



## Complaints Procedure 2.2.2016

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# Avonmore Primary School

## Complaints Procedure

**Support will be offered for those people for whom English is a second language or need help in understanding the policy and will be made available on request.**

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The school's Governors and the Headteacher 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 parents or other aggrieved person may have. To this end they have adopted the underlying principles and procedures set out in this document.

**Purpose:** To establish a procedure for dealing with complaints relating to the school, as required by section 29(1)(a) of the Education Act 2002.

This policy serves the purpose of clearly outlining the processes involved in seeking a resolution to complaints that ensures fairness for the complainant and the school.

**Scope:** All matters relating to the actions of staff and application of school procedures where they affect the individual pupils concerned, except matters [relating to the curriculum, exclusion, admissions etc...] which are subject to separate procedures.

### **General Principles:**

- An anonymous complaint will not be investigated under this procedure unless there are exceptional circumstances.
- To allow for a proper investigation, complaints should be brought to the attention of the school as soon as possible. Any matter raised more than 3 months after the event being complained of will not be considered, apart from in exceptional circumstances.
- Investigation of any complaint or review request will begin within 5 school days of receipt of the same, save in exceptional circumstances. The investigation will be completed as soon as reasonably practicable and a response made on or within 15 school working days.
- Attached with this procedure is a recommended School Complaint form.

## **Part A Complaining about the actions of a member of staff other than the Head Teacher.**

### **1) Informal Stage**

The complainant is normally expected to arrange to communicate directly with the member of staff<sup>1</sup> concerned. This may be by letter, by telephone or in person by appointment. Many concerns can be resolved by simple clarification or the provision of information. It is anticipated that most complaints will be resolved by this informal stage. In the case of serious concerns it may be appropriate to address them directly to the Head Teacher<sup>2</sup>. If either party refuses to attempt to resolve the matter informally, it may result in the termination of the procedure.

### **2) Formal Stage**

If the complaint is not resolved at the informal stage the complainant must put the complaint in writing and pass it to the Head Teacher<sup>2</sup>, who will be responsible for its investigation.<sup>3,4</sup> The Head Teacher must receive the complaint within **ten school working days** after resolution was not able to be sought at the informal stage of this procedure. Failure to do so may result in the procedure being terminated forthwith.

The complainant should include details which might assist the investigation, such as names of potential witnesses, dates and times of events, and copies of relevant documents. In addition the Head Teacher<sup>2</sup> may meet with the complainant to clarify the complaint.<sup>5</sup>

The Head Teacher<sup>2</sup> will collect such other evidence as he/she deems necessary. Where this involves an interview with a member of staff, who is the subject of the complaint, that member of staff may be accompanied by a friend or professional association representative, but it is not appropriate to be accompanied by a legal representative.

The Teacher will be provided with a copy of the complaint and any additional evidence presented by the complainant or collected by the Head Teacher. Once there has been an opportunity for the Teacher to consider this, he/she will be invited to meet separately with the Head Teacher, in order to present written and oral evidence in response. The Teacher may be accompanied at this meeting by a friend or professional association representative, but not a legal representative.

The investigation will begin as soon as possible and when it has been concluded, on or within 15 school working days, the complainant, and the member of staff concerned, will be informed in writing of the outcome. This may be to the effect that:

- There is insufficient evidence to reach a conclusion, so the complaint cannot be upheld
- The concern is not substantiated by the evidence
- The concern was substantiated in part or in full. Some details may then be given of action the school may be taking to review procedures etc... but details of the investigation or of any disciplinary procedures will not be released
- The matter has been fully investigated and that appropriate procedures are being followed, which are strictly confidential. [ e.g. where staff disciplinary procedures are being followed ]

**The complainant will be told that consideration of their complaint by the Head Teacher is now concluded.**

**If the complainant is not satisfied with the manner in which the process has been followed, the complainant may request that the Governing Body review the process followed by the Head Teacher<sup>2</sup> in handling the complaint. Any such request must be made in writing to the Chair of Governors within 2 weeks of receiving notice of the outcome from the Head Teacher, and include a statement specifying any perceived failures to follow the procedure. The procedure described in Part C will be followed.**

**If the complainant considers that the decision of the Head Teacher is perverse, or that the Head Teacher has acted unreasonably in considering the complaint, then the complainant may bring a complaint against the Head Teacher under part B of this procedure. This will provide an opportunity for the evidence to support such a complaint to be investigated.**

### **Superscripts**

<sup>1</sup> or other designated post-holder/middle manager.

<sup>2</sup> or other designated member of staff on behalf of the head teacher [in such case the head must be satisfied that the process has been conducted properly and accept responsibility for the same]

<sup>3</sup> Alternatively the complainant may be referred back to the informal stage of the procedure.

