

# **Thomas Jones Primary School**

## **Complaints Procedure**

The Chair of Governors and Headteacher adopted this policy on 23<sup>rd</sup> November 2020. It will be reviewed biennially.

### **Introduction**

Governors at Thomas Jones are committed to ensuring the best quality education is afforded to all pupils. They recognise however that occasions may arise where a person or persons with a legitimate interest in the school but not being employed at the school wish to make a complaint. Governors are determined that any complaint against their decisions or actions shall be dealt with fairly, effectively and in an expedient fashion in accordance with Section 29 of the Education Act 2002.

To this end, they have adopted the principles and procedures set out here.

### **Underlying principles**

The principles guiding the governors' procedure for handling complaints are that these:

- a) Are accessible
- b) Are linear
- c) Allow speedy handling, with established time limits for actions, and keep the complainant informed of progress
- d) Ensure a full and fair investigation
- e) Respect confidentiality
- f) Address all the points at issue
- g) Provide information to the school's Leadership Team.

Complainants will be treated seriously and courteously and given the time they require to be heard. It is important to the school that complainants have confidence in these procedures and know that their case will be thoroughly investigated and heard impartially.

Complainants will be advised at the earliest possible stage of:

- The scope, if any, for pursuing their complaint and the extent of the procedure for dealing with it
- The way in which the complaint is likely to be handled

Complaints will be dealt with as quickly and effectively as possible, adhering to time limits laid down for responding to complaints at each stage of the procedure. The procedures for the hearing of complaints will be adhered to by everyone involved unless there is good reason not to.

### **Definition of a concern or complaint**

It is important to differentiate between a concern and a complaint in order to deal with these in the appropriate manner. A 'concern' may be defined as 'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'. Any concern should be taken seriously and a resolution sought in order to eliminate/reduce the need for a formal complaint to be made.

A complaint, within the terms of the procedures described here, is 'an expression of dissatisfaction, however made, by a person or persons with a legitimate interest in the school but not being employed at the school\*, about the standard of teaching by members of the teaching staff, or about the conduct, actions or omissions of members of staff employed at the school, actions taken or a lack of action or of the decisions made by the leadership team or governing body.'

*\* this is not meant to exclude staff who have a child at the school from using these procedures to make a complaint concerning the treatment of their child or their treatment as apparent of that child.*

### **Definition of a complainant**

A complainant is someone:

- Who has been, or feels that they have been, wronged; or
- Whose child or children, or those in their care, have been (or it is alleged have been) wronged

### **Handling complaints**

Where there are established statutory or other procedures for the disposal of a complaint, those procedures will be followed. Areas to which this applies are:

#### **1) Admissions to Schools**

This is a matter for the Local Education Authority to resolve in accordance with the procedures laid down in section 94 of the School Standards and Framework Act 1998. On offer of a school place you will be informed of how to make an appeal. Complainants should be referred to the Admissions Team at Kensington Town Hall (020 77456432)

#### **2) Temporary disapplications of the National Curriculum**

Section 93 of the Education Act 2002 gives parents the right of appeal to the governing body in respect of the cases where the headteacher has determined to disapply or modify the National Curriculum for a particular pupil for a specified period of time. The Act also allows appeal where a request by a parent to disapply or modify the National Curriculum for their child has been refused by the headteacher.

Such appeals shall be heard in accordance with the provisions of the Act and are not covered by the procedures set out here.

#### **3) Appeals to the Special Educational Needs Tribunal**

In certain circumstances parents may make an appeal to the Special Educational Needs and Disabilities Tribunal. This applies to a parent who has requested an assessment of their child's special educational needs, or whose child has an

Education Health and Care Plan issued by the Local educational Authority, following such a request and assessment. You may contact the First-tier Tribunal via email on [sendistqueries@hmcts.gsi.gov.uk](mailto:sendistqueries@hmcts.gsi.gov.uk) or telephone (01325 289350)

#### **4) Exclusion from School**

Statutory guidance, '*Exclusion from Maintained Schools, Academies and Pupil Referral Units*', DfE September 2017, informs parents of their right to make representations and, in the case of permanent exclusion, appeals to the governing body in cases where their child has been excluded from school. Further details can be found at: [www.gov.uk/school-discipline-exclusions/exclusions](http://www.gov.uk/school-discipline-exclusions/exclusions)

