

Policy reviewed by FGB: February 2020
Next Review: February 2021



Sheen Mount Primary School

Complaints Procedure

Introduction

Sheen Mount aims to provide the best education possible for every pupil in an open and transparent environment enabling them to fulfil their full potential. We welcome all feedback from parents/carers, pupils and third parties, and we understand that this will not always be positive. Where concerns are raised, the school's priority is to handle these in a way which is:

- fair
- open
- prompt, and
- without prejudice.

In order to achieve this, the governing board of Sheen Mount Primary School has approved the following procedure which explains what you should do if you have any concerns about the school. A concern may be defined as 'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'. All members of staff are familiar with the procedure and will be able to assist you.

Our intention is that the vast majority of concerns will be managed quickly and in an informal way. All staff are open and friendly and will be supportive and responsive to your concerns. Raising any concerns that you have as soon as they arise helps early resolution and we encourage this open dialogue as much as possible.

However, should you feel that this informal approach has not worked then you may feel it more appropriate to raise a formal complaint following the procedure detailed below. A complaint is generally recognised as 'an expression or statement of dissatisfaction however made, about actions taken or a lack of action'.

Raising concerns

In the first instance, where you have a concern about any aspect of the school or your child's education, wellbeing or any disciplinary matters, please raise this with your child's Class Teacher via the phone, in writing or in person. Ideally, they will be able to address your concerns on the spot or can arrange a meeting with you to discuss the issue.

For any concerns relating to financial/administration please contact the School Business Manager through the main office.

Any concerns about a staff member's conduct should be directed to the staff member themselves. Where this does not resolve the situation, their line manager should be approached, who are as follows:

- For a class teacher their Phase Leader;
- For a member of the financial or administration team the School Business Manager;
- For a member of the Senior Leadership Team the Headteacher.

All concerns will be handled confidentially, although the staff member may need to take notes for future reference. Any such notes will be kept in accordance with the principles of the Data Protection Act 1998 and would be available for use as evidence if further investigation was required, or if the concern became a formal complaint.

The majority of concerns are handled in this way without the need to raise a formal complaint.

If you are not a parent or carer and wish to raise any concerns or make a complaint, please email: info@sheenmount.richmond.sch.uk, marking it for the attention of the Headteacher.

Complainants should not approach individual governors to raise concerns or complaints. Governors have no power to act on an individual basis and it may also prevent them from considering complaints at Stage 3 of the process.

Addressing specific concerns

Sometimes, when concerns are more specific, there are alternative and more appropriate ways for handling these. The following list details specific areas where concerns or indeed complaints could arise, and the correct point of contact or policy to refer to. You can access policies on the school website or ask for a copy from the main school reception.

Pupil admissions - please contact the Richmond upon Thames primary admissions team
London Borough of Richmond upon Thames
Education and Children's Services
Guildhall 2
High Street
Kingston upon Thames
KT1 1EU
Telephone: 020 8547 5569
Email: richmond.admissions@achievingforchildren.org.uk

Statutory assessment of Special Educational Needs (SEN) - please refer your complaint to School Improvement, Achieving for Children (AfC), on behalf of Richmond or Kingston Local Authorities. Telephone: 020 8547 4722

Pupil exclusions - please see Sheen Mount's 'Exclusion Policy'

Staff grievance, capability or disciplinary - these are covered by the school's capability procedure

A third party - where the complaint concerns a third party used by the school, please complain directly to the third party themselves

Anonymous complaints - please refer to the 'Whistleblowing Policy'

Subject Access Requests and Freedom of Information Requests - please see Sheen Mount's 'Data Protection and Freedom of Information Policy'

