



## **Old Oak Primary School**

### **Complaints Procedure**

September 2019

#### **1. Introduction**

Old Oak Primary School endeavours to provide the best education possible for all 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 Old Oak Primary School has agreed and adopted the following procedure which explains what you should do if you have any concerns about the School. Members of staff will be familiar with the procedure and will be able to assist you.

#### **2. 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 pupils, parents or members of the public, may make a complaint to Old Oak Primary School about any provision of facilities or services that we provide.

#### **3. 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'.

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. Old Oak Primary School takes concerns seriously and we will make every effort to resolve the matter as quickly as possible.

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, Old Oak Primary School will attempt to resolve the issue internally, through the stages outlined within this complaints procedure.

#### **4. How to raise a concern or make a complaint**

A concern or complaint can be made in person, in writing or by telephone. They may also be made by someone on your behalf, as long as they have your clear consent to do so.

The majority of concerns can be resolved without resorting to the Complaints Procedure. Where you have a concern about any aspect of the School or your child's education or wellbeing, raise this with your child's class teacher via phone or in person. Ideally, your child's class teacher will be able to address your concerns on the spot, or they can arrange a meeting with you to discuss the issue.

If the issue remains unresolved, the next step is to discuss it informally with a phase leader, or another member of the senior leadership team. If, following this, the issue remains unresolved, the next step is to make a formal complaint.

You 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 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 Board should be addressed to 'the Clerk to the Governing Board' via the school office. Please mark them as Private and Confidential.

For ease of use, a template complaint form is included at the end of this procedure to help clarify the issues of your concern. If you require help in completing the form, please contact the school office. You can also ask third party organisations like Citizens Advice [ <https://www.citizensadvice.org.uk/> ] to help you.

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

#### **5. Anonymous complaints**

We will not investigate anonymous concerns or complaints under this procedure.

#### **6. 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.

#### **7. 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.

## 8. Scope of this Complaints Procedure

This procedure covers all complaints about any provision of community facilities or services by Old Oak 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"> <li>Admissions to schools</li> <li>Statutory assessments of Special Educational Needs</li> <li>School re-organisation proposals</li> </ul>	<p>Concerns about admissions, statutory assessments of Special Educational Needs, or school re-organisation proposals should be raised with The London Borough of Hammersmith and Fulham. <a href="https://www.lbhf.gov.uk">https://www.lbhf.gov.uk</a></p>
<ul style="list-style-type: none"> <li>Matters likely to require a Child Protection Investigation</li> </ul>	<p>Complaints about child protection matters are handled under our Safeguarding and Child Protection Policy and in accordance with relevant statutory guidance.</p> <p>If you have serious concerns, you may wish to contact the Local Authority Designated Officer (LADO) who has local responsibility for safeguarding. <a href="https://www.lbhf.gov.uk/children-and-young-people/children-and-family-care/child-protection">https://www.lbhf.gov.uk/children-and-young-people/children-and-family-care/child-protection</a></p>
<ul style="list-style-type: none"> <li>Exclusion of children from school*</li> </ul> <p><i>*complaints about the application of the Behaviour Policy can be made through the School's Complaints Procedure.</i></p>	<p>Further information about raising concerns about exclusion can be found at: <a href="https://www.gov.uk/school-discipline-exclusions/exclusions">https://www.gov.uk/school-discipline-exclusions/exclusions</a>.</p>
<ul style="list-style-type: none"> <li>Whistleblowing</li> </ul>	<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 whistleblowers in education who do not want to raise matters direct with their employer. Referrals can be made at: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a>.</p> <p>Volunteers 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 Local Authority or the Department for Education (see link above), depending on the substance of your complaint.</p>
<ul style="list-style-type: none"> <li>Staff grievances</li> </ul>	<p>Complaints from staff will be dealt with under the School's internal grievance procedures.</p>
<ul style="list-style-type: none"> <li>Staff conduct</li> </ul>	<p>Complaints about staff will be dealt with under the School's internal disciplinary procedures, if appropriate.</p> <p>You will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, you will be notified that the matter is being addressed.</p>
<ul style="list-style-type: none"> <li>Complaints about services provided by other providers who may use school premises or facilities</li> </ul>	<p>Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct.</p>

• National Curriculum - content	Please contact the Department for Education at: <a href="https://www.education.gov.uk/contactus">https://www.education.gov.uk/contactus</a>
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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 you commence legal action against Old Oak Primary School in relation to your complaint, we will consider whether to suspend the Complaints Procedure in relation to your complaint until those legal proceedings have concluded.

## **9. Resolving complaints**

At each stage in the Procedure, Old Oak Primary School wants to resolve the complaint. 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 apology
- 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.

## **10. Withdrawal of a Complaint**

If you want to withdraw your complaint, we will ask you to confirm this in writing.

