



SANDHURST PRIMARY SCHOOL

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Complaints Policy

"At Sandhurst Primary School we believe in excellent progress and experiences for all in a fun, safe and caring environment."

Policy Status: [Statutory – required by education legislation]

Date Issued: March 2009

Review Frequency: 3 yearly

Date Last Reviewed: March 2018

Level of approval required: Full Governing Body

This policy outlines the schools procedures around Complaints. It sets out the school's duties under the government's legal framework and what the school believes is best practise.

This policy will be available on our website and via the school office.

Sandhurst Primary School

General Complaints Procedure March 2018

Purpose: To establish a procedure for dealing with complaints relating to the school, as required by section 29(1)(a) of the Education Act 2002.

Scope: All matters relating to the actions of staff and application of school procedures where they affect the individual pupils concerned, except matters [relating to the curriculum, exclusion, admissions etc...] which are subject to separate procedures.

In an ideal world complaints do not exist. However, from time to time complaints do arise. This document sets out how parents, carers and members of the public can complain if dissatisfied with any aspect of the School.

General Principles:

- An anonymous complaint will not be investigated under this procedure unless there are exceptional circumstances, in which case advice would be sought from the Local Authority Legal Department.
- To allow for a proper investigation, complaints should be brought to the attention of the school as soon as possible. Any matter raised more than 3 months after the event being complained of will not be considered, save in exceptional circumstances.
- Investigation of any complaint or review request will begin within 5 school days of receipt of the same, save in exceptional circumstances. The investigation will be completed as soon as reasonably practicable, ideally within 15 school days.

What is a complaint?

A complaint is an expression of dissatisfaction about the standards of service, actions or the lack of action by the School or its staff, affecting an individual pupil, person or group of pupils or people.

A person may complain if they believe:

- we have not acted fairly or politely; or
- we have not done something we should have done; or
- we have done something badly.

When we receive complaints we will:

- deal with people courteously and in a sensitive and helpful manner
- endeavour to put things right at the earliest opportunity where possible
- analyse complaints so that we can plan for the future by taking issues arising from complaints into account

In most cases, initial concerns are dealt with quickly and effectively meaning that formal procedures are not necessary.

Initial Contact with School – Concerns (Informal Stage)

Most concerns are dealt with informally as and when they occur. In most cases the class teacher is the first point of contact and we try to deal with all concerns quickly and effectively. We know that, by taking initial concerns seriously in the first instance, we can minimise the need for a situation to escalate to a formal complaint.

To discuss concerns, contact can be made by telephone, in person or in writing.

If the parent or carer wishes to meet the class teacher we ask them to make an appointment to discuss the situation. This ensures that:

- we allocate sufficient time to listen carefully to the concern

- lessons can start on time and are uninterrupted

If for any reason the teacher is unable to meet with the parent or carer we will:

- arrange an alternative appointment
- arrange for another member of the staff to speak with the parent or carer
- ask the Head Teacher or a representative to informally meet with the parent or carer

If a parent or carer is not happy with the way the concern has been dealt with, the following stages in the Complaints Procedure offer clear guidance as to the action to be taken.

Formal Complaints

The formal procedures will need to be invoked when initial attempts to resolve the issue are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further. Formal complaints can also be invoked at the request of the complainant who may decide to bypass informal procedures.

The headteacher will usually have responsibility for the operation and management of the school complaints procedure.

Investigating Complaints

At each stage of the procedure, the person investigating the complaint (usually the headteacher), should ensure that they:

- establish what has happened so far, and who has been involved;
- clarify the nature of the complaint and what remains unresolved;
- meet with the complainant or contact them (if unsure or further information is necessary);
- clarify what the complainant feels would put things right;
- interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish;
- conduct the interview with an open mind and be prepared to persist in the questioning;
- keep notes of all interviews.
- begin a log

Resolving Complaints

At each stage in the procedure, we aim to keep in mind ways in which a complaint can be resolved. It might be sufficient to acknowledge that the complaint is valid in whole or in part. In addition, it may be appropriate to offer one or more of the following:

- an apology;
- an explanation;
- an admission that the situation could have been handled differently or better;
- an explanation of the steps that have been taken to ensure that it will not happen again;
- an undertaking to review school policies in light of the complaint.