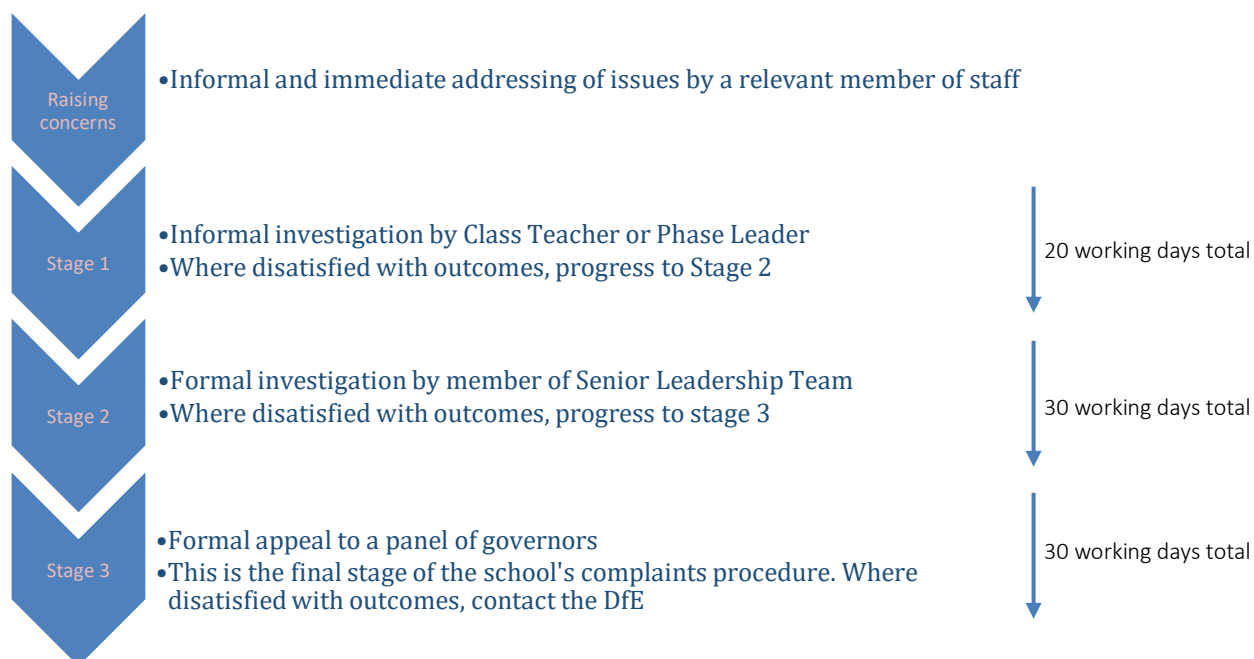
Safeguarding

Whenever a concern or a complaint indicates that a child's wellbeing or safety is at risk, the school is under a duty to report this immediately to the local authority. Any action taken will be in accordance with the school's Safeguarding Policy which can be found on the school website.

Raising a formal complaint – the procedure

Having raised your concerns with the relevant member of staff outlined above, we very much hope your concern will have been addressed. If, however you remain dissatisfied with this response and believe your concerns remain unresolved, the next step is to follow Stage 1 of the procedure as detailed below and raise a formal complaint.

Timeline



Timeframes

Sheen Mount will seek to work within the timeframes outlined under each stage but acknowledges that, in some circumstances, this is not always possible for example due to the complexity of information needed to review a complaint or difficulties regarding the availability of people involved in the complaint. If it becomes apparent that it is simply not possible to complete any stage of the complaints procedure within a given timeframe, the individual responsible for handling the complaint will contact the complainant as soon as possible and mutually agree a timeframe that works for everyone involved.

Sheen Mount reserves the right not to investigate complaints that have been made three months after the subject of the complaint took place, except in exceptional circumstances. Exceptional circumstances could include situations where new evidence has come to light, where the complaint is of an especially serious nature or where there is reasonable justification for why the complainant has been unable to raise the complaint before this time. The Headteacher will review the situation and decide whether or not to enact the complaints procedure, informing the Chair of Governors of the decision.

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

Complaints that result in staff capability or disciplinary proceedings

If at any formal stage of the complaint it is determined that staff disciplinary or capability proceedings are necessary in order to resolve the issue, the details of this action will remain confidential to the Headteacher and/or the individual's line manager. The complainant is not entitled to participate in the proceedings or receive any detail about them.

