



# ***DOWNSELL PRIMARY SCHOOL***

## **Complaints Policy**

Date approved: 15<sup>th</sup> September 2022

Next review: Autumn Term 2023



At Downsell Primary School we aim to provide a safe, caring and stimulating environment, which offers opportunities:

- For everyone within the school to reach their full potential and develop self-worth, self-confidence, the ability to take responsibility for their own individual actions and resilience.
- For everyone within the school to have a sense of wonder, an enthusiasm for learning and help children to develop as independent thinkers and learners with enquiring minds.
- To encourage and develop a respect and understanding for others.
- To develop all partnerships, small and large, from the individual parent to the wider community and beyond to support children's learning.
- To give children access to a broad and balanced creative curriculum to attain the highest possible standards in relation to prior attainment through assessment and learning.

### **Equal opportunities**

At Downsell Primary School we believe that every child is entitled to equal access to a broad and balanced engaging curriculum, regardless of race, gender, class or disability. We positively celebrate diversity and difference.

### **Inclusion**

- We are committed to promoting a learning and teaching environment for all that embeds the values of inclusive educational practices.
- We aim, through a child centred approach, to ensure that education is accessible and relevant to all our learners, to respect each other and to celebrate diversity and difference.

School will always:

- Treat complaints confidentially
- Be fair, open and honest when dealing with any complaint
- Aim to resolve a complaint through dialogue and mutual understanding
- Put the interest of pupils above all else.

### **London Borough of Waltham Forest- Children's Services**

#### **General (non-statutory) Complaints Procedure for Maintained Schools:**

#### **Background and Legal Framework**

The 2002 Education Act determined that all governing bodies must have complaints procedures in place by September 2003 and must have regard to guidance given by the Secretary of State. The DfE issued via its website, guidance regarding a model policy for governing bodies to consider and to adopt or adapt as appropriate. Waltham Forest LA, in consultation with schools decided to recommend a different model and the DfE subsequently confirmed that it met statutory requirements. Most governing bodies adopted this model. However, in the light of outcomes of specific cases this model has now been revised and is attached to assist governing bodies when they review their current arrangements.

In terms of LA statutory duties or powers, procedures are already in place to deal with such issues as child protection, admissions, the provision of an appropriate curriculum, SEND and exclusions. In relation to a non-statutory complaint, there is no statutory right of appeal by a complainant to an LA or Diocesan Board.

Parents often do not appreciate this, and indeed schools need to bear in mind that the LA has an advisory role for both schools and parents alike. The LA has to be even handed in this dual involvement with schools and parents. However, once complaints procedures have been exhausted, and if parents are still refusing to accept the outcomes the LA can assist schools to achieve closure sometimes in closed discussion with the council's legal advisers.

In considering the issues involved in reviewing complaints procedures, Waltham Forest LA would like to offer the following advice and guidance to schools and governing bodies.

### **General Principles**

- It would seem reasonable to limit the right of access to any procedure to parents of registered pupils and those with parental responsibility.
- Procedures should be designed to ensure that, wherever possible, resolution is achieved through an informal process, although there may be times when progression to the formal stage might be more appropriate.
- All stages of the complaints procedure must be investigatory rather than adversarial.
- Wherever possible, the headteacher or the chair of governors acting alone should not conduct any meeting with complainants.
- Procedures should include provision that "it would not be appropriate to investigate an anonymous complaint unless there are exceptional circumstances".
- The responsibility for dealing with general complaints lies with the school. Any non-statutory complaint received by the LA will be re-directed to the school and the complainant informed accordingly.
- There should be a mechanism for terminating spurious complaints and those brought by vexatious complainants.
- Advice to complainants of the outcome of their complaint must not include confidential information, as this could be prejudicial in terms of employer/employee relationships. It is important, therefore, to be circumspect in the information provided.
- In the event that a complainant believes that the appropriate investigative procedures have not been followed, the complainant may request the Governing Body to review the matter. A review panel of three governors should be established for this purpose from a pool of, for example, five. Any request that is based purely on dissatisfaction with the outcome should be rejected although there could be limited exceptions to this position.
- Governors involved in the process should, wherever possible, receive training and/or seek advice from the LA for their role. This is important to avoid the risk that governors, especially the chair, may become involved at a stage that is inappropriate.
- There should be clear time scales for lodging and processing complaints with a definite end-point to any procedure. After this, the matter is closed as far as the school is concerned.
- It is important that any potential complainant is aware of the correct channel through which to pursue their complaint. This will reduce the likelihood of complaints being sent to the LA, Secretary of State, Councillors, MPs, local press etc.
- If you have any complaint about the special educational provision we make for your pupil please speak to the Headteacher in the first instance. The Headteacher will investigate and will contact you within 5 school days. If s/he has not resolved the matter to your satisfaction it will be referred to the Chair of the Governing Body who will consider."

