

St. Matthew's Church of England Primary School

Complaints Policy



‘To enable our whole school
community to live life in all
its fullness.’

This school is committed to safeguarding and promoting the welfare of our children and this policy supports this commitment.

Date: Autumn 2020

Review date: Autumn 2023



St Matthew's Church of England (CofE) Primary School



Our vision is 'to enable our whole school community to live life in all its fullness.' This school is committed to safeguarding and promoting the welfare of our children and this policy supports this commitment.

Introduction

St Matthew's C of E Primary School endeavours to provide the best possible education for all of its pupils in an open and transparent environment. We welcome any feedback that we receive from parents, pupils and third parties, and we accept that not all of this will be positive. Where concerns are raised the school intends for these to be dealt with:

- Fairly
- Openly
- Promptly
- Without Prejudice

In order to do so, the governing board of St Matthew's C of E Primary School has approved the following procedure which explains what you should do if you wish to make a formal complaint about the school. All members of staff will be familiar with the procedure and will be able to assist you.

Who can make a complaint?

This complaints procedure is not limited to parents or carers of children that are registered at the school. Any person, including members of the public, may make a complaint to St Matthew's Church of England Primary School about any provision of facilities or services that we provide. Unless complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions), we will use this complaints procedure.

The difference between a concern and a complaint

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*'.

Resolving concerns informally

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

The governing board of St Matthew's C of E Primary School actively encourage those that have concerns to raise them as early as possible with the appropriate person at the school (eg your child's class teacher or the Head Teacher) and to work constructively with that person towards resolving them.

Where concerns are raised the staff member may need to take notes if they feel that the matter may need to be taken further or it may arise again in the future. Any such notes will be kept in accordance with the principles of the Data Protection Act 2018. However, such notes would be able to be used as evidence if further investigation was required, or if the concern became a formal complaint.

The extent to which informal resolution of a concern was attempted may be taken into consideration when assessing the reasonableness of a complaint during the formal stages of the procedure.

If you have difficulty discussing a concern with a particular member of staff, we will respect your views. In these cases, the Head Teacher will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, the Head Teacher will refer you to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the concern objectively and impartially is more important.

We understand however, that there are occasions when people would like to raise their concerns formally. In this case, St Matthew's C of E Primary School will attempt to resolve the issue internally, through the following stages outlined within this complaints procedure.

How to raise a concern or make a complaint

A complaint can only be made in writing by completing our school complaints form. They may be made by a third party acting on behalf of a complainant, as long as they have appropriate written consent to do so.

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

Complaints against school staff (except the Head Teacher) should be made in the first instance, to the Head Teacher via the school office. Please mark them as Private and Confidential.

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.

Complaints about the Chair of Governors, any individual governor or the whole governing body should be addressed to the Clerk to the Governing Body via the school office. Please mark them as Private and Confidential.

A template complaint form is included at the end of this procedure (*Appendices*). If you require help in completing the form, please contact the school office. You can also ask third party organisations like the Citizens Advice to help you.

In accordance with equality law, we will consider making reasonable adjustments if required, to enable complainants to access and complete this complaints procedure. For instance, providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations.

Anonymous complaints

We will not normally investigate anonymous complaints. However, the Head Teacher or Chair of Governors, if appropriate, will determine whether the complaint warrants an investigation.

Time scales

You 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.

Complaints received outside of term time

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

Scope of this Complaints Procedure

This procedure covers all complaints about any provision of community facilities or services by St Matthew's C of E Primary School, other than complaints that are dealt with under other statutory procedures, including those listed below.

