
Miss Cheryl Payne – Head Teacher	May 2021	June 2021	March 2023

## **Annex A**

### PROCEDURAL ADVICE - CONDUCTING INTERVIEWS WITH COMPLAINANTS

- 1 In conducting interviews with complainants, head teachers (or Chairs of Governors, if appropriate) should:
  - (a) have regard to confidentiality at all times. The need to treat conversations and correspondence as confidential is of paramount importance; from the outset all parties to a complaint should be made aware of the need for confidentiality.
  - (b) listen attentively and sympathetically to complainants, allowing them to explain their concern/s in their own way. After they have finished, it may be necessary to try to *clarify* the issue(s) by asking questions and summarising what has been said. It is helpful to ascertain the complainant's desired outcome and possibilities (if any) for redress. Head teachers may wish to ensure that the meeting is minuted by a third party, so that there is a clear record of the meeting.
- 2 At the end of the interview decide if it is possible to:
  - (a) make an immediate response to the concern/s; or
  - (b) delay a response. It is often necessary to say to complainants that their concerns will be carefully considered and when all the facts and circumstances have been ascertained, they will receive a response normally within five school days.
- 3 Avoid passing judgement or coming to conclusions before having spoken to any third parties and having considered all the aspects of the complaint.
- 4 If the complaint is against a third party, ensure that they have an opportunity to explain the situation as they see it, but not usually in the presence of the complainant unless this is deemed desirable by all concerned.
- 5 Examine the general context and constraints of the situation and consider if there are any precedents.
- 6 When all the facts and circumstances relating to the matter have been ascertained make careful notes summarising the investigation. The head teacher should then decide how to respond to the complainant.
- 7 The complainant should be clearly informed of the school's response to the complaint/s and of the next stage in the procedure, should s/he wish to proceed further.

## **Annex B**

### **OUTLINE OF THE PROCEDURE FOR A COMPLAINTS PANEL HEARING**

#### **The panel may:**

- (a) dismiss the complaint in whole or in part;
- (b) uphold the complaint in whole or in part;
- (c) decide on the appropriate action to be taken to resolve the complaint;
- (d) recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not recur.

#### **The panel members should be aware of the following:**

- (a) the school's complaints procedure;
- (b) the appeal hearing is independent and impartial and must be seen to be so;
- (c) no governor may sit on the panel if they have had a prior involvement in the complaint, or the circumstances surrounding it;
- (d) panel members should be drawn from a cross-section of the governing body;
- (e) the hearing is held in private;
- (f) the aim of the hearing is to resolve the complaint and achieve conciliation between the school and the complainant;
- (g) it may not be possible to resolve matters to the complainant's satisfaction, it may only be possible to establish facts and satisfy the complaint that the matter has been taken seriously;
- (h) some parents may feel nervous: the panel chair will make efforts to ensure proceedings are as informal as possible.

#### **The chair of the panel:**

- (a) welcomes those present and introduces each person by name;
- (b) stresses that the meeting is strictly confidential to those present;
- (c) checks that mobile phones and other devices are switched off.
- (d) outlines the procedure to be followed;
- (e) asks all attending the panel, including witnesses, to remain available for approximately 10 minutes after they withdraw from the hearing, in case the panel needs to clarify a point;
- (f) ensures that key findings of fact are made and the issues addressed;
- (g) ensures that each party is able to state their case;
- (h) ensures that all written material is seen by all parties;
- (i) conducts the hearing in an informal manner and ensures each party treats the other with respect and courtesy.

#### **Order of hearing:**

- The complainant is invited to present their case and explain their desired outcome and any possibilities of redress.
- The complaints panel may ask questions of the complainant.
- The head teacher is invited to present the school's case.
- The complaints panel may ask questions of the head teacher.
- A party may only ask a question of another party if a) it is for the purpose of factual clarification, and b) they have the agreement of the chair of the panel to do so.
- Both parties are invited to sum up.

After the complainant, chair of the governing body (if appropriate) and head teacher have withdrawn, the panel decides on its recommendations, including any redress. The decision and recommendations of the complaints panel are sent within two school days to all parties. The panel's decision is final.