<sup>4</sup> If the complaint is judged to be vexatious, then the complainant will be informed that their complaint will not be accepted and will not be investigated.

<sup>5</sup> it may be appropriate to offer the complainant the opportunity to be accompanied by a friend at any such meeting, but not a legal representative.

<sup>6</sup> or designated governor responsible for investigating complaints

<sup>7</sup> For the avoidance of doubt, it may be helpful to specify the persons who are allowed access to the records.

## **Part B Complaining about the actions of the Head Teacher**

### **1) Informal stage**

The complainant is usually expected to arrange to speak directly with the Head Teacher. This may be by letter, by telephone or in person by appointment. [In the case of serious concerns or if a complainant feels unable to discuss them with the Headteacher, it may be appropriate to raise them directly with the Chair of the Governing Body<sup>6</sup>] Many concerns can be resolved by simple clarification or the provision of information. If both parties agree that the matter is not resolved, then a third party may be invited to act as a mediator at a further meeting. If either party refuses to attempt to resolve the matter informally, it may result in the termination of the procedure.

In the event of the Chair having to undertake an investigation of the actions of the Headteacher, consideration can be given to allocating a Governor as a support to either party.

### **2) Formal Stage**

If the complaint is not resolved at the informal stage the complainant must put the complaint in writing within **2 weeks** and pass it to the Chair of the Governing Body<sup>6</sup>. The Chair will determine which of the agreed procedures to invoke<sup>3,4</sup>. If it is determined that the complaint is "General", the Chair<sup>6</sup> will arrange for its investigation.

The complainant should include details which might assist the investigation, such as names of potential witnesses, dates and times of events, copies of relevant documents etc.... In addition the complainant will be invited to meet with the Chair<sup>6</sup> to present oral evidence or to clarify the complaint.<sup>5</sup>

The Chair<sup>6</sup> will collect such other evidence as is deemed necessary. This may include the interviewing of witnesses and others who may provide relevant information.

The Head Teacher will be provided with a copy of the complaint and any additional evidence presented by the complainant or collected by the Chair<sup>6</sup>. Once there has been an opportunity for the Head Teacher to consider this, he/she will be invited to meet separately with the Chair<sup>6</sup>, in order to present written and oral evidence in response. The Head Teacher may be accompanied at this meeting by a friend or professional association representative, but not a legal representative.

When the investigation has been concluded, the complainant and the Head Teacher will be informed in writing of the outcome, on or within 15 school working days. The complainant will not be informed of any disciplinary/capability action.

**The complainant will be told that consideration of their complaint by the Chair<sup>6</sup> is now concluded.**

**If the complainant is not satisfied with the manner in which the process has been followed, or considers that the decision of the Chair<sup>6</sup> is perverse, or that the Chair<sup>6</sup> has acted unreasonably in considering the complaint, then the complainant may request that the Governing Body review the handling of the complaint by the Chair<sup>6</sup>.**

**Any such request must be made in writing within 2 weeks of receiving notice of the outcome from the Chair<sup>6</sup>, this request should be sent to the Chair of Governors and copied to the Clerk of the Governing Body, and include a statement specifying any perceived failures.**

## **Superscripts**

<sup>1</sup> or other designated post-holder/middle manager.

<sup>2</sup> or other designated member of staff on behalf of the head teacher [in such case the head must be satisfied that the process has been conducted properly and accept responsibility for the same]

<sup>3</sup> Alternatively the complainant may be referred back to the informal stage of the procedure.

<sup>4</sup> If the complaint is judged to be vexatious, then the complainant will be informed that their complaint will not be accepted and will not be investigated.

<sup>5</sup> it may be appropriate to offer the complainant the opportunity to be accompanied by a friend at any such meeting, but not a legal representative.

<sup>6</sup> or designated governor responsible for investigating complaints

<sup>7</sup> For the avoidance of doubt, it may be helpful to specify the persons who are allowed access to the records.

## Stage 3 Review Process

Any review of the process followed by the Head Teacher<sup>2</sup> or the Chair<sup>6</sup> shall be conducted by a panel of 3 members of the Governing Body.

The review will normally be conducted through a consideration of written submissions, but reasonable requests to make oral representations should be considered sympathetically.

The panel will first receive written evidence from the complainant.

The panel will then invite the Head Teacher<sup>2</sup> or the Chair<sup>6</sup>, as appropriate, to make a response to the complaint.

The panel may also have access to the records kept of the process followed.

