

# Complaints Procedure

## Perrymount Primary School



**Perrymount Primary School**  
Growing together, learning forever.

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### 1. Aims

Our school aims to meet its statutory obligations fairly and impartially when responding to complaints from parents of pupils at the school, and others.

When responding to complaints, we aim to:

Facilitate a full and fair investigation by an independent person or panel, where necessary

Address all the points at issue and provide an effective and prompt response

Respect complainants' desire for confidentiality

Treat complainants with respect

Ensure that any decisions we make are lawful, rational, reasonable, fair and proportionate, in line with the principles of administrative law

Keep complainants informed of the progress of the complaints process

Consider how the complaint can feed into school improvement evaluation processes

We try to resolve concerns or complaints by informal means wherever possible. At Perrymount we have an open door policy and would seek to resolve any complaint at the earliest possible stage through a meeting with the class teacher or member of the Senior Management Team (SMT). Where this is not possible, formal procedures will be followed.

The school will aim to give the complainant the opportunity to complete the complaints procedure in full.

To support this, we will ensure we publicise the existence of this policy and make it available on the school website.

### 2. Legislation and guidance

This document meets the requirements of section 29 of the [Education Act 2002](#), which states that schools must have and make available a procedure to deal with all complaints relating to their school and to any community facilities or services that the school provides.

It is also based on [Best practice guidance for schools complaints procedures 2019](#) from the Department for Education (DfE).

### 3. Definitions and scope

The DfE guidance explains the difference between a concern and a complaint.

A **concern** is defined as “an expression of worry or doubt over an issue considered to be important for which reassurances are sought”.

The school will resolve concerns through day-to-day communication as far as possible.

A **complaint** is defined as “an expression of dissatisfaction however made, about actions taken or a lack of action”.

The school intends to resolve complaints informally where possible, at the earliest possible stage.

There may be occasions when complainants would like to raise their concerns formally. This policy outlines the procedure relating to handling such complaints.

This policy does not cover complaints procedures relating to:

Admissions

Statutory assessments of special educational needs (SEN)

Safeguarding matters

Exclusion

Whistle-blowing

Staff grievances

Staff discipline

Please see our separate policies for procedures relating to these types of complaint.

Arrangements for handling complaints from parents of children with SEN about the school’s support are within the scope of this policy. Such complaints should first be made to the special educational needs co-ordinator (SENCO) they will then be referred to this complaints policy. Our SEN policy and information report includes information about the rights of parents of pupils with disabilities who believe that our school has discriminated against their child.

Complaints about services provided by other providers who use school premises or facilities should be directed to the provider concerned.

### 4. Principles for investigation

When investigating a complaint, we will try to clarify:

What has happened

Who was involved

What the complainant feels would put things right

We also intend to address complaints as quickly as possible. To achieve this, realistic and reasonable time limits will be set for each action within each stage.

Where further investigations are necessary, new time limits will be set, and the complainant will be sent details of the new deadline with an explanation for the delay.

The school expects that complaints will be made as soon as possible after an incident arises and no later than 3 months afterwards. We will consider exceptions to this time frame in circumstances where there were valid reasons for not making a complaint at that time and the complaint can still be investigated in a fair manner for all involved.

## 5. Stages of complaint (not complaints against the headteacher or governors)

### Stage 1: informal

The school will take informal concerns seriously and make every effort to resolve the matter quickly. It may be the case that the provision or clarification of information will resolve the issue.

The complainant should raise the complaint as soon as possible with the relevant member of staff or the headteacher as appropriate, either in person or by letter, telephone or email. If the complainant is unclear who to contact or how to contact them, they should contact the school office.

The school will acknowledge informal complaints within **2 working school days** (see appendix 1) and investigate and provide a response within **10 working school days**.

The informal stage will involve a meeting between the complainant and the Headteacher or member of the SMT as appropriate.

If the complaint is not resolved informally, it will be escalated to a formal complaint.

### Stage 2: formal

#### How to raise a complaint

Formal complaints can be raised:

- By letter or email
- Over the phone
- In person
- By a third party acting on behalf of the complainant

The complainant should provide details such as relevant dates, times, and the names of witnesses of events, alongside copies of any relevant documents, and what they feel would resolve the complaint. (see appendix 2)

If complainants need assistance raising a formal complaint, they can contact the school office.

The headteacher (or designated member of the SMT) will call a meeting to clarify concerns, and seek a resolution. The complainant may be accompanied to this meeting, and should inform the school of the identity of their companion in advance.

In certain circumstances, the school may need to refuse a request for a particular individual to attend any such meeting – for example, if there is a conflict of interest. If this is the case, the school will notify the complainant as soon as they are aware, so that the complainant has the opportunity to arrange alternative accompaniment.