Sometimes the panel will need to respond to unexpected events e.g.:

- a complainant may not arrive for the meeting. The panel will need to consider any reason given or any request for a postponement and decide whether to proceed in their absence or to reconvene the meeting;
- a party may wish to introduce new written evidence not previously distributed. This should be given to the clerk and the chair will need to consider whether to allow time for all sides to consider the new information, to disallow it or to adjourn to another date. New complaints or allegations should not be considered;
- a person may become agitated or distressed during the meeting, in which case a short adjournment can be helpful.

**Annex C**  
**MODEL LETTERS**

**LETTER 1**

**ACKNOWLEDGEMENT LETTER (SENT WITHIN 3 SCHOOL DAYS)**

Dear

The school acknowledges receipt of your school complaint form, received on DATE. The School's policy is to deal with parental complaints as quickly as possible. I will investigate the matters you raise and contact you again by (DATE) to let you know the outcome.

Thank you for bringing this matter to my attention.

Yours sincerely

Head teacher

*\* delete as appropriate*

## LETTER 2

### NOTIFICATION OF DECISION REGARDING PARENTAL COMPLAINT

#### CONFIDENTIAL

Dear

Further to your letter of (DATE) and our subsequent meeting, I have given careful consideration to your complaint and considered all the available relevant evidence.

We agreed at our meeting that your concerns related to the following:

*(Outline the complaint)*

Following my investigation I have concluded that .....

*Include as appropriate:*

*There is insufficient evidence to reach a conclusion and I cannot therefore uphold your complaint. If you are able to provide additional evidence, I will reconsider this decision.*

*Or*

*Your complaint is not substantiated by the evidence in that.....(include reasons for this conclusion).*

*Or*

*Your complaint was substantiated in part/full ..... (include reasons for this conclusion). The School will review its practices/procedures in relation to ..... with the intention of avoiding any recurrence. Parents will be informed in due course of the policy changes.*

*Or*

*In order to address fully the matters investigated, the school has initiated appropriate internal procedures. Due to the nature of these procedures, their outcome must remain strictly confidential. I am confident however that the circumstance which gave rise to your complaint should not recur.*

I hope that you now feel that your complaint has been addressed by the school and that we can work together in the future to ensure that no other issues reach this level of distress. However, if you feel dissatisfied with this response you may proceed to stage 2 of the complaints procedure. If you wish to pursue this option please write to..... by .... (DATE).

Yours sincerely

Head teacher (or Chair of Governing Body, if complaint is against the head teacher)

## **LETTER 3**

### **NOTIFICATION OF FORMAL HEARING OF THE COMPLAINTS PANEL**

#### **CONFIDENTIAL**

Dear

Thank you for your letter of (DATE) indicating your wish to make a formal complaint to a panel of the Governing Body under stage 2 of our procedure. I have been instructed to convene a meeting of the panel in order to hear your complaint. The panel will consist of three governors who have had no prior involvement in the complaint.

I write to invite you to a meeting of the complaints panel which will be held at ..... (time) on .....(date) at ..... (location). You are welcome to be accompanied by a friend and/or, if necessary, an interpreter. I would be grateful if you could confirm whether you intend to come to the meeting and, *if you bring a friend, and/or if you intend to invite any witnesses, please let me know their names*. Please also let me know if you would like any special arrangements to be made for the hearing.

I enclose copies of the paperwork relating to your complaint. If there is any additional written information in support of your complaint, please send this to me by (DATE) (5 days before the meeting) so that I may circulate this to the Panel and the headteacher. Please note that the Panel will be discussing the issues raised in the attached papers and any further information you submit by the deadline. It will not be possible for you to raise any new issues at the meeting.

I enclose an explanatory sheet summarising the procedure at the meeting. The Panel will consider carefully both your views and those of the school and will make every effort to find a mutually acceptable solution to the situation which has led to your complaint.

Yours sincerely

Clerk to the Governors



## LETTER 4

### OUTCOME OF HEARING OF THE COMPLAINTS PANEL

#### CONFIDENTIAL

Dear

Thank you for meeting with me and my fellow governors on the complaints panel on (DATE) to discuss your complaint.

