

# West Acton Primary School

## Complaints Procedure

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The school's Governors and the Head Teacher are committed to providing the best educational experience they can for all pupils attending this school. They recognise the value to all concerned of dealing fairly, speedily and effectively with any complaint against their decisions, actions or omissions, which a pupil or parent or other aggrieved person may have. To this end, they have adopted the underlying principles and procedures set out in this document, which we encourage you to read before submitting your complaint.

### Purpose of the procedure

Our complaints procedure aims to:

- encourage resolution of problems by **informal** means wherever possible;
- be easily **accessible** and **publicised**;
- be **simple** to understand and use;
- be **impartial**;
- be **non-adversarial**;
- allow **swift** handling with clear **time limits** for action and keeping people informed of the progress;
- ensure a full and **fair** investigation by an independent person where necessary;
- respect people's desire for **confidentiality**;
- address all the issues and provide an **effective** response and **appropriate** redress, where necessary;
- provide **information** to the school's senior management team so that services can be improved.

### Definition of a complaint

A complaint is any communication received by someone with a legitimate interest in the school, but not employed at the school, which expresses dissatisfaction about the standard of teaching of members of the teaching staff, or about the conduct, actions or omissions of members of the teaching or non-teaching staff employed at the school.

### Definition of a complainant

A complainant is any person, including a member of the general public, who makes a complaint. Complaints do not have to be parents or carers of children that are registered at the school.

Where a complainant is a pupil under the age of 18 years, the complaint may be pursued only by, or on behalf of, the child's parent or carer. Where someone other than a pupil or a parent/carer is pursuing a complaint on his or her behalf, this can be done only with the express consent of the pupil or parent concerned.

## **Types of complaint**

### **1. Statutory/established procedures**

Where there are established, statutory or other procedures for dealing with complaints, those procedures should be followed instead of the procedures set out below. Areas that have their own established or statutory policies include:

- admissions to schools;
- exclusions from schools;
- statutory assessments of Special Education Needs;
- school re-organisation proposals;
- whistleblowing;
- matters concerning the curriculum under Section 19 and 23 of the Education Reform Act 1988;
- complaints about services provided by other providers who may use school premises or facilities;
- staff grievances and disciplinary procedures; and
- matters likely to require a Child Protection Investigation.

### **2. Complaints to Ofsted**

Ofsted can consider complaints about maintained schools, if your complaint relates to the school as a whole. For example:

- the school is not providing a good enough education;
- the pupils are not achieving as much as they should, or their different needs are not being met;
- the school is not well led and managed, or is wasting money; or
- the pupils' personal development and well-being are being neglected.

Ofsted will not normally investigate cases to do with individual pupils. Further information and guidance can be found at:

<http://www.ofsted.gov.uk/resources/complaints-ofsted-about-schools-guidance-for-parents>

### **3. Complaints not covered by established or statutory procedures**

If you are a complainant and none of the above apply to you, the following staged process has been designed to help.

The school encourages all parties to maintain confidentiality regarding any complaint. Appropriately managing the situation by avoiding any undue distress to pupils is paramount; therefore the school requests that you do not air your views publicly in or outside the school. The school will likewise ensure careful, discreet management of any situation. The school will maintain written records of your complaint and at which stage it is resolved. All correspondence, statements and records relating to your complaint will be kept confidential, except where the Secretary of State or a body conducting an inspection under 162A of the 2002 Act requests access to them.

The school is committed to dealing with all complaints fairly and impartially, and to providing a high quality service to all complainants. We will not normally limit the contact that you 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.

### **Stage 1a – Informal Discussion**

The school hopes that all concerns and complaints can be resolved through informal discussion. If you have a complaint, you should raise it first with the relevant member of staff. This is best done in person, but can also be by phone, letter or email. More senior staff, such as the Head Teacher, may become involved depending on the issue. The school strives to resolve all complaints at this level. The school will note that a complaint has been raised, but will only record the specific nature of the matter and the date.

### **Stage 1b – Written Complaint**

If your complaint cannot be resolved through informal discussion, you should put your complaint in writing to the Head Teacher. You may wish to use the complaint form found at Appendix A. The school will help with translation and/or with writing your letter if required. If your complaint is about the Head Teacher then please refer to Stage 2.

The school will acknowledge your letter within three school days. The matter will then be investigated and you will receive a written response within six school days of your complaint or, if the investigation is prolonged, a letter advising you of the progress made.

The response will detail the decision reached and the reasons for it and any action taken or to be taken. You will be offered an opportunity to discuss the contents of the response with the Head Teacher. The School will keep a record of each written complaint received along with the relevant correspondence and notes of any meetings or calls.

### **Stage 2 - Chair of Governors**

This second stage is for when you are not satisfied with the response received at Stage 1, or feel it is not appropriate to contact the Head Teacher. In such situations, you should raise the matter in writing with the Chair of Governors. The Chair will either investigate the complaint themselves, delegate the investigation to the Vice-Chair, or request the services of an appropriate and independent third party to investigate the complaint or to mediate between you and the school. The result of any investigation (including any made at Stage 1) will be communicated to you within four school weeks of receiving the Stage 2 complaint.