The headteacher (or other person appointed by the headteacher for this purpose) will then conduct their own investigation. The written conclusion of this investigation will be sent to the complainant within **7 working school days**.

If the complainant wishes to proceed to the next stage of the procedure, they should inform the clerk to the governing board **within two weeks of the written conclusion date**.

#### How to escalate a complaint

Complaints can be escalated by contacting the clerk to the governing board:

- By letter or email
- Over the phone
- In person
- Through a third party acting on behalf of the complainant

The clerk will need the details of the complaint as set out above, as well as details from the complainant on how they feel the previous stage of the procedure has not addressed their complaint sufficiently, and what they feel would resolve the complaint. (see appendix 3)

The written conclusion of this investigation will be sent to the complainant within 14 working school days.

If the complainant wishes to proceed to the next stage of the procedure, they should inform the clerk to the governing board in writing within two weeks of the written conclusion date.

### **Stage 3: submit the complaint to the review panel**

The review panel consists of members of the governing board without direct knowledge of the complaint. These individuals will have access to the existing record of the complaint's progress (see section 9).

The complainant must have reasonable notice of the date of the review panel; however, the review panel reserves the right to convene at their convenience rather than that of the complainant. At the review panel meeting, the complainant and representatives from the school, as appropriate, will be present. Each will have an opportunity to set out written or oral submissions prior to the meeting.

The complainant must be allowed to attend the panel hearing and be accompanied by a suitable companion if they wish.

At the meeting, each individual will have the opportunity to give statements and present their evidence, and witnesses will be called as appropriate to present their evidence.

The panel, the complainant and the school representative will be given the chance to ask and reply to questions. Once the complainant and school representatives have completed presenting their cases, they will be asked to leave and evidence will then be considered.

The panel must then put together its findings and recommendations from the case. The panel will also provide copies of the minutes of the hearing and the findings and recommendations to the complainant and, where relevant, the subject of the complaint, and make a copy of the findings and recommendations available for inspection by the headteacher.

The school will inform those involved of the decision in writing within **7 working school days**.

**See Appendix 4 - Flowchart for a clear explanation of this whole process.**

## **6. Complaints against the headteacher, a governor or the governing board**

Complaints made against the headteacher should be directed to the chair of governors. It will then follow the procedures already outlined from stage 2.

Where a complaint is against the chair of governors, any member of the governing board, or the entire governing board, it should be made in writing to the clerk to the governing board in the first instance. The clerk should then arrange for the complaint to be heard. This can be done by a suitably skilled and impartial member of the governing body (stage 1) and then a committee of members of the governing body (stage 2). Complaints against the entire governing body or complaints involving both the chair and vice chair should also be sent to the clerk, who should then determine the most appropriate course of action. This will depend on the nature of the complaint. It may involve sourcing an independent investigator to complete stage 1 and co-opted governors from other schools to hear the complaint at stage 2. If appropriate, the clerk could ask for support from the governor services team at Lewisham Local Authority.

## **7. Referring complaints on completion of the school's procedure**

If the complainant is unsatisfied with the outcome of the school's complaints procedure, they can refer their complaint to the School Complaints Unit (SCU), which investigates complaints relating to maintained schools on behalf of the secretary of state.

The SCU will not re-investigate the matter of the complaint. It will look at whether the school's complaints policy and any other relevant statutory policies that the school holds were adhered to. The SCU also looks at whether the school's statutory policies adhere to education legislation. It may direct the school to re-investigate the complaint where it is clear the school has acted unlawfully or unreasonably.

For more information or to refer a complaint, see the following webpage:

<https://www.gov.uk/complain-about-school>

## 8. Persistent complaints

Where a complainant tries to re-open the issue with the school after the complaints procedure has been fully exhausted and the school has done everything it reasonably can in response to the complaint, the chair of governors (or other appropriate person in the case of a complaint about the chair) will inform the complainant that the matter is closed.

If the complainant subsequently contacts the school again about the same issue, the school can choose not to respond. The normal circumstance in which we will not respond is if:

The school has 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 (if any), *and*

The complainant is contacting the school repeatedly but making substantially the same points each time

However, this list is not intended to be exhaustive.

The school will be most likely to choose not to respond if:

We have reason to believe the individual is contacting the school with the intention of causing disruption or inconvenience, and/or

The individual's letters/emails/telephone calls are often or always abusive or aggressive, and/or

The individual makes insulting personal comments about, or threats towards, school staff

Unreasonable behaviour which is abusive, offensive or threatening may constitute an unreasonably persistent complaint.

Once the school has decided that it is appropriate to stop responding, the complainant will be informed in writing, either by letter or email.