Complainants should be encouraged to state what actions they feel might resolve the problem at any stage. ***An admission that the school could have handled the situation differently is not the same as an admission of negligence.***

Throughout the procedure, we will endeavour to identify areas of agreement between the parties. Equally important, we will clarify any misunderstandings that might have occurred in order to create a positive atmosphere in which to discuss any outstanding issues.

Vexatious Complaints

There may 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 GB is able to inform them in writing that the procedure has been exhausted and that the matter is now closed.

Stages of Dealing with a Formal Complaint

Between each stage of a formal complaint, the person handling the complaint should respond within 15 school days. Should the complainant wish to escalate a complaint following any stage of the formal procedure, they should do so within 15 school days.

Part A: Complaining about the actions of a member of staff other than the Head Teacher.

Stage 1

If a complainant remains dissatisfied about a concern after the informal stage outlined above, their complaint may be heard by another member of school staff. This would usually be the line manager of the person concerned or a member of the School Leadership Team (other than the Headteacher). The complaint may be made by letter, by telephone or in person by appointment. The person dealing with the complaint should ensure that all relevant notes outlined above ('Investigating a Complaint') are kept.

Stage 2

The complaint is heard and investigated by the Headteacher.

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 Head Teacher may meet with the complainant to clarify the complaint.

The Head Teacher will collect such other evidence as she deems necessary. Where this involves an interview with a member of staff, who is the subject of the complaint, that member of staff 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 etc... but details of the investigation or of any disciplinary procedures will not be released
- The matter has been fully investigated and that appropriate procedures are being followed, which are strictly confidential. [e.g. where staff disciplinary procedures are being followed]

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

Stage 3

If the complainant is not satisfied with the manner in which the process has been followed, the complainant may request that the Governing Body review the process followed by the Head Teacher in handling the complaint. Any such request must be made in writing within 2 weeks of receiving notice of the outcome from the Head Teacher, and include a statement specifying any perceived failures to follow the procedure. In this case, the procedure described in Part C will be followed.

OR

If the complainant considers that the decision of the Head Teacher is perverse, or that the Head Teacher has acted unreasonably in considering the complaint, then the complainant may bring a complaint against the Head Teacher

under part B of this procedure. This will provide an opportunity for the evidence to support such a complaint to be investigated.

Part B: Complaining about the actions of the Head Teacher

Stage 1

The complainant is usually expected to arrange to speak directly with the Head Teacher. [In the case of serious concerns 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. If the matter is not resolved, if both parties agree, then a third party may be invited to act as a mediator at a further meeting. A refusal, unreasonably, to attempt an informal resolution may result in the procedure being terminated forthwith.

Stage 2

If the complaint is not resolved at Stage 1 the complainant must put the complaint in writing and pass it to the Chair of the Governing Body. The Chair will investigate the complaint in the same manner as Stage 2 outlined above.

The complainant should include details which might assist the investigation, such as names of potential witnesses, dates and times of events, copies of relevant documents etc.... In addition the complainant may 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.

The Head Teacher 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 Head Teacher to consider this, she will be invited to meet separately with the Chair, in order to present written and oral evidence in response. The Head Teacher may be accompanied at this meeting by a friend or representative.

When the investigation has been concluded, the complainant and the Head Teacher will be informed in writing of the outcome. The complainant will not be informed of any disciplinary/capability action. The outcome will be one of the following:

- 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 etc... but details of the investigation or of any disciplinary procedures will not be released
- The matter has been fully investigated and that appropriate procedures are being followed, which are strictly confidential. [e.g. where staff disciplinary procedures are being followed]

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

Stage 3

If the complainant is not satisfied with the manner in which the process has been followed, or considers that the decision of the Chair is perverse, or that the Chair has acted unreasonably in considering the complaint, then the complainant may request that the Governing Body review the handling of the complaint by the Chair (Part C – below). Any such request must be made in writing within 2 weeks of receiving notice of the outcome from the Chair, and include a statement specifying any perceived failures.

Part C: Review Process

Any review of the process followed by the Head Teacher or the Chair shall be conducted by a panel of 3 members of the Governing Body.

There will be a range of representation in the membership of the Complaints Committee, but governors who are members of staff will not be on the committee.

