

Harrow Lodge Primary School



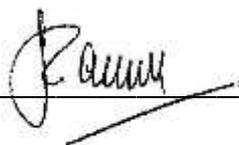
COMPLAINTS PROCEDURE POLICY

APPROVED BY GOVERNORS ON: Spring 2022

DUE FOR REVIEW: Autumn 2022

RESPONSIBLE PERSON(S) MRS L SEARLE

SIGNED BY CHAIR OF GOVERNORS



INTRODUCTION

A complaint is defined as ‘an expression of dissatisfaction, however made, about actions taken or a lack of action’. It is within everyone’s interest that complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to invoke formal procedures and all informal concerns are taken very seriously with every effort made to resolve the matter as quickly as possible.

However, there are occasions when complainants would like to raise their concerns formally and, in those cases, the school’s formal procedures, as outlined below, should be followed.

Any person, including members of the general public, may make a complaint about any provision of facilities or services that we provide as a school, unless separate statutory procedures apply (such as exclusions or admissions). Complaints should be made on an informal basis, in the first instance, by speaking to the Class teacher either by appointment, by telephone, email or after school by agreement. If a complainant wishes to take the complaint further, they should make an informal complaint to the phase leader followed by the Assistant Head or Deputy Head if the matter is still not resolved satisfactorily. If the matter is *still* unresolved, an appointment to see the Head Teacher to make an informal complaint should be made. It is only if all these lines of informal complaints have been unsuccessful that a complaint should be made, in writing, for the attention of the Headteacher and/or Chair of Governors. A form can be found at the end of this policy that may be used for a written complaint.

All complaints are confidential and will only be shared with the relevant bodies or personnel but will provide anonymised information to the Senior Management Team so that services can be improved.

Harrow Lodge Primary Complaints Procedure

COMPLAINTS ABOUT SEND PROVISION

If you have any complaint about the special educational provision we make for your pupil please speak to the Head Teacher or to a member of the governing body. If you speak to a governor s/he will, in the first instance, refer the matter to the Head Teacher. The Head Teacher 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 special needs governor who will consider the complaint at their next meeting and will contact you within 5 school days from the date of that meeting.

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 may lead parents to feel less prepared 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

Step 1

If the complainant is not satisfied with the response received, they should put their complaint in writing to the Headteacher. The complainant will normally have a response within 15 school days of contacting the Head Teacher or Chair of Governors in writing.

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 Headteacher may meet with the complainant to clarify the complaint.

The Headteacher or other designated member of staff will collect such other evidence as he/she deems necessary. Where this involves an interview with a member of staff, he/she 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 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.

Step 2

If the complainant is not satisfied with the manner in which the process has been followed, the complainant may request the Local Governing Board to review the process followed by the head (see section 3). Any such request must be put in writing within two school weeks 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 Local Governing Board. 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.

Formal Stage

Step 1

If the complaint is not resolved at the informal stage, the complainant must put the complaint in writing to the chair of the Local Governing Board who will arrange for its investigation.

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.

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. The Headteacher may be accompanied at this meeting by a friend or representative.

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.

Step 2

If the complainant is not satisfied with the manner in which the process has been followed, the complainant may request that the Local Governing Board review the process. 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 GOVERNING BODY PANEL

Any review of the process followed by the Headteacher or the chair of governors 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.

Complainants have the right to request an independent panel (brought in from another school or from the Local Authority's Governor Services Team) if they believe there is likely to be bias in the proceedings. The school will consider the request but, ultimately, the decision will be made by the Local Governing Board.

The panel is established to review the process not the decision taken by the Headteacher or chair of governors, following the receipt of a formal complaint. However, when a parent writes to the panel seeking a review it will not be clear until the panel meets, whether or not this is 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 the Local Governing Board 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, 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.

The complainant and the Headteacher or the chair, 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 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 Local Governing Board 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.

4. COMPLAINTS ABOUT THE ACTIONS OF THE CHAIR OF LOCAL GOVERNING BOARD OR AN INDIVIDUAL GOVERNOR

Complaints should be made by writing to the Clerk of the Local Governing Board. 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 Clerk may meet with the complainant to clarify the complaint. The matter will be investigated as soon as possible and, when it has been concluded, the complainant and the governor concerned 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.