| Exceptions | Who to contact |
|---|---|
| <ul style="list-style-type: none">❓ Admissions to schools❓ Statutory assessments of Special Educational Needs❓ School re-organisation proposals | <p>Concerns about admissions or school re-organisation proposals should be raised with Achieving for Children on behalf of Kingston Local Authority</p> <p>kingston.admissions@achievingforchildren.org.uk</p> <p>Concerns about statutory assessments of Special Educational Needs, should be raised directly via the relevant EHCP Co-ordinator at Achieving for Children (AfC).</p> |

| | |
|--|--|
| <p>ⓧ Matters likely to require a Child Protection Investigation</p> | <p>Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance.</p> <p>Serious child protection concerns - contact the Achieving for Children (AfC) Single Point of Access (SPA)</p> <p>020 8547 5008</p> |
| <p>ⓧ Exclusion of children from school*</p> | <p>Further information about raising concerns about exclusion can be found at: www.gov.uk/schooldiscipline-exclusions/exclusions.</p> <p><i>*complaints about the application of the behaviour policy can be made through the school's complaints procedure.</i></p> <p>School behaviour policy</p> |
| <p>ⓧ Whistleblowing</p> | <p>We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors.</p> <p>The Secretary of State for Education is the prescribed person for matters relating to education for whistleblowers in education who do not want to raise matters direct with their employer. Referrals can be made at: www.education.gov.uk/contactus.</p> <p>Volunteer staff who have concerns about our school should complain through the school's complaints procedure. You may also be able to complain direct to the LA or the Department for Education (see link above), depending on the substance of your complaint.</p> |
| <p>ⓧ Staff grievances</p> | <p>Complaints from staff will be dealt with under the school's internal grievance procedures.</p> |
| <p>ⓧ Staff conduct</p> | <p>Complaints about staff will be dealt with under the school's internal disciplinary procedures, if appropriate.</p> <p>Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.</p> |
| <p>ⓧ Complaints about services provided by other providers who may use school premises or facilities</p> | <p>Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct.</p> |
| <p>ⓧ National Curriculum - content</p> | <p>Please contact the Department for Education at: www.education.gov.uk/contactus</p> |

| | |
|--|---|
| <p>Subject Access Requests and Freedom of Information Requests</p> | <p>Please refer to the school's Data Protection and Freedom of Information policy which can be obtained on the school website or via the school office General Data Protection Policy</p> |
|--|---|

If other bodies are investigating aspects of the complaint, for example the police, local authority (LA) safeguarding teams or Tribunals, this may impact on our ability to adhere to the timescales within this procedure or result in the procedure being suspended until those public bodies have completed their investigations.

If a complainant commences legal action against St. Matthew's C of E Primary School in relation to their complaint, we will consider whether to suspend the complaints procedure in relation to their complaint until those legal proceedings have concluded.

Resolving complaints

At each stage in the procedure, St. Matthew's C of E Primary School wants to resolve the complaint as quickly and efficiently as possible. If appropriate, we will acknowledge that the complaint is upheld in whole or in part. In addition, we may offer one or more of the following:

- an explanation
- an admission that the situation could have been handled differently or better
- an assurance that we will try to ensure the event complained of will not recur
- an explanation of the steps that have been or will be taken to help ensure that it will not happen again and an indication of the timescales within which any changes will be made
- an undertaking to review school policies in light of the complaint
- an apology.

Care will be taken when the complainant is a child. Careful consideration of the atmosphere of the proceedings at each stage must be taken to ensure that the child does not feel intimidated.

Withdrawal of a Complaint

If a complainant wants to withdraw their complaint, we will ask them to confirm this in writing.

Complaints Process

(Template Complaint form, Roles and Responsibilities and Timeline in Appendices)

Stage 1 - formal investigation by Head Teacher

1. Formal complaints must be made to the Head Teacher (or chair of the governing board, as appropriate), via the school office/or email. This may only be done in writing (by applying the formal complaint form - at Appendix 1). The complainant will need to outline the nature of the complaint, what remains unresolved and what outcome they would like to see in order to resolve the matter.
2. The Head Teacher (or chair of the governing board, as appropriate) will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by

letter or email) no later than 5 working days (excluding those that fall in the school holidays) of receiving it.

Note: The Head Teacher may delegate the investigation to another member of the school's senior leadership team but not the decision to be taken.

