

# St Luke's Primary School

## Complaints Procedure



### 1 Concerns versus complaints. Resolving matters informally

- 1.1 “A ‘concern’ may be defined as ‘an expression of worry or doubt over an issue considered to be important for which reassurances are sought” (DfE’s definition). Most issues relate to ‘low-level’ concerns and can be addressed adequately through the normal day-to-day running of St Luke’s Primary School. Where a concern has been raised and identified as an issue, the matter may need to be brought to a senior leader’s attention.
- 1.2 A ‘complaint’ may be generally defined as ‘an expression of dissatisfaction however made, about actions taken or a lack of action” (DfE’s definition). For clarity, a matter becomes a complaint, when either attempts to resolve a concern (see above) have failed, and the complainant wishes to escalate the problem; or the complainant explicitly states they want their issues treated as a complaint.
- 1.3 Attempts should still be made to try and resolve the matter informally. Where it has not been possible to address a concern and the person wishes to escalate the matter, they should be referred to Stage 1 below. The complaints policy underpins the principles behind this procedure.
- 1.4 Where a complaint is made about the headteacher, the complainant should first see the headteacher in an attempt to resolve the issue informally. If the complainant is not satisfied with this outcome they should notify the chair of governors (or clerk to governors if this is not appropriate).

### 2. Stage 1:

- 2.1 In the first instance, arrangements will be put in place to try and resolve the matter informally (this may have already happened if the matter has been discussed as a concern).
- 2.2 Where the complaint relates to the headteacher the chair of governors (or nominated representative) will be responsible for coordinating the complaint. Ultimately the headteacher or chair of governors (depending upon the complaint) is responsible for ensuring the policy is carried out effectively, however they can delegate duties (e.g. investigations, administration etc).
- 2.3 If appropriate, for example, during a meeting or telephone discussion, the complainant should be asked what outcome they are seeking. In order to manage expectations it should be made clear to the complainant, at the earliest possible stage, whether or not the outcome they are seeking is realistic.

### 3 What should happen and when should it happen by?

- 3.1 Complaints will normally be lodged within 3 months from the incident. The headteacher or chair of governors will have the discretion to consider complaints older than 3 months taking into account the reasons for the delay.

- 3.2 Where it is clear the matter needs to be treated as a complaint (i.e. it has escalated from a concern) the complaint should be made in writing (unless this is not possible) using the formal complaints form (attached). As a minimum, details of the complaint, any action already taken to resolve the complaint and what actions might help resolve the problem should be included. Complaints can also be made in person, by telephone, or email.
- 3.3 On receipt of the complaint, a complaints co-ordinator will be appointed. This will be either the Headteacher or the Deputy Headteacher. The complaints co-ordinator will also appoint an investigator to investigate the complaint. This will be a member of the school's Senior Leadership Team.
- 3.4 The complaints co-ordinator will arrange for an acknowledgment to be sent to the complainant within 5 school days, confirming that the matter will be looked into and, if necessary, requesting a discussion with the complainant. At this stage the complaints co-ordinator will advise the complainant how to access the complaints policy and procedure.
- 3.5 Provision will be made for any complaint to be made and considered initially on an informal basis. The complaints co-ordinator will try and resolve complaints informally if possible.
- 3.6 The complainant will be provided with the opportunity to meet with (or telephone) the investigator to supplement any information provided previously or to record the complaint in writing if it has been made verbally. It will be made clear to the complainant that if s/he wishes s/he may be accompanied to any meeting by a friend, relative, representative or advocate who can speak on his/her behalf or to provide support.
- 3.7 If the matter cannot be resolved through a provisional meeting/discussion and fact finding, the headteacher (or chair of governors) will ensure that a thorough investigation is carried out and will keep records of all meetings, telephone conversations and any other evidence. The investigator should produce a written report including evidence collected.
- 3.8 Once all the relevant facts have been established, the headteacher (or chair of governors) will consider the investigator's report. They will decide whether to uphold or dismiss the complaint (in part or full). The head teacher will write to the complainant within 15 school days confirming their decision and the reasons for the decision. If considered appropriate, in the written response the complainant may be offered a further meeting to explain how the investigation was carried out and how decisions were reached. If matters are likely to be delayed beyond 15 days (e.g. the investigation is taking longer than anticipated), the complainant should be notified at the earliest opportunity of a revised deadline.
- 3.9 The letter must advise the complainant that, if they are not happy with the decision, they may proceed to stage 2 of the procedure. In order to proceed to stage 2, the complainant should, at minimum, submit notice in writing within 10 school days from receipt of the letter. The complainant should be asked to confirm why they are dissatisfied with the stage 1 outcome. Notice received later than 10 school days will be considered at the headteacher or chair of governor's discretion, having considered the reasons for the delay. At this stage the Headteacher (or chair of governor's) will confirm to the complainant what the terms of reference are for the review.
- 3.10 If the matter is resolved at this stage, the complaint and records will be maintained securely and confidentially by St Luke's Primary School.