5. THE SCHOOL COMPLAINTS UNIT

If a complaint has completed the local procedures and the complainant remains dissatisfied, they have the right to refer their complaint to the Secretary of State. The Secretary of State has a duty to consider all complaints raised but will only intervene where the governing body has acted unlawfully or unreasonably and where it is expedient or practical to do so. The School Complaints Unit (SCU) considers complaints relating to LA maintained schools in England on behalf of the Secretary of State. The SCU will look at whether the complaints policy and any other relevant statutory policies were adhered to. The SCU also looks at whether statutory policies adhere to education legislation. However, the SCU will not normally re-investigate the substance of the complaint. This remains the responsibility of schools.

6. USE OF THE COMPLAINTS PROCEDURE

- A dissatisfied complainant will always be given the opportunity to complete the complaints procedure in full if they so wish.
- The process of listening to and resolving complaints will contribute to school improvement. Individual complaints may identify underlying issues which will be addressed

- The monitoring and review of complaints will be used as a tool when evaluating the school's performance.

The complaints procedure covers all complaints about any provision of facilities or services that we provide with the exceptions listed below, for which there are separate (statutory) procedures.

Exceptions	Who to contact
Admissions to schools <ul style="list-style-type: none"> • Statutory assessments of Special Educational Needs (SEN) • School re-organisation proposals • Matters likely to require a Child Protection Investigation 	Concerns should be raised direct with local authorities (LA). For school admissions, it will depend on who is the admission authority (either the school or the LA). Complaints about admission appeals for maintained schools are dealt with by the Local Government Ombudsman.
Exclusion of children from school	Further information about raising concerns about exclusion can be found at: www.gov.uk/schooldiscipline-exclusions/exclusions .
Whistleblowing	Schools have an internal whistleblowing procedure for their employees and voluntary staff. Other concerns can be raised direct with Ofsted by telephone on: 0300 123 3155, via email at: whistleblowing@ofsted.gov.uk or by writing to: WBHL, Ofsted Piccadilly Gate Store Street Manchester M1 2WD. The Department for Education is also a prescribed body for whistleblowing in education.
Staff grievances and disciplinary procedures	These matters will invoke the school's internal grievance procedures. Complainants will not be informed of the outcome of any investigation.
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. They should be contacted direct.

7. POLICY FOR UNREASONABLE COMPLAINANTS

Harrow Lodge School is 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 the 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.

Harrow Lodge School defines unreasonable complainants as 'those who, because of the frequency or nature of their contacts with the school, hinder our consideration of their or other people's complaints'.

A complaint may be regarded as unreasonable when the person making the complaint:-

- 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 while still wishing their complaint to be resolved;
- refuses to accept that certain issues are not within the scope of a complaints procedure;
- insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice;
- introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on, or 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 complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed);
- 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, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with.

A complaint may also be considered unreasonable if the person making the complaint does so either face-to-face, by telephone or in writing or electronically:-

- maliciously;
- aggressively;

- using threats, intimidation or violence;
- using abusive, offensive or discriminatory language;
- knowing it to be false;
- using falsified information;
- publishing unacceptable information in a variety of media such as in social media websites and newspapers.

Complainants should limit the numbers of communications with a school while a 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 Headteacher or Chair of the Local Governing Board will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

If the behaviour continues the headteacher will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact the school causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after 6 months.

In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. This may include banning an individual from the school.

8. BARRING FROM THE SCHOOL PREMISES

Although fulfilling a public function, schools are private places. The public has no automatic right of entry. Schools will therefore act to ensure they remain a safe place for pupils, staff and other members of their community.

If a parent's behaviour is a cause for concern, the school may ask him/her to leave school premises. In serious cases, the Headteacher or the Trust will notify them in writing that their implied licence to be on school premises has been temporarily revoked subject to any representations that the parent may wish to make. Harrow Lodge Primary School will always give the parent the opportunity to formally express their views in writing on the decision to bar.

The decision to bar will then be reviewed, taking into account any representations made by the parent and either confirmed or lifted. If the decision is confirmed, the parent will be notified in writing, explaining how long the bar will be in place.