## **11. Social Media**

In order for complaints to be resolved as quickly and fairly as possible, Old Oak Primary School requests that you do not discuss complaints publicly via social media. Complaints will be dealt with confidentially for those involved, and we expect you to observe confidentiality also.

## **12. Complaints that result in staff capability or disciplinary**

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 Head Teacher and/or the individual's line manager, and any Governors involved in the proceedings. You are not entitled to participate in the proceedings or receive any detail about them.

## **13. FORMAL COMPLAINTS PROCEDURE - STAGE 1**

Formal complaints must be made via the school office. This can be done in writing, preferably on the 'Complaint Form' attached to this procedure, or in person, or by telephone. Please note:

- Formal 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.
- Formal 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.
- Formal complaints about the Chair of Governors, any individual governor or the whole Governing Board should be addressed to 'the Clerk to the Governing Board' via the school office. Please mark them as Private and Confidential.

As appropriate, the Head Teacher / Chair of Governors / Clerk to the Governing Board will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within 5 school days.

Within this response, they will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome you would like to see. They can consider whether a face-to-face meeting is the most appropriate way of doing this.

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.

During the investigation, the Head Teacher (or investigator) will:

- if necessary, interview those involved in the matter and/or those complained of.
- keep a written record of any meetings/interviews in relation to their investigation.

At the conclusion of the investigation, you will be sent a formal written response within 15 school days of the date of receipt of the complaint.

If we are unable to meet this deadline, we will provide you with an update and revised response date.

The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions Old Oak Primary School will take to resolve the complaint.

The investigator will advise you of how to escalate your complaint should you remain dissatisfied with the outcome of Stage 1.

If the complaint is:

- jointly about the Chair and Vice-Chair
- about the entire Governing Board or
- about the majority of the Governing Board

Stage 1 will be considered by an independent investigator appointed by the Governing Board. At the conclusion of their investigation, the independent investigator will provide a formal written response.

#### **14. FORMAL COMPLAINTS PROCEDURE - STAGE 2**

If you are dissatisfied with the outcome at Stage 1 and wish to take the matter further, you can escalate the complaint to Stage 2 – a meeting with members of the Governing Board’s Complaints Committee. This is the final stage of the Complaints Procedure.

A request to escalate to Stage 2 must be made to the Clerk of Governors, via the school office, within 5 school days of receipt of the Stage 1 response.

The Clerk will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within 5 school days.

Requests received outside of this time frame will only be considered if exceptional circumstances apply.

The Clerk will write to you to inform you of the date of the meeting. They will aim to convene a meeting within 20 school days of receipt of the Stage 2 request. If this is not possible, the Clerk will provide an anticipated date and keep you informed.

If you reject the offer of three proposed dates, without good reason, the Clerk will decide when to hold the meeting. It will then proceed in your absence on the basis of written submissions from both parties.

The Complaints Committee will consist of three non-staff governors with no prior involvement or knowledge of the complaint. Prior to the meeting, they will decide amongst themselves who will act as the Chair of the Complaints Committee. If fewer than three governors from Old Oak Primary School are available, the Clerk will endeavour to source any additional, independent governors through another local school or through the Local Authority Governor Services, in order to make up the Committee. Alternatively, an entirely independent committee may be convened to hear the complaint at Stage 2.

The Committee will decide whether to deal with the complaint by inviting parties to a meeting or through written representation.

If you are invited to attend the meeting, you may bring someone along to provide support. This can be a relative or friend. Legal representatives are not allowed to the committee meeting.

An exception to this is if a school employee is called as a witness in a complaint meeting, they may wish to be supported by a union and/or legal 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 them.*

Representatives from the media are not permitted to attend.

At least 7 school days before the meeting, the Clerk will:

- confirm and notify you of the date, time and venue of the meeting, ensuring that, if you are invited, the dates are convenient to all parties and that the venue and proceedings are accessible
- request copies of any further written material to be submitted to the Committee at least 7 school days before the meeting.

Any written material will be circulated to all parties at least 5 school days before the date of the meeting. The Committee will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

The Committee will also not review any new complaints at this stage or consider evidence unrelated to the initial complaint to be included. New complaints must be dealt with from Stage 1 of the Procedure.

The meeting will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless your own disability or special 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. If consent is given then we will also record the meeting.

The Committee will consider the complaint and all the evidence presented. The Committee 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 Committee 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.

The Chair of the Committee will provide you and Old Oak Primary School with a full explanation of the Committee's decision and the reason(s) for it, in writing, within 5 school days.

The letter to you will include details of how to contact the Department for Education if you are dissatisfied with the way your complaint has been handled by Old Oak Primary School.

If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire Governing Board or
- the majority of the Governing Board

Stage 2 will be heard by a committee of independent governors.