I am writing to let you know (or confirm, if outcome announced at end of hearing) the outcome of our consideration of your complaint.

*Include here a brief summary of the nature of the complaint and the conclusions reached by the Panel, including particulars of any findings of fact on the evidence that were pertinent to reaching a conclusion. It is important that due weight is given to both the complainant's evidence and that of the school. Outcomes will vary, see letter two for possible options). Also include any actions that the school intends to take as a result of the complaint, including any changes or reviews of school procedures.*

I and my fellow Panel members hope that you will feel your complaint has been fairly heard and that all the issues you raised have been investigated appropriately. The Governors Panel is the last stage in the School's complaints procedure and the Governors consider that this matter is now closed. (*The wording of this final paragraph will largely depend on the outcome and the wording may need to change appropriately*).

*If you are dissatisfied with the way your complaint has dealt with you may contact the School Complaints Unit at the Department for Education ([www.education.gov.uk/contactus](http://www.education.gov.uk/contactus), or by telephone 0370 000 2288, or by writing to DFE, School Complaints Unit, Piccadilly Gate, Store St, Manchester, M1 2WD.*

Yours sincerely

Chair of Complaints Panel

Cc Head teacher  
Chair of Governors

**Annex D**

**SCHOOL COMPLAINTS FORM**

Please complete and return to the head teacher via the school office/email. The head teacher 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>Postcode:</b> <b>Day time telephone number:</b> <b>Evening telephone number:</b>
<b>Please give details of your complaint, including whether you have spoken to anybody at the school about it and any relevant dates.</b>

**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:**

## **Annex E**

### **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 head teacher or complaints panel that sets out the facts, identifies solutions and recommends courses of action to resolve problems.

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

#### **COMPLAINTS CO-ORDINATOR**

The complaints co-ordinator should:

- ensure that the complainant is fully updated at each stage of the procedure
- liaise with staff members, head teacher, 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 panel 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 panel's decision.

### **COMPLAINTS PANEL CHAIR**

The panel's chair, who is nominated in advance of the complaint panel 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 panel 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 state 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 panel is open-minded and acts independently
- no member of the panel 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).

## **COMPLAINTS PANEL MEMBER**

Panel 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 panel 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 panel 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 panel 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 panel 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 panel considers is not in the child/young person's best interests.
- the welfare of the child/young person is paramount.

## Annex F

### **SERIAL AND UNREASONABLE COMPLAINTS – *Previously commonly known as vexatious***

We are 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.

We define unreasonable behaviour as that which hinders our consideration of complaints because of the frequency or nature of the complainant's contact 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 or a similar complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed) or makes serial complaints
- 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 head teacher or Chair of Governors will discuss any concerns with the complainant informally before making a formal determination that a complaint is '*serial and unreasonable*'.

If the behaviour continues, the head teacher will write to the complainant explaining that their behaviour is unreasonable and ask them to change it. For complainants who excessively contact [INSERT SCHOOL NAME] 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 **the school**.



## **Annex G**

### **SCOPE OF THIS COMPLAINTS PROCEDURE**

This procedure covers all complaints about any provision of community facilities or services by St. Mary's CE Primary School, Putney, other than complaints that are dealt with under other statutory procedures, including those listed below.

<b>Exceptions</b>	<b>Who to contact</b>
Admissions to schools Statutory assessments of Special Educational Needs School re-organisation proposals	Concerns about admissions, statutory assessments of Special Educational Needs, or school re-organisation proposals should be raised with Wandsworth Borough Council.
Matters likely to require a Child Protection Investigation	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 or the Multi-Agency Safeguarding Hub (MASH). <i>See Safeguarding and Child Protection Policy</i>
Exclusion of children from school*	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> . <i>*complaints about the application of the behaviour policy can be made through the school's complaints procedure.</i>
Whistleblowing	We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors. 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> . 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 Local Authority (LA) or the Department for Education (see link above), depending on the substance of your complaint.
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 direct.
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, 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 St. Mary's CE Primary School, Putney 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.