The complainant, and the Head Teacher<sup>2</sup> or the Chair<sup>6</sup>, as appropriate, will be informed in writing of the outcome on or within **ten school working days**. This may be to the effect that:

- There is insufficient evidence to reach a conclusion, so the complaint cannot be upheld
- The concern is not substantiated by the evidence
- The concern was substantiated in part or in full but that the procedural failure did not affect the outcome significantly so the matter is now closed.
- The concern was substantiated in part or in full and the Governing Body will take steps to prevent a recurrence or to rectify the situation [ where this is practicable ]

## Notes

**The complainant is not entitled to access any details of the investigation except for any statements that may have been provided by their child. Any information relating to the application of disciplinary procedures is strictly confidential.** <sup>7</sup>

## Further Stages

If your complaint remains unresolved after Stage 3 the review process and you think your 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.

To complain to the DfE, write to:

Department for Education  
School Complaints Unit  
2<sup>nd</sup> Floor, Piccadilly Gate  
Store Street  
Manchester  
M1 2WD

## Superscripts

<sup>1</sup> or other designated post-holder/middle manager.

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<sup>3</sup> Alternatively the complainant may be referred back to the informal stage of the procedure.

<sup>4</sup> If the complaint is judged to be vexatious, then the complainant will be informed that their complaint will not be accepted and will not be investigated.

<sup>5</sup> it may be appropriate to offer the complainant the opportunity to be accompanied by a friend at any such meeting, but not a legal representative.

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<sup>7</sup> For the avoidance of doubt, it may be helpful to specify the persons who are allowed access to the records.

## **Appendix 1**

### **Investigation Procedure**

#### ***Carrying out an Investigation into a Formal Complaint***

The investigation of an allegation or a complaint should always be carried out thoroughly and responsibly, irrespective of whether the complaint appears to be trivial or serious. The outcome of such an investigation will have significance not only for the complainant but also for the member of staff against whom the complaint has been made.

Any procedure should include provision that “An anonymous complaint will not be investigated under this procedure unless there are exceptional circumstances.” These would include serious concerns such as child protection issues or bullying allegations, where the school would either involve appropriate external agencies or else conduct its own internal review to inform whether there is any corroborative evidence which might trigger a formal investigation.

Where the Head Teacher<sup>2</sup> or Chair of Governors<sup>6</sup> receives a complaint, it should be acknowledged formally and a commitment made that the complaint will be investigated and the outcome of the investigation notified to the complainant in due course.

The member of staff against whom the complaint has been made, should be notified that a complaint has been received, provided with a copy of the complaint and be informed that an investigation will be carried out.

It is essential that there is a clear understanding of the complaint. Where necessary the nature of the complaint should be confirmed with the complainant.

Once the complaint has been confirmed the investigator should establish who they wish to interview and what documentation they will need to review.

Arrangements should be agreed so that accurate notes can be taken of all interviews and the outcome of the investigation be accurately recorded.

The complainant and the member of staff should be given the opportunity to offer documentation and to identify potential witnesses or sources of evidence.

The member of staff subject to the complaint should be advised that they may be accompanied by a friend or trade union representative, but not a legal representative when invited to be interviewed.

Where children are potential witnesses, discretion should be exercised over their involvement. Pupils should only be interviewed when the nature of the complaint is sufficiently serious to warrant it and adult witnesses are not available. Only in extreme circumstances will younger pupils be interviewed.

Any interviews should be conducted as soon as possible to ensure that recollections are as fresh as possible and to minimise the possibility that evidence will become tainted through witnesses discussing alleged incidents with other persons.

In conducting interviews, the investigator should prepare the questions to be asked prior to the interview. These can always be supplemented during the interviews. The investigator should allow the interviewee to answer in their own way. Their responses should be listened to attentively. Any temptation to cut interviewees short or to seek to "lead" them must be resisted. The interviewee should be given the opportunity of providing other relevant information at the end of the interview.

Interviewees should, however, be advised that their responses must be confined to the substance of the complaint. Any attempt by the interviewee to introduce information relating to other members of staff or to issues unrelated to the complaint should be resisted.

The investigator should avoid reaching conclusions or passing judgement until the investigation has been completed.

A summary of the process undertaken and the outcome of the investigation should be provided to both the complainant and the member of staff against whom the complaint has been made. Caution must be exercised in reporting back to the complainant as revealing certain details may prejudice the ability of the employee to continue in post.

Any recommendations should also be shared with all parties, unless there is good reason not to. Wherever possible, recommendations should be constructive and not punitive.

The complainant should be advised that he/she may, if they are not satisfied that the appropriate procedure has been followed, request a review of that process by the Governing Body.

The Governing Body should invite the LA to express a view on the retention of records of any complaints procedure. The most extreme stance would be that: "All documentation relating to the complaint and its investigation and outcomes should be stored securely for a period of six years. [Where the complaint is on behalf of a child, then the school may wish to retain the documentation until 6 years after the child has attained the age of 18]"

**Appendix 2**

**Avonmore Primary School Complaint Form**

Please complete this form and return it to Head Teacher / Chair of Governors, who will acknowledge its receipt and inform you of the next stage in the procedure.

