

Complaints Procedure

Lowther Primary School

Reviewed: July 2020

1 Who can make a complaint?

This complaints procedure is not limited to parents or carers of children registered at the school. Any person, including members of the public, may make a complaint to Lowther Primary School about any facilities or services which we provide. Unless complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions), we will use this complaints procedure.

1(i) The difference between a concern and a complaint

A **concern** may be defined as *'an expression of worry or doubt over an issue considered to be important, for which reassurances are sought'*.

A **complaint** may be defined as *'an expression of dissatisfaction about actions taken or a lack of action'*.

It is in everyone's interest to resolve concerns and complaints at the earliest possible stage. Most issues can be resolved informally, without the need to use the formal stages of the complaints procedure. Lowther takes concerns seriously and will make every effort to resolve the matter as quickly as possible.

If you have difficulty discussing a concern with a particular member of staff, we will respect your views. In these cases, the Head Teacher or Deputy Head will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, you will be referred to another staff member. That member of staff may be more senior, but does not have to be. The ability to consider the concern objectively and impartially is more important.

We understand that there are occasions when people would like to raise a concern formally. In this case, Lowther will seek to resolve the issue internally, through the stages outlined within this complaints procedure.

1(ii) How to raise a concern or make a complaint

A concern or complaint can be made in person, in writing or by telephone, or may be made by a third party acting on behalf of a complainant, with appropriate consent.

Concerns should first be raised with the class teacher, Phase Leader or senior leadership team, who will always seek to resolve the matter informally. If the issue remains unresolved, the next step is to make a formal **complaint**.

Complainants should not approach individual Governors to raise concerns or complaints. Governors have no power to act on an individual basis, and it may also prevent them from considering complaints at Stage 2 of the procedure.

Complaints against school staff (except the Head Teacher) should be made in the first instance to the Head Teacher via the school office. Please mark them as Private and Confidential.

Complaints that involve or are about the Head Teacher should be addressed to the Chair of Governors via the school office. Please mark them as Private and Confidential.

Complaints about the Chair of Governors, any individual Governor or the whole Governing Board should be addressed to the Clerk to the Governing Board via the school office. Please mark them as Private and Confidential.

For ease of use, a template complaint form is included at the end of this procedure. If you require help in completing the form, please contact the school office. (You can also ask third party organisations like the Citizens Advice to help you).

In accordance with equality law, we will consider making reasonable adjustments to enable complainants to access and complete this complaints procedure (this may mean providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations).

1(iii) Anonymous complaints

We will not normally investigate anonymous complaints. However, the Head Teacher or Chair of Governors, if appropriate, will determine whether the complaint warrants an investigation.

1(iv) Time scales

You must raise the complaint within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. We will consider complaints made outside of this time frame only if exceptional circumstances apply.

1(v) Complaints received outside term time

We will consider complaints made outside term time to have been received on the first school day after the holiday period.

1(vi) Scope of this complaints procedure

This procedure covers all complaints about any provision of community facilities or services by Lowther Primary School, excluding the following matters, which are dealt with under other statutory procedures

Exceptions	Who to contact
<ul style="list-style-type: none">• Admissions to schools• Statutory assessments of Special Educational Needs• School re-organisation proposals	Concerns about admissions, statutory assessments of Special Educational Needs, or school re-organisation proposals should be raised with the local authority. Phone: 020 8547 5569 Email: richmond.admissions@achievingforchildren.org.uk
<ul style="list-style-type: none">• Matters likely to require a Child Protection Investigation	Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance. If you have serious concerns, you may wish to contact the local authority designated officer (LADO) who has local responsibility for safeguarding, or the Multi-Agency Safeguarding Hub