Complaints about the Headteacher or the governors

Where a complaint regards the Headteacher, the complainant should first directly approach the Headteacher in an attempt to resolve the issue informally. If the complainant is not satisfied with this outcome they should notify the Clerk to the governors (see contact details at the end of the document). The Stage 2 process will then commence, but with the Chair of Governors as the individual responsible for the investigation rather than a member of the SLT.

Where a complaint regards a governor, the same process applies as for the Headteacher. Where a complaint concerns the Chair of Governors, the individual should contact the Clerk to the governors. Informal resolution will be sought, but where this fails, the complaints procedure at Stage 3 will take immediate effect. The Vice-Chair will mediate any proceedings.

Confidentiality & social media

Complaints are handled confidentially for the benefit of all those involved, and we expect complainants to respect and observe this confidentiality too. In order for complaints to be resolved as quickly and fairly as possible, Sheen Mount requests that complainants do not discuss complaints publicly including via social media (such as Facebook and Twitter) or distribute material related to the complaint on any public forums. For the avoidance of doubt, please note that the school considers these actions to constitute unacceptable behaviour in all circumstances.

Stages of the complaints procedure

Stage 1 – Informal investigation by a Class Teacher or Phase Leader

Where as a result of raising a concern the complainant still feels that the issue has not been addressed, or where the outcome has been that the complaint needs further investigation than can be resolved briefly, they may progress by making a formal complaint. In doing so, the following steps will be followed:

1. Complainant contacts the Class Teacher or Phase Leader.
2. The complainant must explain in writing
 - an overview of the complaint so far
 - who has been involved
 - why the complaint remains unresolved
 - action they would like to be taken to put things right.
3. The Class Teacher or Phase Leader will respond within 5 working days (excluding those which fall in the school holidays) of having received the written complaint. They will explain what action they intend to take.
4. Where the complaint is about a member of staff the Class Teacher or Phase Leader will arrange an informal mediation meeting between the two parties to see if a resolution can be reached.
5. The staff member will provide a written confirmation of the outcome of their investigation within 15 working days (excluding those which fall in the school holidays) of having sent confirmation of the intended action. Where the complainant is not satisfied with the outcome, they are able to progress to Stage 2 of the complaints process and launch a formal investigation.

6. The staff member will make a record of the concern and the outcomes of the discussion which will be held centrally for twelve months, in line with the principles of the Data Protection Act 1998.

Stage 2 – formal investigation by a member of the Senior Leadership Team (SLT)

1. The complainant may submit a formal complaint form to the member of the SLT – please see the end of the procedure for a copy of this form. This should be returned either as a hard copy to the school office or via email to info@sheenmount.richmond.sch.uk.
2. The SLT member will respond in writing within 10 working days (excluding those that fall in the school holidays) of the date of receipt of the complaint to acknowledge receipt of the complaint and explain what action will be taken, giving clear timeframes.
3. A log of all correspondence in relation to the complaint will be kept in accordance with the Data Protection Principles.
4. The member of SLT will consider all relevant evidence; this may include but is not limited to:
 - a statement from the complainant
 - where relevant a statement from an individual who is the subject of the complaint
 - any previous correspondence regarding the complaint
 - any supporting documents in either case
 - interview with anyone related to the complaint.
5. The member of SLT may decide to have a meeting with the complainant (and where relevant, the subject of the complaint) if they feel that it would be appropriate for the investigation.
6. After considering the available evidence, the SLT member can:
 - uphold the complaint and direct that certain action be taken to resolve it
 - reject the complaint in its entirety
 - uphold the complaint in part: in other words, the SLT member may find one aspect of the complaint to be valid, but not another aspect. They may direct for certain action to be taken to resolve the aspect that they find in favour of the complainant.

The SLT member must inform the complainant of their decision in writing within 20 working days (excluding those that fall in the school holidays) of having issued written acknowledgement of the receipt of the complaint. They must explain clearly why they have come to the decision that they made. They must detail any agreed actions as a result of the complaint and provide a timescale for the actions to be implemented. Finally, they must provide the complainant with details of how to progress the complaint to Stage three if they are not satisfied, providing them with the contact details of the Clerk to the governors (see the end of the procedure for these).