Committee members will declare any vested interest or prior knowledge of a complaint and will withdraw from the committee to review that complaint.

All aspects of the process will be regarded as confidential.

Meetings of the review panel will be clerked by the Clerk to the Governing Body or a substitute clerk from Governors' Services.

The review will initially be conducted through a consideration of written submissions. From this the panel will determine which aspects of the complaint require further clarification and will convene a hearing..

At a hearing, the panel will first receive evidence from the complainant.

The panel will then invite the Head Teacher or the Chair (or nominated representative), as appropriate, to make a response to the complaint.

The panel may also have access to the records kept of the process followed.

The complainant, and the Head Teacher or the Chair, as appropriate, 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 but that the procedural failure did not affect the outcome significantly so the matter is now closed.
- The concern was substantiated in part or in full and the Governing Body will take steps to prevent a recurrence or to rectify the situation [where this is practicable]

Notes

The complainant is not entitled access to any details of the investigation except for any statements that may have been provided by their child. Any information relating to the application of disciplinary procedures is strictly confidential.

If a complainant believes that the Governing Body has acted illegally or arbitrarily in handling the complaint, then the complainant may make representations to the Secretary of State for Children, Families and Schools. Alternatively, complaints may be made directly to OFSTED.

Reviewed: March 2009 Signed: Position:

Reviewed: March 2012

Reviewed: March 2015

To be reviewed March 2018

Annex A:- Copy of Complaint Form

Sandhurst Primary School – Complaint Form

Please complete and return to the Headteacher who will acknowledge receipt and explain what action will be taken.

Your name:

Pupil's name:

Your relationship to the pupil:

Address:

Postcode:

Day time telephone number:

Evening telephone number:

Please give details of your complaint.

**What action, if any, have you already taken to try and resolve your complaint.
(Who did you speak to and what was the response)?**

Annex B: The Process of Carrying out and Investigation

- During the formal stages of a complaint, the person handling the complaint should usually respond within 15 school days. Should a complainant wish to escalate a complaint at any point in the formal procedure, this should be within 15 school days of receiving notification of decisions or findings from the school at an earlier stage of the formal procedure.
- The investigation of an allegation or a complaint should always be carried out thoroughly and responsibly, irrespective of whether the complaint appears to be trivial or serious. The outcome of such an investigation will have significance not only for the complainant but also for the member of staff against whom the complaint has been made.
- Any procedure should include provision that "An anonymous complaint will not be investigated under this procedure unless there are exceptional circumstances." These would include serious concerns such as child protection issues or bullying allegations, where the school would either involve appropriate external agencies or else conduct its own internal review to test whether there is any corroborative evidence which might trigger a formal investigation.
- Where the Head Teacher or Chair of Governors receives a complaint, it should be acknowledged formally in writing and a commitment made that the complaint will be investigated and the outcome of the investigation notified to the complainant in due course.
- The member of staff against whom the complaint has been made, should be notified that a complaint has been received, provided with a copy of the complaint and be informed that an investigation will be carried out.
- It is essential that there is a clear understanding of the complaint. Where necessary the nature of the complaint should be confirmed with the complainant.
- Once the complaint has been confirmed the investigator should establish who they wish to interview, what they wish to find out and what documentation they will need to review. The investigator will need to prepare questions prior to interview.
- Arrangements should be agreed so that accurate notes can be taken of all interviews and the outcome of the investigation be accurately recorded.
- The complainant and the member of staff should be given the opportunity to offer documentation and to identify potential witnesses or sources of evidence.
- The member of staff subject to the complaint should be advised that they may be accompanied by a friend or trade union representative when invited to be interviewed.
- Where children are potential witnesses, discretion should be exercised over their involvement. Pupils should only be interviewed when the nature of the complaint is sufficiently serious to warrant it and adult witnesses are not available. Only in extreme circumstances will younger pupils be interviewed.
- Any interviews should be conducted as soon as possible to ensure that recollections are as fresh as possible and to minimise the possibility that evidence will become tainted through witnesses discussing alleged incidents with other persons.
- In conducting interviews, the investigator should prepare the questions to be asked prior to the interview. These can always be supplemented during the interviews. The investigator should allow the interviewee to answer in their own way. Their responses should be listened to attentively. Any temptation to cut an interviewee short or to seek to "lead" them must be resisted. The interviewee should be given the opportunity of providing other relevant information at the end of the interview.
- Interviewees should, however, be advised that their responses must be confined to the substance of the complaint. Any attempt by the interviewee to introduce information relating to other members of staff or to issues unrelated to the complaint should be resisted.