	<p>MASH: Telephone: 020 8547 5008 (or 020 8770 5000 out of hours)</p> <p>Website: https://www.kingston.gov.uk/info/200235/supporting_and_safeguarding_children/473/concerned_about_a_child/3</p> <p>LADO: Mandy Burrows - LADO@achievingforchildren.org.uk 07468 709429</p>
<ul style="list-style-type: none"> • Exclusion of children from school 	<p>Further information about raising concerns about exclusion can be found at: www.gov.uk/school-discipline-exclusions/exclusions</p>
<ul style="list-style-type: none"> • Whistleblowing 	<p>We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors.</p> <p>The Secretary of State for Education is the prescribed person for matters relating to education for whistleblowers in education who do not want to raise matters direct with their employer. Referrals can be made at: www.education.gov.uk/contactus</p> <p>Volunteer staff who have concerns about our school should complain through the school's complaints procedure. You may also be able to complain direct to the LA or the Department for Education (see link above), depending on the substance of your complaint.</p>
<ul style="list-style-type: none"> • Staff grievances 	<p>Complaints from staff will be dealt with under the school's internal grievance procedures.</p>
<ul style="list-style-type: none"> • Staff conduct 	<p>Complaints about staff will be dealt with under the school's internal disciplinary procedures, as appropriate.</p> <p>Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.</p>
<ul style="list-style-type: none"> • Complaints about services provided by other providers who may use school premises or facilities 	<p>Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct.</p>
<ul style="list-style-type: none"> • National Curriculum content 	<p>Please contact the Department for Education at: www.education.gov.uk/contactus</p>

If other bodies are investigating aspects of the complaint, for example the police, local authority (LA) safeguarding teams or Tribunals, this may impact on our ability to adhere to the timescales within this procedure, or result in the procedure being suspended until those public bodies have completed their investigations.

If a complainant commences legal action against Lowther Primary School in relation to their complaint, we will consider whether to suspend the complaints procedure in relation to their complaint until those legal proceedings have concluded.

2 Resolving complaints

At each stage in the procedure, Lowther wants to resolve the complaint. If appropriate, we will acknowledge that the complaint is upheld in whole or in part. In addition, we may offer one or more of the following:

- an explanation
- an admission that the situation could have been handled differently or better
- an assurance that we will try to ensure that the event complained of will not recur
- an explanation of the steps that have been or will be taken to help to ensure that it will not happen again, and an indication of the timescales within which any changes will be made
- an undertaking to review school policies in light of the complaint
- an apology

2(i) Withdrawal of a complaint

If a complainant wants to withdraw the complaint, this should be confirmed in writing (see 1(ii) for who to write to).

2(ii) Formal complaint Stage 1

Formal complaints must be made to the Head Teacher (unless they are about the Head Teacher), via the school office. This may be done in person, in writing (preferably on the Complaint Form), or by telephone.

The Head Teacher will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within 5 school days.

Within this response, the Head Teacher will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. The Head Teacher can consider whether a face-to-face meeting is the most appropriate way of doing this.

Note: The Head Teacher may delegate the investigation to another member of the school's senior leadership team, but not the decision to be taken.

During the investigation, the Head Teacher (or investigator) will:

- if necessary, interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish
- keep a written record of any meetings/interviews in relation to their investigation

At the conclusion of the investigation, the Head Teacher will provide a formal written response within 15 school days of the date of receipt of the complaint.

If the Head Teacher is unable to meet this deadline, the complainant will be provided with an update and revised response date.

The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions Lowther will take to resolve the complaint.

Should the complainant remain dissatisfied with the outcome of stage 1, the Head Teacher will advise the complainant of how to escalate the complaint.

If the complaint is about the Head Teacher, or a member of the Governing Board (including the Chair or Vice-Chair), a suitably skilled Governor will be appointed to complete all the actions at Stage 1.

Complaints about the Head Teacher or member of the Governing Board must be made to the Clerk, via the school office.

If the complaint is

- jointly about the Chair and Vice Chair or
- the entire Governing Board or
- the majority of the Governing Board

Stage 1 will be considered by an independent investigator appointed by the Governing Board. At the conclusion of the investigation, the independent investigator will provide a formal written response.

2(iii) Formal complaint Stage 2

If the complainant is dissatisfied with the outcome at Stage 1 and wishes to take the matter further, the complaint can be escalated to Stage 2. At this stage the complaint will be considered by the Governing Board's Complaints Committee, which will be formed of the first three impartial Governors available. This is the **final stage** of the complaints procedure.

A request to escalate to Stage 2 must be made to the Clerk to the Governors, via the school office, within 10 school days of receipt of the Stage 1 response.

The Clerk will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within 5 school days.

Requests received outside this timeframe will be considered only if exceptional circumstances apply.

The Committee will decide whether to deal with the complaint by inviting parties to a meeting or through written representations, but in making their decision they will be sensitive to the complainant's needs.

The Clerk will write to the complainant, to give the date of the meeting. The Clerk will aim to convene a meeting within 30 school days of receipt of the Stage 2 request. If this is not possible, the Clerk will provide an anticipated date and keep the complainant informed.