Downsell Primary School COMPLAINTS PROCEDURE

**1. Complaints about the actions of a member of staff other than the headteacher**

**Informal Stage**

Most parental concerns can be adequately resolved by discussion with the class teacher or with other members of staff who may be the object of the complaint. There will be no need for the complaint to be put in writing, which would formalise matters and parents may feel less willing to articulate concerns, perhaps because of fear that such action may prejudice the interests of their child. In the case of serious concerns, it may be appropriate to address them directly to the headteacher or a designated member of the Senior Management Team.

**Formal Stage**

If the complainant is not satisfied with the response received, s/he should put the complaint in writing. This may be to the headteacher or a designated member of the senior management team. The complainant should normally receive a response within 15 school days of contacting the senior member of staff.

The complaint should include details, which might assist the investigation, such as names of potential witnesses, dates and times of events, and copies of relevant documents. In addition, the headteacher may meet with the complainant to clarify the complaint. It is good practice to have a colleague with the headteacher during any such meeting, although this should not be anyone who is the object of the complaint or who has had any prior dealings with the matter.

The headteacher or other designated member of staff will collect any other evidence, as s/he deems necessary. Where this involves an interview with a member of staff, s/he may be accompanied by a friend or representative if they wish.

The investigation will begin as soon as possible and when it has been concluded the complainant, and the member of staff concerned, will be informed in writing of the outcome. This may be to the effect that:

- There is insufficient evidence to reach a conclusion, so the complaint cannot be upheld.
- The concern is not substantiated by the evidence.
- The concern was substantiated in part or in full (some details may then be given of action the school may be taking to review procedures but details of any disciplinary procedures must not be released).
- The matter has been fully investigated and appropriate procedures are being followed, which are strictly confidential.

The complainant will be told that consideration of their complaint by the headteacher is now concluded.

If the complainant is not satisfied with the manner in which the process has been followed, the complainant may request the Governing Body's complaints panel to review the process followed by the

headteacher (see section 3). Any such request must be put in writing within 10 school days of receiving notice of the outcome from the headteacher, and include a statement specifying any perceived failures to follow procedure.

If the complainant considers that the decision of the headteacher is perverse, or that the headteacher has acted unreasonably in considering the complaint, then the complainant may bring a complaint against the headteacher as detailed in section 2 below.

## **2. Complaints about the actions of the headteacher**

### **Informal Stage**

The complainant is usually expected to arrange to speak directly with the headteacher, except in the case of serious concerns when it may be appropriate to raise them directly with the chair of the governing body. Many concerns can be resolved by simple clarification or the provision of information. However, in certain circumstances it may be appropriate to encourage parents to put their concerns in writing, for example where there is continuing/constant verbalising of concerns even when the headteacher considers they have been appropriately dealt with.

### **Formal Stage**

If the complaint is not resolved at the informal stage, the complainant must put the complaint in writing to the chair of the governing body, or other designated member of the governing body, who is responsible for investigating it. In certain circumstances it may be more appropriate for the investigation to be conducted by the vice-chair, for example if the complainant is well known to the chair. In such cases, this person is termed 'the investigator' (see section 3).

The complainant should include details which might assist the investigation, such as names of potential witnesses, dates and times of events and copies of relevant documents. In addition, the complainant will be invited to meet with the chair to present oral evidence or to clarify the complaint. The chair will collect such other evidence as is deemed necessary. This may include the interviewing of witnesses and others who may provide relevant information. It is good practice to always have another person with the chair present during any such meeting, although this should not be anyone who is the object of the complaint or who has any connection with the complaint. The person could act as a brief note taker to aid the chair's investigation. These will not be formal minutes but brief notes describing the issues under review.

The headteacher will be provided with a copy of the complaint and any additional evidence presented by the complainant or collected by the chair. Once there has been an opportunity for the headteacher to consider this, he/she will be invited to meet separately with the chair, in order to present written and oral evidence in response. A friend or representative may accompany the headteacher at this meeting.

When the investigation has been concluded, the complainant and the headteacher will be informed in writing of the outcome. The complainant will not be informed of any disciplinary/capability action. The whole process should be concluded within 20 school days.