3. The Head Teacher (or investigator) will collate all relevant evidence. This may include, but is not limited to:
 - obtaining statements from the complainant, those involved with the complaint and any other persons that the Head Teacher or investigator deem relevant.
 - meeting with the complainant and those involved with the complaint, allowing them to be accompanied if they wish by a friend to speak on their behalf - if English is not their first language, or for any other legitimate reason. The evidence from a child, as complainant, will be given equal consideration to those of adults. Where the child's parent / carer is the complainant, the parent/carer will be given the opportunity to say which parts of the hearing the child needs to attend.
 - reviewing correspondence and other documentation relating to the complaint.
4. After considering the available evidence, the Head Teacher can decide to:
 - uphold the complaint and direct that certain action be taken to resolve it
 - uphold the complaint in part (in other words find an aspect or aspects of the complaint to be valid, but not the whole complaint) direct for certain action to be taken, or
 - dismiss the complaint entirely.
5. A log of all correspondence in relation to the complaint and investigation meetings/interviews will be kept in accordance with the Data Protection Principles.
6. At the conclusion of the investigation, the Head Teacher will inform the complainant of their decision in writing, the grounds on which it was made and any actions taken as a result of the complaint. This will be within 20 working days (excluding those that fall in the school holidays) of having issued written acknowledgement of receipt of the complaint (see 2 above). If the Head Teacher is unable to meet this deadline, they will provide the complainant with an update and revised response date.
7. The written notification shall also advise the complainant of their right to escalate the complaint to stage 2 of the formal complaints procedure if they are not satisfied with the outcome at stage 1, including the contact details of the Clerk to the governing board.

If the complaint is about the Head Teacher, or a member of the governing body (including the Chair or Vice-Chair), a suitably skilled governor will be appointed to complete all the actions at Stage 1.

Complaints about the Head Teacher or member of the governing body must be made to the Clerk, via the school office.

If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire governing body or
- the majority of the governing body

Stage 1 will be considered by an independent investigator appointed by the governing body or Southwark Diocesan Board of Education. At the conclusion of their investigation, the independent investigator will provide a formal written response.

Stage 2 – Review, through re- evaluation, by a Panel of the (local) governing board

If the complainant is dissatisfied with the outcome at Stage 1 and wishes to take the matter further, they can escalate the complaint to Stage 2. The review is carried out by a Panel of three impartial governors from the St. Matthew's C of E Primary School governing board. Arrangements will be convened by the Clerk to the governing board.

A request to escalate to Stage 2 must be made to the Clerk of the governing board (via the school office or email) of St. Matthew's C of E Primary School, no later than 10 working days after notification of the Stage 1 outcome. The request should include a brief summary of the complaint, why the complainant is dissatisfied with the outcome of Stage 1 and the outcome they are seeking. Requests received outside of this time frame will only be considered if exceptional circumstances apply.

The following steps outline Stage 2:

1. The Clerk will acknowledge the written request for the Stage 2 complaint no later than 5 working days (excluding school holidays) after notification.
2. The clerk will convene a Panel of three impartial governors to review the complaint. All three members will have no prior knowledge of the content of the complaint. If the complaint is jointly about the Chair and Vice Chair or the entire governing body or the majority of the governing body Stage 2 will be heard by a Panel of independent governors.
3. The review meeting will take place within 20 working days (excluding school holidays) of receipt by the clerk of the written Stage 2 request.
4. If the complainant rejects the offer of three proposed review dates, without good reason, the Panel may decide when to hold the meeting. The Panel may then proceed in the complainant's absence on the basis of written submissions from all parties.

5. Prior to the review meeting, the governors will decide amongst themselves who will act as the

Chair of the Stage 2 Panel. If there are fewer than three governors from St Matthew's C of E Primary School available, the Clerk will source any additional, independent governors through another local school or through their LA's Governor Services team, in order to make up the Panel.

Alternatively, an entirely independent Panel may be convened to hear the complaint at Stage 2. The Panel will decide whether to deal with the complaint by inviting parties to a meeting or through written representations, but in making their decision they will be sensitive to the complainant's needs.