## 4 Stage 2: Governors' review panel

- 4.1 If complainants are dissatisfied with the way in which their complaint was investigated and/or the outcome of the investigation at stage 1, there will be a further and final right of review to a panel of governors.
- 4.2 Requests for a review should be made in writing to the chair of governors within 10 school days of receipt of the stage 1 decision. The chair of the governing board will write to the complainant to acknowledge receipt of the request within 5 school days, the headteacher will be also be notified at the same time. The complainant should be asked to confirm why they are dissatisfied with the stage 1 outcome. The letter should also explain that the complainant and the headteacher have the right to submit documents relevant to the complaint (this is not the opportunity to introduce new complaints). These must be received in time for the documents to be sent to the panel members.
- 4.3 The clerk to the governors should arrange to convene a Governors' Review Panel selected from members of the governing board. The panel will comprise of three governors who have no previous knowledge of/or involvement in the case. The panel will not include staff governors. It may be necessary for the governing board to appoint reserves to this panel to ensure that three governors are available to carry out the review within the set time.
- 4.4 Complainants have the right to request an independent panel if they believe there is likely to be bias in the proceedings. The school should consider the request based on its merits, and the decision lies with the governing board.
- 4.5 The review panel should meet within 20 school days from the notice. The complainant, the headteacher and if appropriate the investigator will be informed of the date, time and venue of the appeal hearing. All parties should be notified at least 5 school days before the meeting, informing them of the date, time and place. The agenda and invitation should be sent to all parties, including the background papers, 5 school days in advance. The notification to the complainant should also inform him/her of their right to be accompanied to the meeting by a friend / advocate / interpreter.
- 4.6 The Complaints coordinator will ensure the panel hears the complaint within 20 school days of receiving the letter. The chair of the panel has responsibility to ensure that the meeting is properly minuted.
- 4.7 The panel of three governors have the remit to review: how the complaint was handled, the suitability of the investigation undertaken and whether the outcome(s) was appropriate. This stage does not involve a reinvestigation of the complaint. The scope of the review is to consider only the original complaint.
- 4.8 The aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant. However, it has to be recognised that sometimes it may only be possible to establish facts and make recommendations which will satisfy the complainant that his/her complaint has been taken seriously.
- 4.9 It will be at the chair's discretion if either party wishes to introduce previously undisclosed evidence or witnesses. The chair may wish to adjourn to allow for proper consideration of further evidence.
- 4.10 The review should allow for:
- the complainant to explain their complaint, followed by any witnesses;
  - questions invited from others on matters of fact;

- the headteacher / chair is invited to present their report and explain St Luke's Primary School's actions, followed by any witnesses;
- questions invited from others on matters of fact;
- if applicable, the independent investigator should present their report;
- questions invited from others on matters of fact;
- opportunity for complainant to make final statement;
- opportunity for headteacher/chair of governors to make a final statement;

4.11 At the end of the meeting, the chair of the panel will explain to the complainant and the Headteacher that the panel will now consider the case, and a written decision will be sent to both parties within 5 school days. The complainant, headteacher, other members of staff and witnesses will then leave.

4.12 The panel will then consider the complaint and all the evidence presented. The panel can:

- dismiss the complaint in whole or in part;
- uphold the complaint in whole or in part;
- recommend appropriate action to be taken to resolve the complaint;
- where, in the panel's view, they consider that the investigation was inadequate, a further investigation can be ordered, resulting in the reconvening of the panel to review the further information:
- recommend changes to St Luke's Primary School's systems or procedures to ensure that problems of a similar nature do not recur.

4.13 A written statement clearly setting out the decision of the panel must be sent to the complainant and the headteacher. The letter to the complainant should also advise how to take the complaint further in the event they should wish to.

4.14 The school should ensure that a copy of all correspondence and notes are kept on file in the school's records. These records should be kept separately from the pupil's personal records.

4.15 Where it is likely that deadlines will not be met during any part of this stage, the complaint will be updated on progress at the earliest opportunity and informed of the likely timescale.

## **5 Secretary of State review**

5.1 A further stage of review can be taken to the Secretary of State for Education (Schools Complaints Unit), who will only act where the governing board has acted unlawfully or unreasonably. More information is available at [www.education.gov.uk/help/contactus](http://www.education.gov.uk/help/contactus) for both maintained schools and academies.