If the complainant is invited to attend the meeting, they may bring someone along to provide support. This can be a relative or friend. Generally, we do not encourage either party to bring legal representatives to the committee meeting. However, there may be occasions when legal representation is appropriate. For instance, if a school employee is called as a witness in a complaint meeting, they may wish to be supported by union and/or legal representation. Representatives from the media are not permitted to attend.

If the complainant rejects the offer of three proposed dates, without good reason, the Clerk will decide when to hold the meeting. It will then proceed in the complainant's absence on the basis of written submissions from both parties.

The Complaints Committee will consist of at least three Governors with no prior involvement or knowledge of the complaint. Prior to the meeting, they will decide amongst themselves who will act as the Chair of the Complaints Committee. If there are fewer than three Governors from Lowther

available, the Clerk will source any additional independent Governors through another local school or through the LA's Governor Services team, in order to make up the committee. Alternatively, an entirely independent committee may be convened to hear the complaint at Stage 2.

At least 10 school days before the meeting, the Clerk will

- confirm and notify the complainant of the date, time and venue of the meeting, ensuring that, if the complainant is invited, the dates are convenient to all parties and that the venue and proceedings are accessible
- request copies of any further written material to be submitted to the committee at least 5 school days before the meeting

Any written material will be circulated to all parties at least 5 school days before the date of the meeting. The committee will not normally accept as evidence recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

The committee will not review any new complaints at this stage or include evidence unrelated to the initial complaint. New complaints must be dealt with from Stage 1 of the procedure.

The meeting will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own disability or special needs require it. Prior knowledge and consent of all parties attending must be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.

The committee will consider the complaint and all the evidence presented. The committee can

- uphold the complaint in whole or in part
- dismiss the complaint in whole or in part

If the complaint is upheld in whole or in part, the committee will

- decide on the appropriate action to be taken to resolve the complaint
- where appropriate, recommend changes to the school's systems or procedures to prevent similar issues in the future

The Chair of the Committee will provide the complainant and Lowther Primary School with a full explanation of the Committee's decision and the reason(s) for it, in writing, within 5 school days.

The letter will include details of how to contact the Department for Education if the complainant is dissatisfied with the way the complaint has been handled by Lowther Primary School.

If the complaint is

- jointly about the Chair and Vice Chair or
- the entire Governing Board or
- the majority of the Governing Board

Stage 2 will be heard by a committee of independent Governors.

The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions Lowther Primary School will take to resolve the complaint.

The response will also advise how to escalate the complaint, should the complainant remain dissatisfied.

3 Next Steps

If the complainant believes that the school did not handle the complaint in accordance with the complaints procedure, or that it acted unlawfully or unreasonably in the exercise of its duties under education law, the complainant may contact the Department for Education after completion of Stage 2. The Department for Education will not normally reinvestigate the substance of complaints or overturn any decisions made by Lowther Primary School. It will consider whether the school has adhered to education legislation and any statutory policies connected with the complaint.

The complainant can refer the complaint to the Department for Education online at: www.education.gov.uk/contactus, by telephone on: 0370 000 2288 or by writing to:

Department for Education
Piccadilly Gate
Store Street
Manchester
M1 2WD.

4 Complaint Form

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

Your name:
Pupil's name (if relevant):
Your relationship to the pupil (if relevant):
Address: Postcode: Day time telephone number: Evening telephone number: Email:
Please give details of your complaint, including whether you have spoken to anybody at the school about it.

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

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

Signature:

Date:

Official use

Date acknowledgement sent:

By whom:

Complaint referred to:

Date:

5 Roles and responsibilities

5(i) Complainant

To receive a more effective response to the complaint, the complainant should

- explain the complaint in full as early as possible
- cooperate with the school in seeking a solution to the complaint
- respond promptly to requests for information or meetings or in agreeing the details of the complaint
- ask for assistance as needed
- treat all those involved in the complaint with respect
- refrain from publicising any details of their complaint on social media, and respect confidentiality

5(ii) Investigator

The investigator's role is to establish the facts relevant to the complaint by

- 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
 - interviewing staff and children/young people and any other people relevant to the complaint
 - consideration of records and other relevant information
 - analysing information
- liaising with the complaints coordinator and complainant as appropriate, to clarify what the complainant feels would put things right

The investigator should:

- 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
- ensure that any papers produced during the investigation are kept securely pending any appeal
- be mindful of the timescales to respond
- prepare a comprehensive report for the Head Teacher or Complaints Committee that sets out the facts, identifies solutions and recommends courses of action to resolve problems
The Head Teacher or Complaints Committee will then determine whether to uphold or dismiss the complaint and communicate that decision to the complainant, providing the appropriate escalation details