6. Where the complainant, Head Teacher and/or relevant person involved in the complaint have been invited to attend the review meeting, they are entitled to be accompanied by a family member/friend/representative, as appropriate to provide moral support.
7. Legal representation is not permitted, however, there may be occasions when it is appropriate, for instance, if a school employee is called as a witness in a complaint meeting, they may wish to be supported by union representation.

Note: Complaints about staff conduct will not generally be handled under this complaints procedure. Complainants will be advised that any staff conduct complaints will be considered under staff disciplinary procedures, if appropriate, but outcomes will not be shared with the complainant.

8. Representatives from the media are not permitted to attend.
9. Where the relevant persons involved in the complaint include pupils at the school, and their attendance at the review meeting has been requested by the Panel, parental permission must be sought if they are under the age of 18. Extra care will be taken to consider the vulnerability of children where they are requested to be present at the Panel meeting.
10. The clerk will ensure any written material is circulated to all parties by no later than 5 working days (excluding school holidays) before the date of the Panel meeting. The Panel will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.
11. The Panel will not review any new complaints at this stage or consider evidence unrelated to the initial complaint. New complaints must be dealt with from Stage 1 of the complaints procedure.
12. The clerk will arrange for the meeting to be held in private on a date convenient to all parties, ensuring the venue and proceedings are accessible. Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own additional needs require it. Prior knowledge and consent of all parties attending must be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.
13. The Panel will consider the complaint and all the evidence presented. The Panel can:

- uphold the complaint in whole or in part
- dismiss the complaint in whole or in part.

If the complaint is upheld in whole or in part, the Panel will:

- decide on the appropriate action to be taken to resolve the complaint
- where appropriate, recommend changes to the school's systems or procedures to prevent similar issues in the future.

14. The Chair of the Panel will provide the complainant, the Head Teacher (or Chair of the governing board, as appropriate) who investigated the complaint and made the decision at Stage 1, and where relevant, the person complained about, with a full explanation of their decision and the reason(s) for it. Where appropriate, it will include details of actions St. Matthew's C of E Primary School will take to resolve the complaint. The outcome will be made in writing, within 10 working days (excluding school holidays) of the Panel meeting.

The letter to the complainant will include details of how to contact the Department for Education if they are dissatisfied with the way their complaint has been handled.

This concludes the formal St. Matthew's C of E Primary School complaints procedure.

Next Steps

If the complainant believes the school did not handle their complaint in accordance with the published complaints procedure or they acted unlawfully or unreasonably in the exercise of their duties under education law, they can contact the Department for Education after they have completed Stage 2.

The Department for Education will not normally reinvestigate the substance of complaints. They will consider whether St Matthew's C of E Primary School has adhered to education legislation and any statutory policies connected with the complaint.

The complainant can refer their complaint to the Department for Education online at: www.education.gov.uk/contactus, by telephone on: 0370 000 2288 or by writing to:

Department for Education
Piccadilly Gate
Store Street
Manchester
M1 2WD.

Complaint Form

Please complete and return to [the Clerk to the Governors](#) who will acknowledge receipt and explain what action will be taken.

What actions are you aware of that may resolve the problem at this stage?

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

Signature:

Date:

Official use

Date acknowledgement sent:

By who:

Complaint referred to:

Date:

Roles and Responsibilities

Complainant

The complainant will receive a more effective response to the complaint if they:

- explain the complaint in full as early as possible
- co-operate with the school in seeking a solution to the complaint
- respond promptly to requests for information or meetings or in agreeing the details of the complaint
- ask for assistance as needed
- treat all those involved in the complaint with respect

- refrain from publicising the details of their complaint on social media and respect confidentiality.

Investigator

The investigator's role is to establish the facts relevant to the complaint by:

- providing a comprehensive, open, transparent and fair consideration of the complaint through:
 - sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved
 - interviewing staff and children/young people and other people relevant to the complaint
 - consideration of records and other relevant information
 - analysing information
- liaising with the complainant and the complaints co-ordinator as appropriate to clarify what the complainant feels would put things right.