Stage 3 – formal appeal to a panel of governors

If the complainant wishes to appeal a decision by the SLT member at stage 2 of the procedure, or they are not satisfied with the action that the SLT member took in relation to the complaint, the complainant is able to appeal this decision through Stage 3 of this procedure.

They must write to the Clerk (see the contact details at the end of the procedure) as soon as possible after receiving notice of the SLT member's decision, briefly outlining the content of the complaint and requesting that a complaints appeal panel is convened.

The complainant must request an appeal panel within 4 weeks of receiving the SLT member's decision or it will not be considered, except for in exceptional circumstances. On receipt of this written notification, the following steps will be followed:

1. The Clerk, in consultation with the Chair of Governors, will write to the complainant within five working days (not including the school holidays) to confirm receipt of the appeal request and detail further action to be taken.
2. The Clerk and Chair of Governors will convene a panel of three school governors. All three panel members will have no prior knowledge of the content of the complaint.

The Clerk will fulfil the role of organising the time and date of the appeal hearing, inviting all the attendees, collating all the relevant documentation and distributing this, five days in advance of the meeting, recording the proceedings in the form of minutes and circulating these.

3. The appeal hearing will take place within 20 working days (excluding those which fall in the school holidays) of receipt of the date of the confirmation letter from the clerk to the complainant, confirming the appeal.
4. In addition to the panel, the following parties will be invited, where applicable:
 - the complainant
 - the SLT member who dealt with the complaint at Stage 2
 - where the complaint regards a member of staff, the staff member who is the subject of the complaint.

The complainant is also able to bring a companion with them to the hearing if they wish. Where the subject of the complaint is a member of staff, that staff member is also able to bring a companion with them.

The companion will be a friend or a colleague. Neither party is able to bring legal representation with them. If after the hearing any party feels that legal action is necessary, please see the contact details at the end of the procedure.

5. If the attendance of any pupils is required at the hearing, parental permission will be sought if they are under the age of 18. Extra care will be taken to consider the vulnerability of children where they are present at a complaints hearing.
6. Where the complaint is about a governor, the complainant may request that the appeal is heard by an entirely independent panel. It is at the discretion of the governing body who will notify the Clerk of their decision. Where an entirely independent panel is required, timescales may be affected while the school source appropriate individuals for the review.

The panel can make the following decisions:

- 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.
7. All parties who attended the meeting will be informed in writing by the Clerk of the outcome of the appeal within 5 working days (excluding those which fall in the school holidays).

This is the final stage at which the school will consider the complaint. If the complainant remains dissatisfied and wishes to take the complaint further, please see the contact details at the end of the document. The school will not consider the complaint beyond this.

Recording meetings

Where there are communication difficulties, we may, with the written consent of all parties in advance, use recording devices to ensure the complainant is able to access and review the discussions at a later point. Where the complainant wishes to record a meeting or conversation, they must obtain the written consent of all parties in advance and any recordings are not to be distributed.

Where there are no special circumstances for recording a meeting (e.g. for the purposes of making a reasonable adjustment), it is for the school, as a data controller, to decide whether to allow a complainant to record a meeting. In making that decision, we must consider there to be a fair and reasonable purpose for the complainant to do this, given that there may be various levels of identifiable personal information recorded. The recording should then be transcribed to ensure an accurate record is kept.

Audio or video evidence

The Department for Education does not normally accept electronic recordings as evidence when it is asked to consider a complaint.

At Sheen Mount, we will not accept, as evidence, recordings of conversations that were obtained covertly and without informed consent of all parties being recorded. This position is supported by the Department of Education, unless exceptional circumstances apply.

