



## Complaints Policy



<i>Date of last review and future reviews</i>	<i>Updates / changes since last review</i>	<i>Chair of Governors</i>
<i>This policy was agreed by governing body in November 2018 and supersedes all previous policies relating to this area. Implementation is with immediate effect and review is at the Headteacher's discretion.</i>	<i>Link to DfE guidance added Stat section added for SEN complaints</i>	<i>Maria Parker</i>

### Who Does This Policy Apply To?

This policy applies to any pupil attending St. Margaret's Lee Church of England Primary School ("the School"), their parents or legal guardians, people resident in the community around the School, and those using or affected by school facilities, services or activities. (Current or former employees who wish to register a complaint should follow the appropriate employment procedure.)

### Policy Statement

The School works hard to ensure it provides the best possible education for its pupils. We welcome feedback on the services we provide. Complaints, compliments and comments are a vital part of feedback and will be heard respectfully and with an open mind. Our aim is to learn from complaints, compliments and comments and use these lessons to improve the services we provide. Where complaints are received and substantiated, our emphasis is on putting things right as quickly and as reasonably as possible.

### Dealing with Complaints – Informal procedures

We believe that most concerns can be effectively resolved with open communication. Therefore we encourage pupils, parents, carers or others to whom this policy applies to raise matters of concern with the relevant class teacher, or, if they relate to the whole school, with the Headteacher.

### Concerns or complaints relating to a teacher

#### First course of action:

Speak with the teacher and try to resolve the issue. This should involve the following:

- clearly establishing what the issue is
- agreeing the measures to resolving the issue
- agreeing a way of reviewing e.g. weekly 'check' to ensure the issue has been or is being resolved

#### Second course of action:

If this is not working, a meeting should be arranged with a member of the Senior Leadership Team, the teacher, the parent(s) and, if appropriate, the child. We strongly believe that issues should be discussed openly and the above points should be implemented. A written record should be made and shared with all parties, using the attached



template (Appendix 1). Parents may wish for a parent governor to be present at this meeting.

### **Third course of action - Formal procedures:**

If the parent or carer is not satisfied with the way in which the Headteacher has dealt with the issue and wishes to take the matter further, the School will follow the formal Complaints Procedure outlined below.

It is the School's policy that the Complaints Procedure will:

- be easily **accessible** and **publicised**;
- be **simple** to understand and use;
- be **impartial**;
- be **non-adversarial**;
- allow **swift** handling with clear **time-limits** for action and keeping people informed of the progress;
- ensure a full and **fair** investigation by an independent person where necessary;
- respect people's desire for **confidentiality**;
- address all the points at issue and provide an **effective** response and **appropriate** redress, where necessary;
- provide **information** to the school's senior management team so that services can be improved.

### **Vexatious Complaints**

If a complainant tries to reopen the same issue as has been dealt with previously in accordance with this Policy, even if to the dissatisfaction of the complainant, 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

### **Complaints from parents of children with special educational needs about the support the school provides**

For complaints of this nature, the same course of action should be followed. The meeting should be arranged with the SENCO in the first instance.

## **The Formal Complaints Procedure**

### **Stage 1: Complaint Heard by Headteacher**

A formal complaint should be directed in the first instance to the Headteacher. As an exception to this, if the complaint concerns the Headteacher it should be directed to the Chair of the Governing Body, and references in this Stage 1 procedure to actions to be taken by the Headteacher shall refer instead to the Chair of the Governing Body.

A written record must be made of each formal complaint, preferably by the complaint being lodged in writing (either by letter or email) ideally using the Complaint Form attached to this policy, or alternatively by the Headteacher making a contemporaneous written record of a formal complaint lodged otherwise.

When a formal complaint is received it should be acknowledged within 2 school days and the complainant told that the matter will be investigated and a response given within a certain time, normally 5 - 10 school days, depending on the nature of the complaint and its complexity.

The investigation conducted by the Headteacher should take account of the following:

- there should be a clear understanding of the complaint with clarification being sought if necessary;



- any necessary interviews should be held as soon as possible after incidents to which they relate to minimise the possibility of evidence becoming tainted;
- strict attention should be paid to confidentiality;
- separate discussions should be held with all parties involved, and with any witnesses;
- careful written notes should be made of all discussions;
- the complainant's desired outcome and any possibilities of redress discussed;
- written statements should be obtained where appropriate, and be signed and dated;
- efforts should be made to resolve the complaint, if possible to the satisfaction of the complainant;
- the complainant and all relevant members of staff should be given an opportunity to provide documentation and identify potential witnesses.