The investigator should:

- conduct interviews with an open mind and be prepared to persist in the questioning
- keep notes of interviews or arrange for an independent note taker to record minutes of the meeting
- ensure that any papers produced during the investigation are kept securely pending any appeal
- be mindful of the timescales to respond
- prepare a comprehensive report for the Head Teacher or complaints Panel that **sets out the facts, identifies solutions and recommends courses of action to resolve problems.**

The Head Teacher or Complaints Panel will then determine whether to uphold or dismiss the complaint and communicate that decision to the complainant, providing the appropriate escalation details.

Complaints Co-ordinator (this could be the Head Teacher / designated complaints governor or other staff member providing administrative support)

The complaints co-ordinator should:

- ensure that the complainant is fully updated at each stage of the procedure
- liaise with staff members, Head Teacher, Chair of Governors, Clerk and LAs (if appropriate) to ensure the smooth running of the complaints procedure & be aware of issues regarding:
 - sharing third party information
 - additional support. This may be needed by complainants when making a complaint including interpretation support or where the complainant is a child or young person & keep records.

Clerk to the Governing Body

The Clerk is the contact point for the complainant and the Panel and should:

- ensure that all people involved in the complaint procedure are aware of their legal rights and duties, including any under legislation relating to school complaints, education law, the Equality Act 2010, the Freedom of Information Act 2000, the Data Protection Act (DPA) 2018 and the General Data Protection Regulations (GDPR)
- set the date, time and venue of the meeting, ensuring that the dates are convenient to all parties (if they are invited to attend) and that the venue and proceedings are accessible
- collate any written material relevant to the complaint (for example; stage 1 paperwork, school and complainant submissions) and send it to the parties in advance of the meeting within an agreed timescale
- record the proceedings
- circulate the minutes of the meeting
- notify all parties of the Panel's decision.

Panel Chair

The Panel's chair, who is nominated in advance of the complaint meeting, should ensure that:

- both parties are asked (via the Clerk) to provide any additional information relating to the complaint by a specified date in advance of the meeting
- the meeting is conducted in an informal manner, is not adversarial, and that, if all parties are invited to attend, everyone is treated with respect and courtesy
- complainants who may not be used to speaking at such a meeting are put at ease. This is particularly important if the complainant is a child/young person
- the remit of the Panel is explained to the complainant
- written material is seen by everyone in attendance, provided it does not breach confidentiality or any individual's rights to privacy under the DPA 2018 or GDPR. If a new issue arises it would be useful to give everyone the opportunity to consider and comment upon it; this may require a short adjournment of the meeting
- both the complainant and the school are given the opportunity to make their case and seek clarity, either through written submissions ahead of the meeting or verbally in the meeting itself
- the issues are addressed
- key findings of fact are made
- the Panel is open-minded and acts independently

- no member of the Panel has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure
- the meeting is minuted
- they liaise with the Clerk (and complaints co-ordinator, if the school has one).

Panel Member

Panel members should be aware that:

- the meeting must be independent and impartial, and should be seen to be so
No governor may sit on the Panel if they have had a prior involvement in the complaint or in the circumstances surrounding it.
- the aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant

We recognise that the complainant might not be satisfied with the outcome if the meeting does not find in their favour. It may only be possible to establish the facts and make recommendations.

- many complainants will feel nervous and inhibited in a formal setting
Parents/carers often feel emotional when discussing an issue that affects their child.
- extra care needs to be taken when the complainant is a child/young person and present during all or part of the meeting

Careful consideration of the atmosphere and proceedings should ensure that the child/young person does not feel intimidated.

The Panel should respect the views of the child/young person and give them equal consideration to those of adults.

If the child/young person is the complainant, the Panel should ask in advance if any support is needed to help them present their complaint. Where the child/young person's parent is the complainant, the Panel should give the parent the opportunity to say which parts of the meeting, if any, the child/young person needs to attend.

However, the parent should be advised that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting that the Panel considers is not in the child/young person's best interests.

☐ the welfare of the child/young person is paramount.

