

John Perry Primary School



School Complaints Procedure

May 2018
Review Date May 2019



Purpose of this document

The Education Act 2002 Section 29 (1) (a) and (b) requires governing bodies to have procedures to deal with complaints not covered by other existing statutory requirements and to publicise these procedures. Under Section 29 (2), governing bodies should have regard to any guidance from the Secretary of State.

John Perry Primary has a policy of encouraging parents and pupils to express their concerns on what goes on within the school, so that staff receive an early warning of potential difficulties. The vast majority of these concerns are dealt with immediately, satisfactorily and at an informal stage.

However, occasionally things can go wrong and it is not always possible to predict how a minor concern can escalate into a major, stressful and time-consuming complaint. This complaints policy aims to ensure that all parties are aware of, and have confidence in, a clear process and channel of communication.

This document aims to:

- Resolve concerns through informal discussions at the earliest stage
 - Be efficient, with well-defined timescales and named contacts
 - Focus on resolution and service review rather than blame
 - Be accessible to people with disabilities, special needs or language barriers
 - Promote confidentiality and discretion
 - Include fair and transparent investigative processes for staff as well as complainants
 - Indicate other sources of advice, for example CAB (Citizens Advice Bureau), parent/partnership services, ACE (Advisory Centre for Education), the LA complaints adviser
- Be forthright in dealing with vexatious, abusive, malicious and anonymous complainants

Principles for investigation

When investigating a complaint, we will try to clarify:

- What has happened
- Who was involved
- What the complainant feels would put things right

We also intend to address complaints as quickly as possible. To achieve this, realistic and reasonable time limits will be set for each action within each stage.

Where further investigations are necessary, new time limits will be set, and the complainant will be sent details of the new deadline with an explanation for the delay.

The school expects that complaints will be made as soon as possible after an incident arises and no later than 3 months afterwards. We will consider exceptions to this time frame in circumstances where there were valid reasons for not making a complaint at that time and the complaint can still be investigated in a fair manner for all involved.

Confidentiality

All conversations and resultant correspondence with respect to a concern will be treated with discretion at all times. It is vitally important that parents feel confident that their complaint will not penalise their child. However, from the outset all parties involved in a complaint will need to be made aware that some information may have to be shared with others involved in the operation of the complaints procedure.

Anonymous complaints will be disregarded unless somebody is prepared to substantiate them, although it is recognised that it may relate to something quite serious. If the foreseen eventuality occurs, to the detriment of the school, the complainant may surface subsequently and say that s/he alerted the school, even though the complaint was unsigned. Therefore, in the case of anonymous complaints, it lies with the Head teacher's and/or Governing Body's discretion whether the gravity of an anonymous complaint warrants an investigation.

Stages of complaint (not complaints against the Head teacher or a governor)

Stage 1: informal

The school will take informal concerns seriously and make every effort to resolve the matter quickly. It may be the case that the provision or clarification of information will resolve the issue.

The complainant should raise the complaint as soon as possible with the relevant member of staff or the Head teacher as appropriate, either in person or by letter, telephone or email. If the complainant is unclear who to contact or how to contact them, they should contact the school office.

The school will acknowledge informal complaints within 5 working days (excluding those which fall in the school holidays), and investigate and provide a response within 15 working days (excluding those which fall in the school holidays). The informal stage will involve a meeting between the complainant and the Head teacher and/or the subject of the complaint, as appropriate. If the complaint is not resolved informally, it will be escalated to a formal complaint.

Stage 2: formal

Inform the Head teacher in writing

This letter should provide details such as relevant dates, times, and the names of witnesses of events, alongside copies of any relevant documents. The complainant should also state what they feel would resolve the complaint.

The Head teacher (or designated member of the senior leadership team) will call a meeting to clarify concerns, and seek a resolution. The complainant may be accompanied to this meeting, and should inform the school of the identity of their companion in advance.

In certain circumstances, the school may need to refuse a request for a particular individual to attend any such meeting – for example, if there is a conflict of interest. If this is the case, the school will notify the complainant as soon as they are aware, so that the complainant has the opportunity to arrange alternative accompaniment.

The Head teacher (or other person appointed by the Head teacher for this purpose) will then conduct their own investigation. The written conclusion of this investigation will be sent to the complainant within 20 working days (excluding those which fall in the school holidays).

If the complainant wishes to proceed to the next stage of the procedure, they should inform the chair of governors in writing within 28 days.

Stage 3

Submit the complaint to the review panel

If you wish to take your complaint further, contact the Chair of the Governing Body for the school, either via the school or by sending your complaint to Governors' Support, Children's Services, Roycraft House, 16, Lindon Road, Barking, Essex, IG11 8HE.