After completing the investigation, the Headteacher will prepare a written summary of his/her findings and write to the complainant saying that the investigation has been completed and including, as appropriate, some of the following;

- all appropriate steps have already been taken and no further action is considered necessary
- as a result of the investigation the following arrangements have been made which it is hoped the complainant will find satisfactory
- if the complainant is not happy, they may, within 15 school days, write to the Chair of the Governing Body at the School address requesting that the complaint be considered by the Complaints Panel of the Governing Body in accordance with Stage 2 below (a "stage 2 complaint").

If the deadline for lodging a Stage 2 complaint passes without such a complaint being lodged, the complaint heard by the Headteacher and its outcome will be reported, with all information which may identify the complainant removed, to the Governing Body.

## **Stage 2: Complaint Heard by Complaints Panel of the Governing Body**

A Stage 2 complaint to be heard by the Complaints Panel of the Governing Body ("the Panel") must be made to the Chair of the Governing Body. A written record must be made of each Stage 2 complaint, preferably by the complaint being lodged in writing (either by letter or email) at the School address, or alternatively by the Chair of the Governing Body making a contemporaneous written record of a Stage 2 complaint lodged otherwise.

The Panel will consist of 3 (in exceptional cases 5) Governors who have no prior involvement in the complaint or the circumstances surrounding it and selected so far as possible to be independent of the complainant, a cross section of the categories of governor and sensitive to the issues of race, gender and religious affiliation.

The hearing by the Panel is the last school-based stage of the Complaints Procedure, and is not convened merely to rubber-stamp previous decisions.

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.



If the Panel is to hear the complaint, the Clerk to the Governing Body should set up the Hearing within 20 school days of receipt by the Chair of Governors of the stage 2 complaint, giving at least 10 school days notice of the Hearing to: the Panel, the complainant, the Headteacher, the Chair of the governing body, and the Lewisham Education Authority complaints officer, sending them the following:

- (a) an invitation to attend the Hearing including details of the date, time and place of the Hearing
- (b) a request that copies of any written papers which people may wish to be considered be sent to the Clerk by a specified date to allow distribution to others
- (c) a request for the names of any witnesses to be called
- (d) a statement saying that the complainant may wish to be accompanied by a friend and asking for the name of any such friend
- (e) where appropriate, an enquiry as to whether or not it would be helpful for an interpreter to be available
- (f) an enquiry as to whether access should be provided for the disabled
- (g) a summary of the procedure to be followed at the Hearing

The Hearing will be as informal as possible, and all parties will act respectfully towards each other and the Panel. The aim of the Hearing will be to try to identify a resolution to the complaint and a way forward, rather than necessarily to aim to apportion blame.

Witnesses are only required to attend for the part of the Hearing in which they give their evidence. The Hearing will be clerked by the Clerk to the Governing Body, or another person appointed by the Panel, who should be present throughout the Hearing and after the parties have left.

Unless there are exceptional reasons not to do so, the Hearing will proceed according to the following outline:

- 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 Decision of the Panel will be sent to all parties within 5 school days of the Hearing. The Panel's decision is the final decision of the school-based stages.

## **DfE Guidance**

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/489056/Best\\_Practice\\_Advice\\_for\\_School\\_Complaints\\_2016.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/489056/Best_Practice_Advice_for_School_Complaints_2016.pdf)



## Appendix 1: Concerns or complaints relating to a teacher

### *Second course of action*

<b>Child:</b>	<b>Date:</b>
<b>Parent(s):</b>	
<b>Teacher:</b>	
<b>The issue or concern raised:</b>	
<b>Agreed measures to resolving the issue or concern:</b>	
<b>Agreed way of reviewing :</b>	
<b>Agreed by:</b>	



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**Concerns or complaints relating to a teacher**

***Agreed protocol for parent & teacher meeting***

- parent to establish clearly what the issue is (this should be written down for reference)
- teacher allowed to respond to the issue and present their views and thoughts
- at all times, all parties should try remain respectful and calm and remember the purpose of the meeting is to try and make things better for the child concerned
- agreed measures to resolving the issue should be put in place
- agreed way of reviewing
- for meetings involving a member of the Senior Leadership Team (second course of action), minutes should be taken and shared with all present



## Appendix 2: Formal Written Complaint form

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

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 (continue on separate sheet if necessary).

What action, if any, have you already taken to try and resolve your complaint.

(Who did you speak to and what was the response)?

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



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

**Signature:**

**Date:**

**Official use**

**Date acknowledgement sent:**

**By who:**

**Complaint referred to:**

**Date:**



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