- The investigator should avoid reaching conclusions or passing judgement until the investigation has been completed.
- A summary of the process undertaken and the outcome of the investigation should be provided to both the complainant and the member of staff against whom the complaint has been made. Caution must be exercised in reporting back to the complainant as revealing certain details may prejudice the ability of the employee to continue in post.
- Any recommendations should also be shared with all parties, unless there is good reason not to. Wherever possible, recommendations should be constructive and not punitive.
- The complainant should be advised that he/she may, if they are not satisfied that the appropriate procedure has been followed, request a review of that process by the Governing Body.
- The Governing Body should invite the LEA to express a view on the retention of records of any complaints procedure. The most extreme stance would be that: "All documentation relating to the complaint and its investigation and outcomes should be stored securely for a period of six years. [Where the complaint is on behalf of a child, then the school may wish to retain the documentation until 6 years after the child has attained the age of 18]"

Annex C: The Process of Conducting a Hearing

The complainant needs to write to the Chair of Governors giving details of the complaint. The Chair, or a nominated governor, will convene a GB complaints panel.

The governors' appeal hearing is the last school-based stage of the complaints process, and is not convened to merely rubber-stamp previous decisions.

Individual complaints would not be heard by the whole GB at any stage, as this could compromise the impartiality of any panel set up for a disciplinary hearing against a member of staff following a serious complaint.

The governing body may nominate a number of members with delegated powers to hear complaints at that stage, and set out its terms of reference. These can include:

- drawing up its procedures;
- hearing individual appeals;
- making recommendations on policy as a result of complaints.

The procedure adopted by the panel for hearing appeals would normally be part of the school's complaints procedure. The panel can be drawn from the nominated members and may consist of three or five people. The panel may choose their own chair.

The Remit of The Complaints Appeal Panel

The panel can:

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

There are several points which any governor sitting on a complaints panel needs to remember:

- a. It is important that the appeal hearing is independent and impartial and that it is 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. In deciding the make-up of the panel, governors need to try and ensure that it is a cross-section of the categories of governor and sensitive to the issues of race, gender and religious affiliation.
- b. The aim of the hearing, which needs to be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant. However, it has to be recognised the complainant might not be satisfied with the outcome if the hearing does not find in their favour. It may only be possible to establish the facts and make recommendations which will satisfy the complainant that his or her complaint has been taken seriously.
- c. An effective panel will acknowledge that many complainants feel nervous and inhibited in a formal setting. Parents often feel emotional when discussing an issue that affects their child. The panel chair will ensure that the proceedings are as welcoming as possible. The layout of the room will set the tone and care is needed to ensure the setting is informal and not adversarial.
- d. Extra care needs to be taken when the complainant is a child. Careful consideration of the atmosphere and proceedings will ensure that the child does not feel intimidated. The panel needs to be aware of the views of the child and give them equal consideration to those of adults. Where the child's

parent is the complainant, it would be helpful to give the parent the opportunity to say which parts of the hearing, if any, the child needs to attend.

e. The governors sitting on the panel need to be aware of the complaints procedure.

Roles and Responsibilities

The Role of the Clerk

The Department strongly recommends that any panel or group of governors considering complaints be clerked. The clerk would be the contact point for the complainant and be required to:

- set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible;
- collate any written material and send it to the parties in advance of the hearing;
- meet and welcome the parties as they arrive at the hearing;
- record the proceedings;
- notify all parties of the panel's decision.