Unreasonable complaints

While Sheen Mount is committed to dealing with all complaints fairly and impartially, and to providing a high quality service to those who complain, we do not expect our staff to tolerate unreasonable behaviour and will take appropriate action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

In such rare circumstances and in line with DfE guidance, Sheen Mount defines “unreasonable behaviour” as that which hinders our consideration of complaints because of the frequency or nature of the complainant’s contact with the school, and includes the following (non-exhaustive) scenarios where the complainant:-

- refuses to co-operate with the school’s relevant procedures or with the complaints investigation process;
- refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance;
- refuses to accept that certain issues are not within the scope of the complaints procedure;
- insists on the complaint being dealt with in ways which are incompatible with the complaints procedure or good practice;
- introduces trivial or irrelevant information which they expect to be taken into account and commented upon;
- raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales;
- changes the basis of the complaint as the investigation progresses;
- seeks an unrealistic outcome;
- makes excessive demands on the time of staff and school governors by frequent, lengthy and complicated contact in writing, by email and by telephone while the complaint is being dealt with and is clearly intended to aggravate;

- makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced;
- repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed);
- acts in a way that is abusive or offensive or uses threats to intimidate;
- knowingly provides falsified information;
- publishes unacceptable information on social media or other public forums.

Complainants should try to limit their communication with the school that relates to their complaint, while the investigation is being progressed. It is not helpful if repeated correspondence is sent, as this could delay the outcome being reached.

Whenever possible, the headteacher or Chair of Governors will discuss any concerns with the complainant informally to put them on notice that the school considers their behaviour to be unreasonable. If the behaviour continues, the headteacher will then write to the complainant explaining once again that their behaviour is unreasonable and ask them to change it. For complainants who excessively contact Sheen Mount causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This plan will be reviewed after six months.

In response to any serious incident of aggression or violence, we will immediately inform the police and communicate our actions in writing. This may include barring an individual from Sheen Mount.

Where a complainant raises an issue that has already been handled via the school's complaints procedure, and that procedure has been exhausted, the school will not reinvestigate the complaint except in exceptional circumstances, for example where new evidence has come to light.

If a complainant persists in raising the same issue, the Headteacher will write to them explaining that the matter has been handled fully in line with the school complaints procedure, and therefore the case is now closed.

The Headteacher will use their discretion to choose not to investigate these complaints. Where they decide to take this course of action, they must inform the Chair of Governors that they have done so, explaining the nature of the complaint and why they have chosen not to investigate. If the Chair deems it appropriate to, they can redirect the Headteacher to investigate the complaint. The full complaints procedure will commence from Stage 1 on this direction.

If the Chair upholds the Headteacher's decision not to look into the complaint and the complainant deems this decision to be so unreasonable that no other rational body in the same position would have made that decision, then the complainant may write to the Department for Education (see the contact details at the end of the document).

Contact details for external organisations if not satisfied with the outcomes of the complaints procedure in full.

- If you have any queries regarding any aspect of the complaints procedure, please direct these to the clerk to the governors clerk@sheenmount.richmond.sch.uk
- If the complainant feels that the governing board acted 'unreasonably' in the handling of the complaint, they can complain to the Department for Education after the complaints procedure has been exhausted. Please note that unreasonable is used in a legal sense and means acting in a way that no reasonable school or authority would act in the same circumstances. <https://www.gov.uk/complain-about-school>

Relevant legislation and guidance

The Equality Act 2010 <http://www.legislation.gov.uk/ukpga/2010/15/contents>

The Data Protection Act 2018 <http://www.legislation.gov.uk/ukpga/2018/12/contents/enacted>

Education Act 2002 <http://www.legislation.gov.uk/ukpga/2002/32/contents>

The Department for Education *Best Practice advice for school complaints procedures*

<https://www.gov.uk/government/publications/school-complaints-procedures>



Sheen Mount Primary School

Formal Complaints Form

Name	
Name of pupil, year group and your relationship to them (where applicable)	
Contact address	
Contact telephone day	
Contact telephone mobile	
Contact email address	
Details of the complaint	
Action taken so far (including staff member who has dealt with it so far) or solutions offered	
The reason that this was not a satisfactory resolution for you	
What action would you like to be taken to resolve the problem?	

Signed:	
Dated:	

<i>Official use</i> Date received: Signed:
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