Anyone wishing to complain about being barred can do so, by letter or email, to the Headteacher or Chair of the Local Governing Board. However, complaints about barring **cannot** be escalated to the Department for Education. Once Harrow Lodge Primary School's own complaints procedure has been completed, the only remaining avenue of appeal is through the Courts; independent legal advice must therefore be sought.

HARROW LODGE PRIMARY SCHOOL COMPLAINT FORM

Please complete this form and return it to the Headteacher who will acknowledge its receipt and inform you of the next stage in the procedure.

Your name:

Relationship with school [e.g. parent of a pupil on the schools roll]:

.....

Pupil's name [if relevant to your complaint]:

.....

Your Address:

Daytime telephone number:

Evening telephone number:

Please give details of your complaint, [including dates, names of witnesses etc...], to allow the matter to be fully investigated:

You may continue on separate paper, or attach additional paperwork

Number of Additional pages attached =

What action, if any, have you already taken to try to resolve your complaint? [i.e. who have you spoken with or written to and what was the outcome?]

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

Signature:

Date:

School use:

Date Form received:

Received by:

Date acknowledgement sent:

Acknowledgement sent by:

Complaint referred to:

Date:

Appendix 1

Roles and Responsibilities

The Complainant

The complainant or person who makes the complaint will receive a more effective response to the complaint if he/she:-

- co-operates with the school in seeking a solution to the complaint;
- expresses the complaint in full as early as possible;
- responds promptly to requests for information or meetings or in agreeing the details of the complaint;
- asks for assistance as needed;
- treats all those involved in the complaint with respect.

The Complaints Co-ordinator (or Headteacher)

The complaints co-ordinator should:-

- ensure that the complainant is fully updated at each stage of the procedure;
- ensure that all people involved in the complaint procedure will be aware of the legislation around complaints including the Equality Act 2010, Data Protection Act 1998 and Freedom of Information Act 2000;
- liaise with staff members, headteacher, Chair of the Local Governing Board and Clerk to ensure the smooth running of the complaints procedure
- keep records
- be aware of issues regarding:-
 - sharing third party information
 - additional support - this may be needed by complainants when making a complaint including interpretation support.

The Investigator

The Investigator is the person involved in Steps 1 and 2 of the procedure. The

Investigator's role can include:-

- 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;
 - * consideration of records and other relevant information;

- * interviewing staff and children/young people and other people relevant to the complaint;
- * analysing information;
- effectively liaising with the complainant and the complaints co-ordinator as appropriate to clarify what the complainant feels would put things right;
- identifying solutions and recommending courses of action to resolve problems;
- being mindful of the timescales to respond; and
- responding to the complainant in plain and clear language.

The person investigating the complaint should make sure that they:

- 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.

The Panel Clerk (this could be Clerk to the Local Governing Board or the Complaints Coordinator) The Clerk is the contact point for the complainant for the panel meeting and is expected 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;
- circulate the minutes of the panel hearing;
- notify all parties of the panel's decision;
- liaise with the complaints co-ordinator.

The Panel Chair

The Panel Chair has a key role in ensuring that:-

- the meeting is minuted;
- the remit of the panel is explained to the complainant and both they and the school have the opportunity of putting their case without undue interruption;
- the issues are addressed;
- key findings of fact are made;

- parents/carers and others who may not be used to speaking at such a hearing are put at ease – this is particularly important if the complainant is a child/young person;
- the hearing is conducted in an informal manner with everyone treated with respect and courtesy;
- the layout of the room will set the tone – care is needed to ensure the setting is informal and not adversarial;
- 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;
- both the complainant and the school are given the opportunity to state their case and seek clarity;
- written material is seen by everyone in attendance – 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 hearing;
- liaise with the Clerk and complaints co-ordinator.

Panel Member

Panellists will need to be aware that:-

- it is important that the review panel 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.
- the aim of the hearing, which will be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant.

However, it must be recognised that 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.

- many complainants will feel nervous and inhibited in a formal setting;

Parents/carers often feel emotional when discussing an issue that affects their child. The panel chair will ensure that the proceedings are as welcoming as possible.

- extra care needs to be taken when the complainant is a child/young person and present during all or part of the hearing;

Careful consideration of the atmosphere and proceedings will 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 hearing, if any, the child/young person needs to attend.

The parent should be advised however that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting which the panel considers not to be in the child/young person's best interests.

The welfare of the child/young person is paramount.