### Unreasonably persistent complaints

The School will take the following steps if the complainant's behaviour is not modified:

- The complainant will be informed that, except in emergencies, all communication from the complainant to the school should be carried out in writing.
- In the case of physical or verbal aggression considering warning the complainant about being banned from the school site; or proceeding straight to a temporary ban.
- Consider taking advice from Lewisham Local Authority on pursuing a case under Anti-Harassment legislation
- Legitimate new complaints, if not pursued in a harassing or unreasonable way, will still be considered even if the person making them is, or has been, subject to the Harassment/Persistent Complaints Policy. In these circumstances advice may be sought from Lewisham Authority.

### Complaint campaigns

Where the school receives a large volume of complaints about the same topic or subject, especially if these come from complainants unconnected with the school, the school may respond to these complaints by:

- Publishing a single response on the school website
- Sending a template response to all of the complainants

If complainants are not satisfied with the school's response, or wish to pursue the complaint further, the normal procedures will apply.

## 9. Record-keeping

The school will record the progress of all complaints, including information about actions taken at all stages, the stage at which the complaint was resolved, and the final outcome. The records will also include copies of letters and emails, and notes relating to meetings and phone calls.

This material will be treated as confidential and held centrally, and will be viewed only by those involved in investigating the complaint or on the review panel.

This is except where the secretary of state (or someone acting on their behalf) or the complainant requests access to records of a complaint through a freedom of information (FOI) request or through a subject access

request under the terms of the Data Protection Act, or where the material must be made available during a school inspection.

Records of complaints will be kept securely, only for as long as necessary and in line with data protection law, our privacy notices and record retention schedule.

The details of the complaint, including the names of individuals involved, will not be shared with the whole governing board in case a review panel needs to be organised at a later point.

Where the governing board is aware of the substance of the complaint before the review panel stage, the school will (where reasonably practicable) arrange for an independent panel to hear the complaint.

Complainants also have the right to request an independent panel if they believe there is likely to be bias in the proceedings. The decision to approve this request is made by the governing board, who will not unreasonably withhold consent.

## 10. Learning lessons

The governing body will review any underlying issues raised by complaints with the Headteacher where appropriate, and respecting confidentiality, to determine whether there are any improvements that the school can make to its procedures or practice to help prevent similar events in the future.

## 11. Monitoring arrangements

The governing body will monitor the effectiveness of the complaints procedure in ensuring that complaints are handled properly. The governing board will track the number and nature of complaints, and review underlying issues as stated in section 10.

The complaints records are logged and managed by School Business Manager.

This policy will be reviewed by the Headteacher every three years or sooner if the law changes.

At each review, the policy will be approved by the full governing body.

## 12. Links with other policies

Policies dealing with other forms of complaints include:

Child protection and safeguarding policy and procedures

Admissions policy

Exclusions policy

Staff grievance procedures

Staff disciplinary procedures

SEN policy and information report

Privacy notices

### Appendix 1

For the purpose of this policy '**working school days**' means the days when the school is open for public business which is 195 days per year and not during designated school holidays.

Appendix 2

If you have tried unsuccessfully to resolve your complaint and wish to take the matter further, please complete this form and send it to the Headteacher. (If your complaint is against the Headteacher please refer to section 6)

Your Name		
Address	Post Code	
Telephone Number	Home:	Mobile
Name of child		
Child's Date of Birth		
<p>What is your complaint about and what would you like the Headteacher to do?</p> <p style="text-align: right;">(continue on a separate sheet if necessary)</p>		
<p>When did you discuss your concern/complaint with the appropriate member of staff?</p> <p style="text-align: right;">(continue on a separate sheet if necessary)</p>		
<p>What was the result of your discussion?</p> <p style="text-align: right;">(continue on a separate sheet if necessary)</p>		
<p>What would you like the outcome of the complaint to be?</p> <p style="text-align: right;">(continue on a separate sheet if necessary)</p>		

Signed \_\_\_\_\_ Date \_\_\_\_\_

Appendix 3

If you have tried unsuccessfully to resolve your complaint and wish to take the matter further, please complete this form and send it to the Clerk of the Governing Body via the school Office.

Your Name		
Address	Post Code	
Telephone Number	Home:	Mobile
Name of child		
Child's Date of Birth		
<p>What is your complaint about and what would you like the Governors to do?</p> <p style="text-align: right;">(continue on a separate sheet if necessary)</p>		
<p>When did you discuss your concern/complaint with the Headteacher?</p> <p style="text-align: right;">(continue on a separate sheet if necessary)</p>		
<p>What was the result of your discussion?</p> <p style="text-align: right;">(continue on a separate sheet if necessary)</p>		
<p>What would you like the outcome of the complaint hearing to be?</p> <p style="text-align: right;">(continue on a separate sheet if necessary)</p>		

Signed \_\_\_\_\_ Date \_\_\_\_\_

## Raising a Complaint – Flowchart of Action