5 (iii) Complaints co-ordinator (this could be the headteacher/designated complaints Governor or another staff member providing administrative support)

The complaints co-ordinator should

- ensure that the complainant is fully updated at each stage of the procedure

- liaise with staff members, headteacher, Chair of Governors, Clerk and LA (if appropriate) to ensure the smooth running of the complaints procedure
- be aware of issues regarding
 - sharing third party information
 - additional support. This may be needed by complainants when making a complaint including interpretation support or where the complainant is a child or young person
- keep records

5(iv) Clerk to the Governing Board

The Clerk is the contact point for the complainant and the Committee and should

- ensure that all people involved in the complaint procedure are aware of their legal rights and duties, including any under legislation relating to school complaints, education law, the Equality Act 2010, the Freedom of Information Act 2000, the Data Protection Act (DPA) 2018 and the General Data Protection Regulations (GDPR) 2018
- set the date, time and venue of the meeting, ensuring that the dates are convenient to all parties (if they are invited to attend) and that the venue and proceedings are accessible
- collate any written material relevant to the complaint (for example; stage 1 paperwork, school and complainant submissions) and send it to the parties in advance of the meeting within the agreed timescale
- record the proceedings
- circulate the minutes of the meeting
- notify all parties of the Committee's decision

5(v) Committee Chair

The Committee's Chair, who is nominated in advance of the complaint meeting, should ensure that

- both parties are asked (via the Clerk) to provide any additional information relating to the complaint by a specified date in advance of the meeting
- the meeting is conducted in an informal manner, is not adversarial, and that, if all parties are invited to attend, everyone is treated with respect and courtesy
- complainants who may not be used to speaking at such a meeting are put at ease. This is particularly important if the complainant is a child/young person
- the remit of the committee is explained to the complainant
- written material is seen by everyone in attendance, provided it does not breach confidentiality or any individual's rights to privacy under the DPA 2018 or GDPR 2018
- both the complainant and the school are given the opportunity to make their case and seek clarity, either through written submissions ahead of the meeting or verbally in the meeting itself
- the issues are addressed
- key findings of fact are made
- the committee is open-minded and acts independently

- no member of the committee has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure
- the meeting is minuted

5(vi) Committee member

Committee members should be aware that

- the meeting must be independent and impartial, and should be seen to be so
no Governor with prior involvement in the complaint or in the circumstances surrounding it may sit on the Committee
- the aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant

5 (vii) Children/young people

We recognise that the complainant might not be satisfied with the outcome if the meeting does not find in their favour. It may only be possible to establish the facts and make recommendations.

Many complainants will feel nervous and inhibited in a formal setting, and parents/carers often feel emotional when discussing an issue that affects their child.

Extra care needs to be taken when the complainant is a child/young person and present during all or part of the meeting. Careful consideration of the atmosphere and proceedings should ensure that the child/young person does not feel intimidated. The committee 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 Committee 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 Committee should give the parent the opportunity to say which parts of the meeting, if any, the child/young person needs to attend.

However, the parent should be advised that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting that the Committee considers is not in the child/young person's best interests. The welfare of the child/young person is paramount.

6 Unreasonable behaviour and serial complaints

Lowther Primary School is committed to dealing with all concerns and 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 our school. However, we need to protect our staff from excessive demands on their time and attention, and we do not expect our staff to tolerate unacceptable behaviour. We will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

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 be reviewed after six months.

Lowther Primary School defines unreasonable behaviour as that which hinders consideration of complaints because of the frequency or nature of the complainant's contact with the school, for example when the complainant

- refuses to articulate the 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
- refuses to accept that certain issues are not within the scope of the complaints procedure
- insists on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice
- introduces trivial or irrelevant information which they expect to be taken into account and commented on
- 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 and complicated contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with
- uses threats to intimidate
- uses abusive, offensive or discriminatory language or violence
- knowingly provides falsified information
- publishes unacceptable information on social media or other public forums.

Complainants should try to limit their communication with the 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 Governors will discuss any concerns with the complainant informally before applying an '*unreasonable*' marking.

If the behaviour continues, the headteacher will write to complainants explaining that their behaviour is unreasonable and asking them to change it.

In response to any serious incident of aggression or violence, we will immediately inform the police and communicate our actions in writing. This may include barring an individual from Lowther Primary School premises, in line with our Site Access Policy.