The Chair will keep records of all complaints received, investigations made and responses given. If the Chair undertakes the investigation at Stage 2, they will be exempt from sitting on the Complaints Committee convened to hear your complaint if escalated to Stage 3.

### **Stage 3 - Governing Body Complaints Committee**

The third stage may be used when you are not satisfied with the outcome of the Stage 2 investigation and response. If this is the case, you must put your concerns in writing to the Clerk to the Governing Body for consideration by a Complaints Committee of the Governing Body. This Committee will be made up of three Governors, all of whom will have had no prior involvement with the complaint. The Committee will have been delegated power to make a final decision on your complaint on behalf of the whole Governing Body.

Within 6 school weeks of the Clerk receiving your written complaint, the Committee will convene at a meeting attended by you, the Head Teacher and any witnesses. Written evidence should be submitted ten school days in advance to all parties, and verbal evidence should be given at the meeting. The Committee's decision is final and will be notified to all parties as soon as possible after the meeting. The Committee can:

- dismiss the complaint in whole or in part;
- uphold the complaint in whole or in part;
- decide on the appropriate action to be taken to resolve the complaint;
- recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not recur.

The panel will reach its decision, which is final, within two school days. A copy of their decision and any recommendations will be:

- sent to you in writing by email and/or otherwise and, where relevant, to the person complained about; and
- made available for inspection on the school premises by the Head Teacher and the Chair of Governors.

For more information on the Stage 3 process, please see Appendix B.

### **Further Stages**

If your complaint remains unresolved after Stage 3, and you think the school, or school's Governing Body, is acting unreasonably, or is failing to carry out its statutory duties properly, you can write to the Secretary of State for Education. This should be a last resort and your complaint should highlight in your letter the steps you have already taken to resolve the problem and enclose all previous correspondence relevant to the complaint. The Department for Education (DfE) will not usually be able to investigate your complaint if your child no longer goes to the school where the incident took place.

Further, the Department will not re-investigate the substance of the complaint. This remains the responsibility of the school.

If legislative or policy breaches are found, the DfE's School Complaints Unit will report them to the school and yourself and, where necessary, require remedial action to be taken. Failure to carry out remedial actions could ultimately result in a formal Direction being issued by the Secretary of State.

To complain to the DfE, write to:

The School Complaints Unit (SCU)  
Department for Education  
2nd Floor, Piccadilly Gate  
Manchester  
M1 2WD

Further information can be obtained from the SCU by calling the National Helpline on 0370 000 2288 or going online at: [www.education.gov.uk/help/contactus](http://www.education.gov.uk/help/contactus)

# Appendix A

## Example of a complaint form

Please complete and return to West Acton Primary School either by hand, post or email for the attention of the Head Teacher (or, where appropriate, the Chair of Governors), who will acknowledge receipt.

Your name:

Pupil's name:

Your relationship to the pupil:

Address:

Postcode:

Day time telephone number:

Evening telephone number:

Please give details of your complaint.

What action, if any, have you already taken to try and resolve your complaint.  
(Who did you speak to and what was the response)?

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

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

Signature:.....

Date: .....

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**Official use**

Date acknowledgement sent:

By who:

Complaint referred to:

Date:

## Appendix B

### Guidelines for Stage 3 Procedures

Timescale after Scale 3 Complaint received:

- *Within 3 school weeks:* a Committee is set up and the date and conduct of the hearing is agreed and confirmed to you in writing.
- *Within 6 school weeks:* the Committee sits and hears evidence concerning the original complaint. (All written evidence must be submitted by 10 school days before the hearing, when it is circulated to both parties and to Committee members. The panel must be notified of any witnesses appearing at the hearing by 5 school days before the hearing.)
- *Within 2 school days of hearing:* the Committee informs both parties of its decision in writing.

Plan and Conduct of Panel Hearing:

1. Introduction by Chair of the Committee
2. You make a statement (not more than 15 minutes)
3. The Head Teacher makes a statement (not more than 15 minutes)
4. You and the Head Teacher are questioned by the Committee but do not question each other, except via the Committee and at the Committee's discretion. Either you or the Head Teacher may be accompanied by a "friend", who may speak but should not be representing in an official capacity e.g. lawyer, union representative.
5. Any witnesses notified to the panel by 5 school days beforehand, may be questioned.
6. The Head Teacher makes a final statement (not more than 15 minutes)
7. You make your final statement (not more than 15 minutes)
8. The Committee reaches its decision in private. It may ask for more evidence if it is required in order to reach a fair verdict.
9. The Chair of the Committee notifies you, the Headteacher and the Chair of Governors in writing of the Committee's decision.

The total duration of the hearing should be about 1 hour plus a private session afterwards.

Policy Adopted on: \_\_\_\_\_

Signed Chair of Governors: \_\_\_\_\_

To be reviewed on: 1 April 2018