

Kingsbury Green Primary
School

Complaints Policy and Procedure

DATE: March 2020

REVIEW DATE: SUMMER TERM 2023
(3 YEAR REVIEW CYCLE)



EMPATHY AGILITY HARDWORK

	Name of School	Kingsbury Green Primary School
	Policy Name	Complaints Policy and Procedure
	Review Date	March 2020
	Date of next Review	Summer term 2023 (3 year review cycle)
	Statutory / Non Statutory	Statutory
	Who reviewed this policy?	Head teacher

Complaints Policy and Procedure

1. Introduction

At Kingsbury Green Primary School we value positive partnerships with parents and carers, understanding that it is in the best interests of children for parents and school to work closely together. We strive to make all families welcome in our school and to communicate openly the school's approach to learning, behaviour, safety and relationships.

Despite this, we understand that concerns or issues may arise from time to time. In the vast majority of cases, concerns will be dealt with swiftly and efficiently following a discussion of the issue with the person concerned.

We acknowledge, however, that in some cases parents or carers may not feel happy to discuss the issue with the person concerned. In these circumstances they will talk, in the first instance, to the relevant school leader on duty that day or the Assistant Headteacher. If the complaint is of a serious nature, parents or carers will not hesitate to talk directly to the Headteacher or, in her absence, the Deputy Headteacher. If the concern is about the Headteacher, parents or carers may talk to the chair of the governing board (who can be contacted via the school office on office1@kgreen.brent.sch.uk)

At Kingsbury Green we will treat all concerns and complaints seriously and courteously, and will advise parents and others of the school's procedures for dealing with their concerns. In return, we expect parents and other complainants to behave respectfully towards all members of the school community. It is not appropriate to talk disrespectfully about a member of staff when raising a complaint. It is also not appropriate for disagreements with the school to be expressed in front of pupils.

2. Who can make a complaint?

2.1. This complaints procedure is mainly aimed at parents or carers of children who are registered at the school, but it is not limited to them.

2.2. Any member of the public may make a complaint about any provision of facilities or services that the school provides.

2.3. Unless complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions), the school will use this complaints procedure.

3. The difference between a concern and a complaint

3.1. 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 however made, about actions taken or a lack of action'.

3.2. It is in everyone's interest that concerns and complaints are resolved at the earliest opportunity. Many issues can be resolved informally, without the need to use the formal stages of the complaints procedure. The School takes concerns seriously and will make every effort to resolve the matter as quickly as possible.

3.3. We understand however, that there are occasions when people would like to raise their concerns formally. In this case, we will attempt to resolve the issue internally, through the stages outlined within this complaints procedure.

4. Complaints Policy

4.1 Governing bodies are required by law to have a procedure in place to deal with complaints relating to aspects of the school or the provision of facilities or certain services at the school. The law requires that this procedure must be publicised.

4.2 The Headteacher is responsible for the operation and management of the school complaints procedure.

4.3 The vast majority of complaints and concerns can and will be resolved informally. A concern or unresolved problem becomes a complaint only when the complainant asserts that a school has acted incorrectly in some significant decision, action or failure to take action. Even when a complaint has been made it can be resolved or withdrawn at any stage.

4.4 The school will not normally investigate anonymous complaints. However, the head teacher or chair of governors, if appropriate, will determine whether the complaint warrants an investigation.

4.5 To allow for a proper investigation, concerns or complaints will be brought to the attention of the school as soon as possible. Complainants 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 if exceptional circumstances apply.

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

5. How to raise a concern or make a complaint

5.1 Concerns should be raised with either the class teacher, year leader or senior leader responsible for the phase. If the issue remains unresolved, the next step is to make a formal complaint.

5.2 A concern or complaint can be made in person, in writing or by telephone. They may also be made by a third party acting on behalf on a complainant, as long as they have appropriate consent to do so.

5.3. Complainants should not approach individual governors to raise concerns or complaints. They have no authority to act on an individual basis and it may also prevent them from considering complaints at stage 2 of the procedure.

5.4. Complaints against school staff (except the head teacher) should be made in the first instance, to the headteacher via the school office. Please mark them as 'private and confidential'.

5.5. 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'.

5.6. 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'.

6. Complaint campaigns

If we receive what we consider to be a large volume of complaints, all based on the same subject and possibly from complainants not connected to the school, then we will treat these complaints as being part of a campaign and respond in one of the following two ways, depending upon the nature and scale of the complaint:

- send the same response to all complainants; or
- publish a single response on the school's website.

7. Exceptions to the Complaints Policy

Where a matter can be resolved through a legal appeal it will not be considered as a formal complaint. The key areas are: admissions decisions; certain decisions relating to formal assessment of special educational needs; and decisions to permanently exclude a child.

8. Safeguarding

Any complaint or other notice that suggests that a child has been at risk of significant harm through violence, emotional abuse, sexual interference or neglect may be referred without further notice to Children's Social Care and/or to the social services authority for the area in which the child lives. If a social services authority decides to investigate a situation this may postpone or supersede investigation by the Headteacher or governing body.

9. The Complaints Process

9.1 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, 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 by email on office1@kgreen.brent.sch.uk.