The Role of the Chair of the Governing Body or the Nominated Governor

The nominated governor role:

- check that the correct procedure has been followed;
- if a hearing is appropriate, notify the clerk to arrange the panel;

The Role of the Chair of the Panel

The Chair of the Panel has a key role, ensuring that:

- the remit of the panel is explained to the parties and each party has the opportunity of putting their case without undue interruption;
- the issues are addressed;
- key findings of fact are made;
- parents and others who may not be used to speaking at such a hearing are put at ease;
- the hearing is conducted in an informal manner with each party treating the other with respect and courtesy;
- the panel is open minded and acting independently;
- no member of the panel has a vested interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure;
- each side is given the opportunity to state their case and ask questions;
- written material is seen by all parties. If a new issue arises it would be useful to give all parties the opportunity to consider and comment on it.

Notification of the Panel's Decision

The chair of the panel needs to ensure that the complainant is notified of the panel's decision, in writing, with the panel's response; this is usually within a set deadline which is publicised in the procedure. The letter needs to explain if there are any further rights of appeal and, if so, to whom they need to be addressed.

Checklist for a Panel Hearing

The panel needs to take the following points into account:

- The hearing is as informal as possible.
- Witnesses are only required to attend for the part of the hearing in which they give their evidence.
- After introductions, the complainant is invited to explain their complaint, and be followed by their witnesses.
- The headteacher may question both the complainant and the witnesses after each has spoken.
- The headteacher is then invited to explain the school's actions and be followed by the school's witnesses.
- The complainant may question both the headteacher and the witnesses after each has spoken.
- The panel may ask questions at any point.
- The complainant is then invited to sum up their complaint.
- The headteacher is then invited to sum up the school's actions and response to the complaint.
- Both parties leave together while the panel decides on the issues.
- The chair explains that both parties will hear from the panel within a set time scale.

Annex D: Model letters

Model Response to spurious complainant

Dear

Following receipt of your communications and careful consideration of the same, I regret that I am unable to deal with this matter under the governing body's General Complaints Procedure as:

[Please select appropriate wording from the following]

- You have not identified any specific actions of which you might complain.
- Your concerns are presented as conclusions rather than specific actions of which you complain.
- The concerns that you identify relate to historical actions and any evidence which might have enabled an objective investigation of your complaint is no longer available.
- The substance of your complaint has been addressed under this procedure already.
- The concerns that you raise do not fall within the scope of this procedure.
- You have not identified any potential sources of evidence which might allow the matter to be investigated.
- The school offered to resolve the matter informally and in my judgement you refused unreasonably to take advantage of this.

If you wish my decision to be reviewed then you may take advantage of the procedure outlined in Part C of the complaints procedure, by writing to the Clerk to the Governing Body.

Yours sincerely,

Head Teacher
Or Chair of Governing Body

NOTIFICATION OF DECISION REGARDING GENERAL PARENTAL COMPLAINT

Dear

Following receipt of your complaint and careful consideration of all the available relevant evidence, I have concluded that:

- There is insufficient evidence to reach a conclusion, so the complaint cannot be upheld. If you are able to provide additional evidence forthwith I/we will reconsider this decision.

OR

- The concern is not substantiated by the evidence in that

OR

- The concern was substantiated in part/in full, as The school will review its practices/procedures..... with the intention of avoiding any recurrence. Parents will be informed in due course of any 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. We are confident, however, that the circumstances that gave rise to your complaint should not recur.

I hope that we may now put this matter behind us and work together for the benefit of your child's progress.

Yours truly

Head Teacher / Chair of Governing Body

c.c. Head Teacher

Model REVIEW OUTCOME NOTIFICATION

Dear

Having carefully considered your representations in the context of the relevant evidence, the Governing Body Complaints Review Panel has concluded that the General Complaints Procedure was followed appropriately in respect of your complaint in that

Therefore, the matter is now closed as far as the school is concerned.

Or

Having carefully considered your representations in the context of the relevant evidence, the Governing Body Complaints Review Panel has concluded that the Head Teacher/ Chair of Governors followed the General Complaints Procedure except

Therefore, the following action will be taken

Once this action has been completed the school will consider the matter to be closed.

Or

Having carefully considered your representations in the context of the relevant evidence, the Governing Body Complaints Review Panel has concluded that the Head Teacher/ Chair of Governors followed the General Complaints Procedure except that

We have determined that this procedural failure did not affect the outcome of the consideration of your complaint so, while we regret this error, we will now consider this matter to be closed as far as the school is concerned.

Yours truly

Chair of Complaints Review Panel

c.c. Head Teacher
Chair of Governors