Your name:

Relationship with school [ e.g. parent of a pupil on the school's roll ]:

Pupil's name [ if relevant to your complaint ]:

Your Address:

Daytime telephone number: .....

Evening telephone number: .....

e-mail address: .....

Please give concise details of your complaint, [including dates, names of witnesses etc...], to allow the matter to be fully investigated:

You may continue on separate paper, or attach additional paperwork, if you wish.

Number of additional pages attached =

What action, if any, have you already taken to try to resolve your complaint? [I.e. who have you spoken with or written to and what was the outcome?]

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

Signature:

Date:

School use:

Date Form received:

Received by:

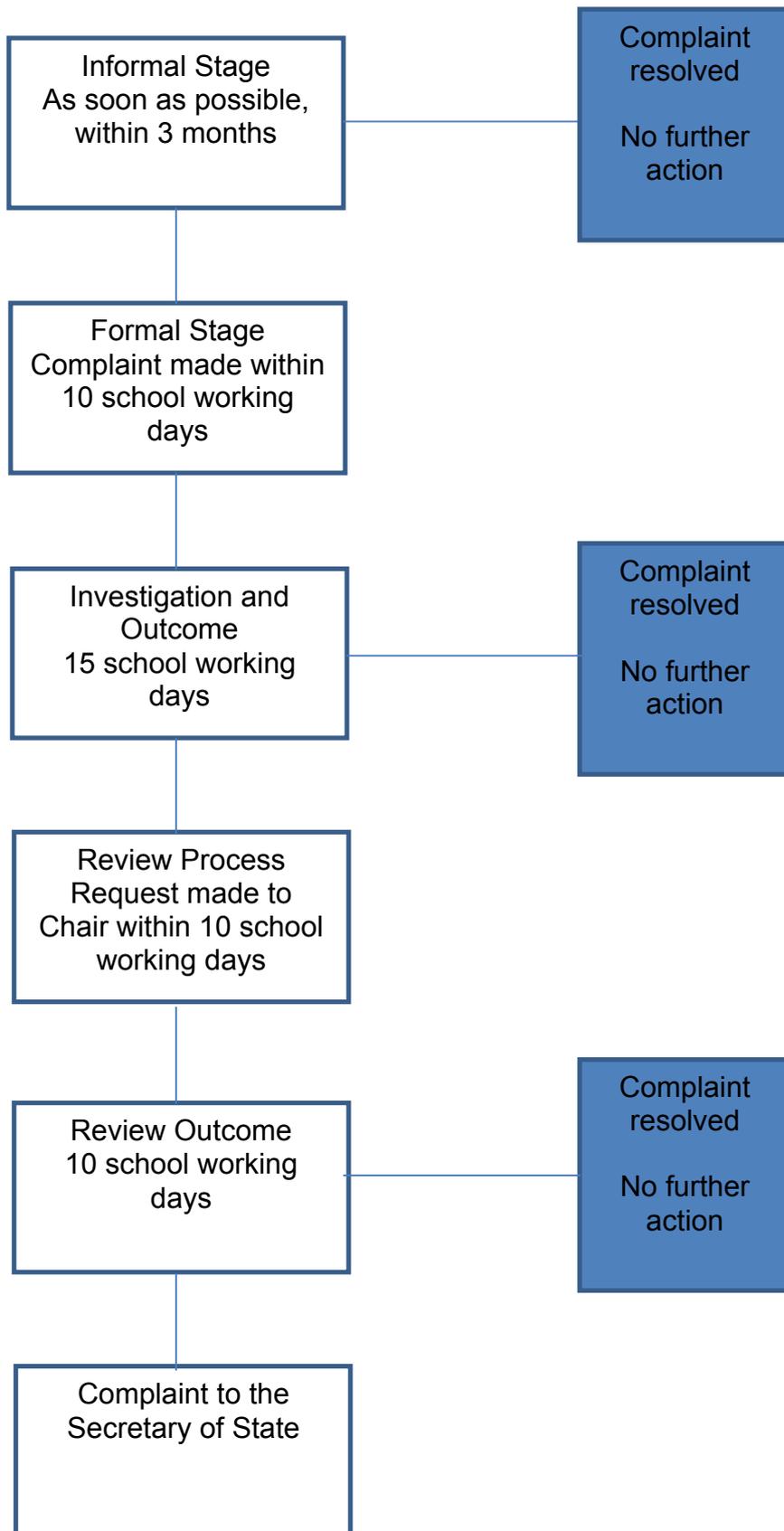
Date acknowledgement sent:

Acknowledgement sent by:

Complaint referred to:			
Date:			

## Appendix 3 Complaints Procedure

## Flow Chart



The school will make every effort to adhere to this timeline except in exceptional circumstances.