The complaint will be heard by Governing Body's Complaints Review Panel. The review panel consists of members of the governing board. These individuals will have access to the existing record of the complaint's progress.

The complainant must have reasonable notice of the date of the review panel; however, the review panel reserves the right to convene at their convenience rather than that of the complainant. At the review panel meeting, the complainant and representatives from the school, as appropriate, will be present. Each will have an opportunity to set out written or oral submissions prior to the meeting.

The complainant must be allowed to attend the panel hearing and be accompanied by a suitable companion if they wish.

At the meeting, each individual will have the opportunity to give statements and present their evidence, and witnesses will be called as appropriate to present their evidence.

The panel, the complainant and the school representative will be given the chance to ask and reply to questions. Once the complainant and school representatives have completed presenting their cases, they will be asked to leave and evidence will then be considered.

The panel must then put together its findings and recommendations from the case. The panel will also provide a copy of the findings and recommendations to the complainant and, where relevant, the subject of the complaint, and make a copy of the findings and recommendations available for inspection by the Head teacher.

The school will inform those involved of the decision in writing within 20 working days from receipt of complaint (excluding those which fall in the school holidays).

Stage 3 is the last step of the process that is managed within the school/school governing body. If your problem/complaint remains unresolved after stage 3, then you may raise your complaint with the Secretary of State for Education. This is the fourth and final stage of the complaints process.

Stage 4

If the complainant is unsatisfied with the outcome of the school's complaints procedure, they can refer their complaint to the School Complaints Unit (SCU), which investigates complaints relating to maintained schools on behalf of the Secretary of State.

The SCU will not re-investigate the matter of the complaint. It will look at whether the school's complaints policy and any other relevant statutory policies that the school holds were adhered to. The SCU also looks at whether the school's statutory policies adhere to education legislation. It may direct the school to re-investigate the complaint where it is clear the school has acted unlawfully or unreasonably. For more information or to refer a complaint, see the following webpage: <https://www.gov.uk/complain-about-school> **Complaints against the Head teacher or a governor**

Where a complaint regards the Head teacher, the complainant should first directly approach the Head teacher in an attempt to resolve the issue informally. If the complainant is not satisfied with this outcome they should notify the Chair of Governors. The Stage 2 process will then commence, but with the chair of governors as the individual responsible for the investigation rather than the designated member of SLT. Where a complaint regards a governor, the same process applies as for the Head teacher. Where a complaint concerns the chair of governors, the individual should contact the clerk to the governors. Informal resolution will be sought, but where this fails, the complaints procedure at Stage 3 will take immediate effect. The vice chair or an independent investigator will mediate any proceedings

Vexatious Complaints

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

This does not preclude a complaint being escalated to Stage 4. The Secretary of State for Education will make an independent judgement about each case.

Special educational needs and disability (SEND)

If you want to complain about our school's SEND support, you should do it while your child is still registered at the school.

This includes complaints that the school has not provided the support required by your child's SEND statement or education, health and care (EHC) plan.

Make a complaint

Follow these steps in order. Move on to the next step if your complaint is not resolved.

1. Talk to the school's Inclusion Lead or special educational needs co-ordinator (SENCO).
2. Follow the school's complaints procedure.
3. Complain to your [local authority](#).

Record-keeping

The school will record the progress of all complaints, including information about actions taken at all stages, the stage at which the complaint was resolved, and the final outcome. The records will also include copies of letters and emails, and notes relating to meetings and phone calls.

This material will be treated as confidential and held centrally, and will be viewed only by those involved in investigating the complaint or on the review panel.

This is except where the secretary of state (or someone acting on their behalf) or the complainant requests access to records of a complaint through a freedom of information (FOI) request or under the terms of the Data Protection Act, or where the material must be made available during a school inspection. Records of complaints will be kept for 5 years.

Learning lessons

The governing body will review any underlying issues raised by complaints with the Head teacher/senior leadership team, where appropriate, and respecting confidentiality, to determine

whether there are any improvements that the school can make to its procedures or practice to help prevent similar events in the future.

Monitoring arrangements

The governing body will monitor the effectiveness of the complaints procedure in ensuring that complaints are handled properly. The governing body will track the number and nature of complaints, and review underlying issues as stated before in this document.

The complaints records are logged and managed by the clerk of the governing body. This policy will be reviewed by Head teacher and full governing body every 2 years. At each review, the policy will be approved by the full governing body and the Head teacher.

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