The school will acknowledge informal complaints **within 5 school days**, and investigate and provide a response **within 15 school days**.

The informal stage will involve a meeting between the complainant and the headteacher or the member of staff that the headteacher has delegated the complaint to and/or the subject of the complaint, if appropriate.

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

9.2 Stage 2: Formal

The formal stage involves the complainant putting the complaint to the headteacher and/or the subject of the complaint:

- In a letter or email
- In the complaints form (attached to this policy)
- In person
- Through a third party acting on their behalf

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

If complainants need assistance raising a formal complaint, they can contact the school office by email on office1@kgreen.brent.sch.uk or by telephone on 020 8204 6423.

The school will acknowledge formal complaints **within 5 school days**, and investigate and provide a response **within 15 school days**. The formal stage may involve a meeting between the complainant and the headteacher or the member of staff that the headteacher has delegated the complaint to and/or the subject of the complaint, if appropriate.

9.3 Stage 3 – Review Panel

Complainants can escalate a complaint to the panel hearing stage if s/he is not satisfied with the response to the complaint at the second, formal, stage. The Chair of the Governing Body will write to the complainant to acknowledge the complaint **within 5 school days** of receipt of the complaint. A copy of the acknowledgement and the complaints form will be sent to the Headteacher and the Clerk to the Governing Board.

If the complaint has been investigated at Stage 2, the result of the investigation must be made available to the Clerk/Chair by the Headteacher. Where the facts of the complaint are clearly established the matter will be escalated directly to the Complaints Appeal Panel (CAP). **The outcome will be shared with both parties within 15 working days.**

However, if a further investigation is required to clearly establish the facts of the complaint, then the whole process from the Chair of the Governors acknowledging the complaint to the resolution **may take up to 28 days.**

Governing boards are advised to establish a Complaints Appeal Panel (CAP) drawing on three governors with no prior, direct involvement with the complaint. In deciding the make-up of the CAP, where possible the governing board will try and ensure that it is a cross-section of the categories of governor and sensitive to the issues of race, gender and religious affiliation.

The Headteacher will not serve on the CAP. If the Chair of the governing body has had any prior involvement in the complaint then the Chair **must not** sit on the CAP.

The CAP will consider the complaint on the basis of the written evidence and set up a hearing to hear both parties. The CAP will reconsider the issues raised in the original complaint and not confine themselves to consideration of procedural issues.

The Chair of the CAP will take a decision at the beginning of Stage 3 on whether to seek the services of a Clerk to:

- Deal with the administration of the procedure;
- Provide independent advice on procedure and evidence;
- Ensure that the relevant facts are established;
- Minute the meeting; and
- Draft the decision letter.

The Clerk/Chair of the CAP will write to the complainant to explain how the review will be conducted. The letter will be copied to the Headteacher.

The Clerk/Chair of the CAP will confirm the date of the meeting with the other governor(s).

The complainant and Headteacher will be invited to attend the meeting. The date and time of the meeting will be convenient to the complainant and Headteacher, within reason. The notification will inform the complainant of his/her right to be accompanied to the meeting by a companion/representative. It will also explain how the meeting will be conducted and of the complainant's right to submit further written evidence to the committee.

The Headteacher will also be invited to prepare a written report for the CAP in response to the complaint.

All relevant correspondence regarding the complaint will be circulated to the CAP; the complainant and the Headteacher in advance of the meeting.

If the Headteacher and/or the complainant wish to call witnesses, the agreement of the Chair of the CAP will be obtained in advance of the meeting.

It is the responsibility of the Chair of the CAP to ensure that the meeting is properly conducted. However, the proceedings will be as informal as possible.

The aim of the meeting will be to resolve the complaint and achieve reconciliation between the school and the complainant. However, at the end of the meeting the CAP will need to issue a finding in writing either upholding or not upholding the complaint or upholding some parts and not others.

If either party wishes to introduce previously undisclosed evidence or witnesses, it is in the interest of natural justice to adjourn the meeting so that the other side has time to respond to the new evidence. Late evidence of witnesses will not be accepted unless there is a good reason for the lateness.

The meeting will allow for:-

- The complainant to explain his or her complaint and the Headteacher to explain the reasons for his or her decision;
- The CAP to have an opportunity to question both the complainant and the Headteacher;
- Any party to have the right to bring witnesses (subject to the approval of the Chair of CAP) and all parties having the right to question all the witnesses; and
- A final statement by the Headteacher and complainant.

The CAP will consider the complaint and all the evidence presented and reach a unanimous, or at least a majority, decision on the complaint. Where appropriate the CAP can decide on the action to be taken to resolve the complaint and/or suggest recommended changes to the school's system or procedures to ensure that problems of a similar nature do not happen again.

Stage 3 will normally be completed within 28 school days and the Chair of the CAP will respond in writing to the complainant and the Headteacher.