The complainant will be told that consideration of their complaint by the chair is now concluded. If the complainant is not satisfied with the manner in which the process has been followed, the complainant

may request that the governing body's complaints panel review the process followed. Any such request must be made in writing within 2 school weeks of receiving notice of the outcome from the chair, and include a statement specifying any perceived failures to follow the procedure.

### **3. Review of Complaint's Process by the Governing Body Panel**

Any review of the process followed by the headteacher or the chair of governors (or investigator) shall be conducted by a panel of three members of the governing body. It should be noted, however, that if any of the governors have been involved directly or indirectly with the case then they must not form part of the panel.

The panel is established to review the process not the decision taken by the headteacher or chair of governors/investigator, following the receipt of a formal complaint. However, when a parent writes to the panel seeking a review it may not be clear until the panel meets, whether or not this is only a matter of process or simple dissatisfaction with the decision reached. The first task of the panel, therefore, is to determine the nature of the request.

If the panel forms the view that it is a matter of the complainant being dissatisfied with the decision reached then the panel will not take the matter any further\*. If however, the complainant is concerned that the process undertaken by the headteacher or the chair of governors was not in accordance with the published process then the panel will continue their review.

The panel may receive evidence from the complainant orally, who may be accompanied by a friend or relative, or representative if they wish, and/or in writing. The complainant may submit relevant documentary evidence. In addition, the panel will meet separately with the headteacher or the chair/investigator, as appropriate, to receive an account of the procedure which has been followed. This account may be presented orally and in writing. The panel will also have access to the records kept of the process followed.

It is good practice to have a note taker to assist the panel during any such meeting, although this should not be anyone who is the object of the complaint or who has had any dealings with the case. The person will only act as a brief note taker to aid the review. These will not be formal minutes but brief notes describing the issues under review.

The complainant and the headteacher or the chair/investigator, as appropriate, will be informed in writing of the outcome, normally within 20 school days from the beginning of the review. This may be to the effect that:

- There is insufficient evidence to reach a conclusion, so the complaint cannot be upheld.
- The concern about applying procedures correctly is not substantiated by the evidence.
- The above concern was substantiated in part or in full, but that the procedural failure did not affect the outcome significantly, so the matter is now closed.
- This concern was substantiated in part or in full and the governing body will take reasonable steps where practical to prevent a recurrence or to rectify the situation.

\*The nature of the complaint may give the panel cause to consider it in the best interests of the school to review even if it is clear that it is not about due process. It must be made clear to all parties that the panel is not empowered to overturn the judgement of the headteacher or chair but could refer it back for further

consideration if they feel uneasy about the initial judgement. Should they review the case on this basis they will follow the same procedure as laid down for the chair of governors in investigating a complaint against the headteacher. Further guidance is offered below.

### **MODEL PANEL MEETING PROCEDURE**

(This will only apply if the panel decides to go ahead with the review as articulated above).

1. Introductions - the members of the panel will introduce themselves. The complainant and the friend, relative, representative (if attending) will introduce themselves.
2. The chair of the panel will outline the process.
3. The complainant or person in attendance has the opportunity to present evidence. Depending upon the level of detail of the submission received, it may be reasonable to advise the complainant that s/he must focus on where the process was not followed and s/he is limited to new material rather than simply restating what has already been submitted. Panel Members may ask questions both during the presenting of evidence and at the end of the presentation.
4. The complainant should be advised that the panel will next see the headteacher or the chair of governors (or investigator) to receive an account of the procedures that have been followed, together with access to records kept of the process followed.

When the complainant has presented his/her evidence, s/he leaves.

5. The above procedure will then be explained to the headteacher/chair of governors (or investigator) prior to presenting his/her account. This can be either at the same or a separate meeting. Please note that the headteacher and chair (or investigator) do not attend at the same time as the complainant.
6. The panel will then deliberate with neither the complainant nor headteacher/chair of governors/investigator taking any further part.
7. Both the complainant and the headteacher/chair of governors (or investigator) must be advised that the panel is not empowered to overturn the judgement but could refer it back for further consideration.
8. The complainant and the headteacher/chair of governors (or investigator) will be advised in writing of the outcome.

### **REVIEW OUTCOME NOTIFICATION**

Both the complainant and the headteacher/chair of governors (or investigator) will be informed in writing of the outcome, normally within twenty (20) school days from the beginning of the review.

Review Outcome notification-examples of text for these letters are contained within the complaint procedure.

### **UNREASONABLE COMPLAINTS**

The school and governing body will issue a leaflet regarding the handling of unreasonable complaints in the event that a complaint is considered to be any of the following: spurious, vexatious, abusive, unreasonably persistent or harassing. The school and governing body will follow the procedure outlined in the leaflet.