#### **5) Child protection**

Where a complaint concerns alleged child abuse or child protection issues, the Local Authority should be advised immediately, and they shall determine whether Child Protection procedures shall be invoked or not. Please also see the school's Safeguarding and Child Protection Policy and, where appropriate, the school's Staff Disciplinary Procedure. The RBKC Safeguarding Team can be contacted on: (020 73613013)

#### **6) Whistleblowing**

At Thomas Jones we have an internal whistleblowing procedure for staff and volunteers. This is circulated to staff annually. Other concerns can be raised directly with Ofsted via email at: [whistleblowing@ofsted.gov.uk](mailto:whistleblowing@ofsted.gov.uk) or by telephone (0300 1233155)

#### **Complaints not covered by established procedures**

Those complaints for which there are no other established procedure will be handled in the manner set out below. The procedure has two distinct stages – one informal and one formal.

#### **Informal Resolution of a Complaint**

All complaints should, in the first instance, be reported to either the EYFS, Phase 1 or Phase 2 Leader or the Deputy Head. The appropriate phase leader or the Deputy Head has a duty to inform the Headteacher of the complaint in the first instance, of progress in dealing with the complaint and of any issues which they are unable to resolve. The complainant should be asked at the earliest stage what they think might resolve the issue and be fully involved in the resolution of their concern/complaint. Complaints made in writing will be acknowledged orally within five school days of making the complaint unless there is good reason not to do so.

The Headteacher has the discretion to omit the informal stage of the procedure if he considers the circumstances or nature of the complaint makes this appropriate. If the complaint is not, in the opinion of the Headteacher and Deputy Head, well founded, the complainant should be advised of this and an explanation given.

If the Headteacher considers that the complainant has cause for complaint or is unable to resolve the complaint at this stage, the complainant should be advised of their right to proceed with formal complaint proceedings.

#### **Complaint about the Headteacher, Deputy Head or a Member of the Governing Body**

Where the complaint is about the conduct of the Headteacher or Deputy Head a letter should be sent, in the first instance, to the Chair of Governors or in his absence another designated Governor via the Senior Administrative Officer in the school office.

Where the complaint is regarding a member of the Governing Body of Thomas Jones school the complaint should be made in writing to the Clerk of the Governing Body.

### **Timeframe for Complaints**

At Thomas Jones we ask that complaints are made as soon as possible after an incident arises and no later than three months from the date of an incident. The school may consider exceptions to this time frame for exceptional circumstances.

### **Formal Resolution of a Complaint**

Where it has not been possible to achieve an informal resolution acceptable to the complainant, the complainant is welcome to put their complaint in writing (if not already done so) to the Chair of governors (if the complaint is already in writing a covering letter from the complainant or from the school may be attached). The letter should be sealed in an envelope addressed to the Chair of Governors and given in to the school administrator who will ensure it is delivered promptly to the Chair of Governors.

If a complainant feels unable to provide a written complaint they are welcome to come into school and make a complaint in person that can be scribed by a member of the leadership team to then be sent to the Chair of Governors on their behalf. Alternatively the Chair of Governors may consider whether to meet the complainant in person. Where, following such a meeting, further time is needed to investigate the matter, this will be stated and a time limit set. Following any interview, a brief written record of the discussion will be made as well as a record of any further investigations.

A record of the progress of any complaint and the final outcome will be kept in a secure location within the school office. The Headteacher will hold responsibility for these records.

The Chair of governors will acknowledge, in writing, receipt of the complaint within five school days of receiving it.

The complaint should not be shared with the whole governing body, except in very general terms, in case an appeal panel needs to be organised. In each case the Local Authority may be asked for assistance in the investigation. If the Chair has already considered the complaint at the informal stage (i.e. the complaint is about the Headteacher), he should nominate another member of the governing body or a panel of governors to consider the complaint.

The outcome of consideration of the complaint at the formal stage may be:

- complaint unfounded, no further action proposed

- complaint upheld but action already taken by the headteacher or staff considered adequate
- complaint upheld, direction given to headteacher to offer redress
- complaint referred to appropriate committee of the governing body or to the LA for consideration or further procedures invoked, e.g. disciplinary

The complainant will be notified in writing of the outcome of the investigation and of the decision taken within 20 school days of receipt of the complaint or will be informed that further time is needed to fully investigate the complaint and a date given for the outcome to be communicated.