10. Complaints against the Headteacher

If the complaint is wholly or mainly about the Headteacher, the Governing Body will consider the complaint in accordance with Stage 2 of the procedure described above. However, before Stage 2 is instigated the Chair of the Governing Body will invite the Headteacher to respond to the complaint in writing **within 10 school days**. The Chair will send a copy of the Headteacher response to the complainant who will be asked to indicate **within 5 school days** of receipt of the response whether s/he is satisfied with the response. If the complainant is not satisfied with the response stage 3 will commence as described above.

11. Vexatious complaints

There will be occasions when despite all stages of the procedure having been followed, the complainant remains dissatisfied. If the complainant tries to reopen the same issue, the Chair of the Governing Board can inform the complainant in writing that the procedure has been exhausted and that the matter is now closed.

12. Role of the secretary of state, department for education

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>

We will include this information in the outcome letter to complainants.

13. 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.

14. Reflection and Improvement

The Headteacher will review any underlying issues raised by complaints 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.

15. Monitoring arrangements

The governing board 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 14.

The complaints records are logged and managed by the Headteacher.

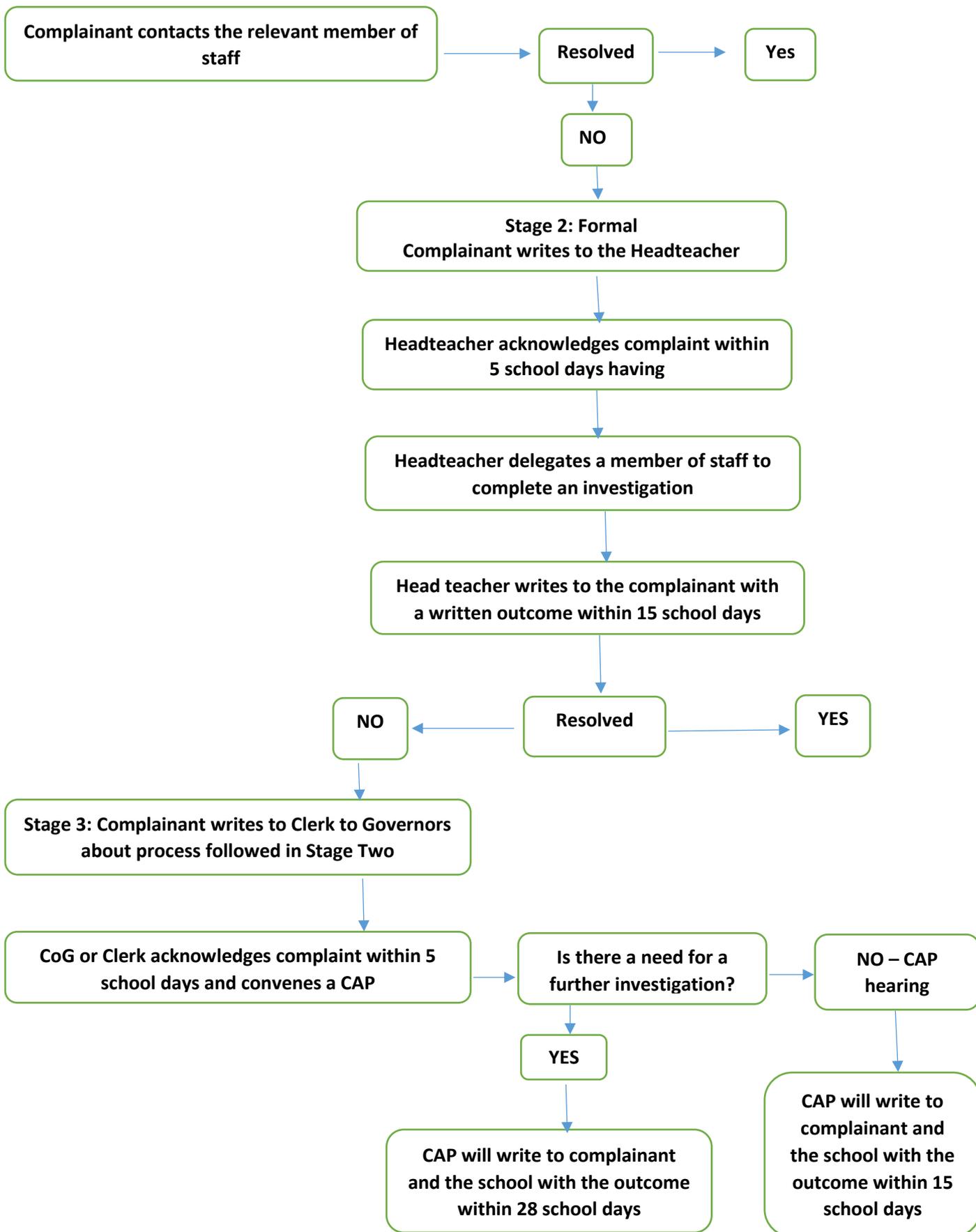
This policy will be reviewed by the Headteacher every 3 years.

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

16. 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
- Managing allegations against staff
- Whistleblowing policy



Continue on a separate sheet as necessary

Signed:

Date:



KINGSBURY GREEN PRIMARY SCHOOL

Old Kenton Lane, Kingsbury, London, NW9 9ND

Tel: 020 8204 6423 | Email: office1@kgreen.brent.sch.uk