St. Matthew's C of E Primary School

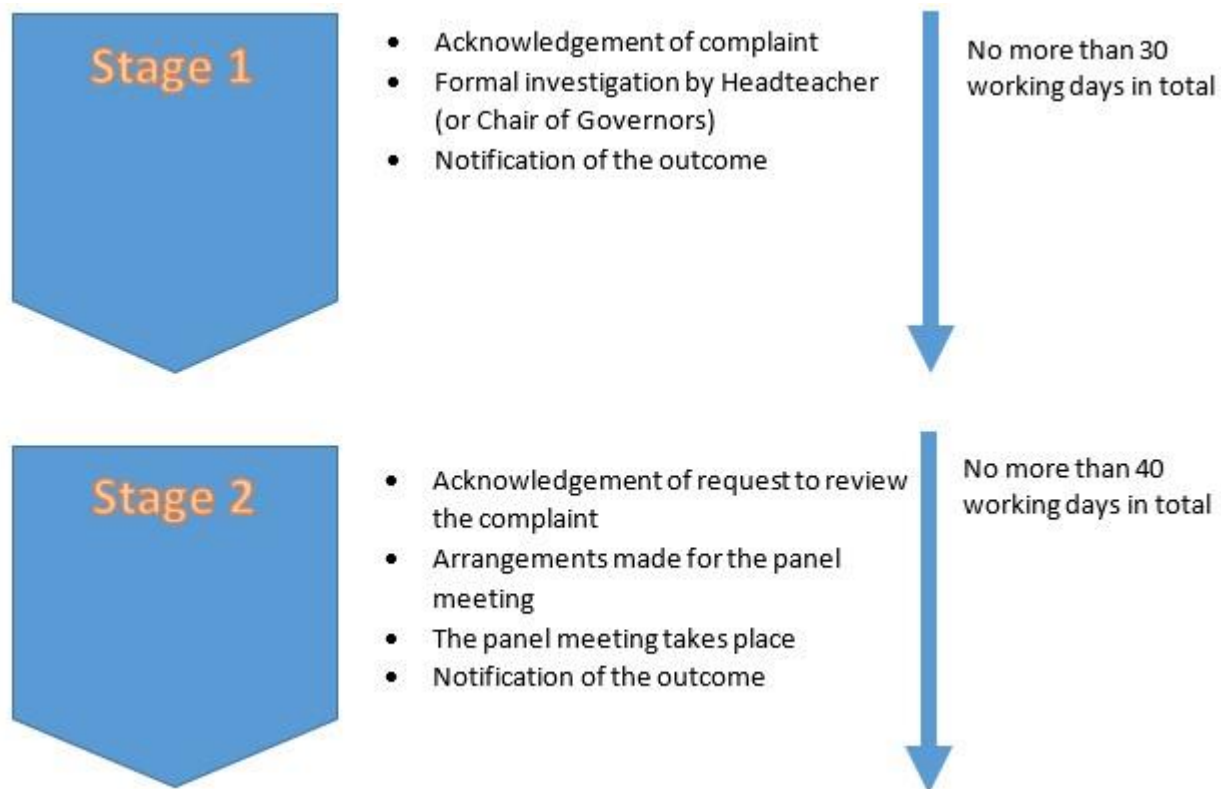
Complaints Policy - Timeline

Complaints Procedure

This formal Complaints Procedure may follow an **internal, informal investigation of a Concern** by a staff member that remains unresolved. 20 working days in total

The formal stages and timescale of the complaints procedure

There are two formal stages of the **complaints procedure** and the following diagram outlines the timescale for completion of the procedure.



- St. Matthew's C of E Primary School will endeavour to complete the formal stages of its complaints procedure in a timely manner and within the timescale for each stage that is referred to above.

However, if it becomes clear that for any reason St. Matthew's C of E Primary School is unable to meet the timescale for completing a stage of the procedure, the complainant will be advised of this immediately, along with the reason for the delay and the revised timescale.

- St. Matthew's C of E Primary School 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. What is meant by exceptional circumstances is where new evidence has come to light, where the complaint is of an especially serious matter or where there is reasonable justification for why the complainant has been unable to raise the complaint before this time.

The Head Teacher will review the situation and decide whether or not to enact the complaints procedure, informing the Chair of Governors of the decision.