## **Stages of Complaint Procedure**

### **Stage 1**

#### **Informal Complaint**

Complaint received orally and logged or received in writing.

Phase Leaders to hear the complaint and ask the complainant what they feel would put things right.

Headteacher informed and to inform solution/outcome.

Complainant informed of the outcome of the complaint within 5 school days.

Complainant to proceed to Stage 2 if they require to pursue the complaint further.

### **Stage 2**

#### **Formal Complaint**

Complaint received in writing directed to the Chair of Governors.

Record of complaint created and securely stored.

Investigator assigned to the complaint. This will be a member of the senior leadership team who will provide a comprehensive, open, transparent and fair consideration of the complaint and will liaise with the Headteacher and Chair of Governors.

Complainant contacted to clarify what they feel would put things right.

Receipt of the complaint acknowledged by the Chair of Governors in writing within 5 school days.

### **Stage 3**

Interview of complainant, staff and children relevant to the complaint as required by a member of the senior leadership team with notes of interviews taken.

Consideration of records and other relevant information.

Analysis of information.

Investigator to identify solutions and possible courses of action for the Chair of Governors.

Chair of Governors to consider all evidence.

Complainant informed of the outcome of the complaint by the Chair of Governors within 20 school days.

Complainant to proceed to Stage 4 if they require to pursue the complaint further.

### **Stage 4**

Complainant to put in writing that they wish the complaint and outcome to be further investigated by an Appeal panel.

Appeal panel of Governors to meet to investigate the complaint.  
Complainant informed of the outcome of the appeal panel within 20 school days.

### **Unreasonable Complaints**

At Thomas Jones we are committed to dealing with all complaints fairly and impartially. We do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from behaviour which is abusive, offensive or threatening.

A complaint may be deemed unreasonable when the person making the complaint:

- Refuses to articulate their complaint despite offers of assistance.
- Refuses to cooperate with the complaints investigation process.
- Makes unjustified complaints about staff who are trying to deal with an issue
- Changes the basis of the complaint as the investigation proceeds
- Repeatedly makes the same complaint.
- Refuses to accept the findings of the investigation into that complaint where the school's complaint procedure has been fully implemented and completed.
- Makes excessive demands on school time by frequent or lengthy contact with staff.
- Makes the complaint maliciously, aggressively, using threats, using falsified information or by publishing unacceptable information in a variety of media.

Where an unreasonable complaint is made the Headteacher will write to the complainant explaining that their behaviour is unreasonable and asking them to change it.

In response to any serious incident of aggression, threat or violence, the concerns and actions taken will be put in writing immediately and the police will be contacted.

If a parent's behaviour is a cause for concern, we can ask them to leave the school premises. In serious cases the Headteacher can notify them in writing that their implied licence to be on a school premises has been temporarily revoked subject to any representation that the parent may wish to make.

### **Serial and Persistent Complainants**

There may be occasions when, despite all stages of the complaint procedure having been followed, the complainant remains dissatisfied. If a complainant tries to re-open the same issue, the Chair of Governors can inform them that the procedure has been completed and that the matter is now closed. If the complainant contacts the school again on the same issue and we have taken every reasonable step to address the complainant's needs and the complainant has been given a clear statement of the school's position and their options, this may be viewed as a 'serial' or 'persistent' complaint and we will choose not to respond. This will be communicated to the complainant via letter. If a complainant persists to the point that it constitutes harassment legal advice will be sought as to the next steps.

### **School Complaints Unit**

If all school complaint procedures have been followed and the complainant is dissatisfied with the result they have the right to refer their complaint to the Secretary of State. The Secretary of state will only intervene where the governing body has acted unlawfully or unreasonably. The School Complaint Unit can be contacted on: (0370 0002288).

**Related Policies/Guidance**

See also Staff Grievance Policy, Equality Act 2010, Data Protection Act 2018, Freedom of Information Act 2000.

For further information please see:

[https://www.rbkc.gov.uk/kb5/rbkc/fis/advice.page?id=2ISyjc\\_VGeA](https://www.rbkc.gov.uk/kb5/rbkc/fis/advice.page?id=2ISyjc_VGeA)

**Emma Jones**

**November 2020**