The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions Old Oak Primary School will take to resolve the complaint.

The response will also advise you of how to escalate your complaint should you remain dissatisfied.

## **15. Next Steps**

If you believe the School did not handle your complaint in accordance with the published Complaints Procedure or they acted unlawfully or unreasonably in the exercise of their duties under education law, you can contact the Department for Education after you have completed Stage 2.

The Department for Education will not normally reinvestigate the substance of complaints or overturn any decisions made by Old Oak Primary School. They will consider whether Old Oak Primary School has adhered to education legislation and any policies connected with the complaint.

You can refer your complaint to the Department for Education online at:

<https://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.

## 16. Roles and Responsibilities

### Complainant

You will receive a more effective response to the complaint if you:

- 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 publishing the details of your 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 those involved 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 you as appropriate to clarify what you feel 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 make a record of the meeting
- ensure that any papers produced during the investigation are kept securely pending any request for a formal escalation to Stage 2
- be mindful of the timescales to respond
- prepare a comprehensive report for the Head Teacher or Complaints Committee that sets out the facts, identifies solutions and recommends courses of action to resolve problems.
- ensure that you are fully updated at each stage of the procedure
- liaise with staff members, Head Teacher, Chair of Governors, Clerk and Local Authority (if appropriate) to ensure the smooth running of the Complaints Procedure
- be aware of issues regarding sharing third-party information or additional support. This may be needed by you when making a complaint including interpretation support or where you are a child or young person

We will then determine whether to uphold or dismiss the complaint and communicate that decision to you, providing the appropriate escalation details.

### Clerk to the Governing Board

The Clerk is the contact point for you and the Committee 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, and the Data Protection Act (DPA) 2018
- 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 your submissions) and send it to the parties in advance of the meeting within an agreed timescale
- minute the proceedings
- circulate the minutes of the meeting

### **Committee Chair**

The Committee 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
- you are put at ease if you may not be used to speaking at such a meeting. This is particularly important if you are a child/young person
- the remit of the Committee is explained to you
- 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
- 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 you and the School are given the opportunity to make your 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 Committee is open-minded and acts independently
- no member of the Committee 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
- they notify all parties of the Committee's decision.

### **Committee Member**

Committee 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 Committee 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 you. We recognise that you might not be satisfied with the outcome if the meeting does not find in your 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 children or young people do not feel intimidated.
- the welfare of children is paramount.

The Committee will respect the views of the child/young person and give them equal consideration to those of adults. The School will endeavour to adhere to the Common Principles for a Child Friendly Complaints Process published by the Children's Commissioner.

If a child/young person is the complainant, the Committee will ask in advance if any support is needed to help them present their complaint. If you are the child/young person's parent, the Committee will give you the opportunity to say which parts of the meeting, if any, your child needs to attend.

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

## **17. Serial and unreasonable complaints**

Where you raise an issue that has already been dealt with 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 you persist in raising the same issue, the Head Teacher or another appropriate person will write to you explaining that the matter has been dealt with fully in line with the school complaints procedure, and therefore the case is now closed. You will be provided with the contact details of the Department for Education (see the end of this document) if you wish to take the matter further.

Old Oak Primary School is committed to dealing with all complaints fairly and impartially, and to providing a high quality service to those who complain. We will not normally limit the contact you have with our 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. In some instances this may include contacting the Police to attend on site.

Old Oak Primary School defines unreasonable behaviour as that which hinders our consideration of complaints because of the frequency or nature of your contact with the School, such as, if you:

- a) refuse to articulate your complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance
- b) refuse to co-operate with the complaints investigation process
- c) refuse to accept that certain issues are not within the scope of the Complaints Procedure
- d) insist on the complaint being dealt with in ways which are incompatible with the Complaints Procedure or with good practice
- e) introduce trivial or irrelevant information which you expect to be taken into account and commented on
- f) raise large numbers of detailed but unimportant questions, and insist they are fully answered, often immediately and to your own timescales
- g) make unjustified complaints about staff who are trying to deal with the issues, and seek to have them replaced
- h) change the basis of the complaint as the investigation proceeds
- i) repeatedly make the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed)
- j) refuse to accept the findings of the investigation into that complaint where the School's Complaint Procedure has been fully and properly implemented and completed including referral to the Department for Education

- k) seek an unrealistic outcome
- l) make excessive demands on school time by frequent, lengthy and complicated contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with
- m) use threats to intimidate
- n) use abusive, offensive or discriminatory language or violence
- o) knowingly provide falsified information
- p) publish what we consider unacceptable information on social media or other public forums.

You should try to limit your communication with the School that relates to your complaint, while the complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text), as it could delay the outcome being reached.

Whenever possible, we will discuss any concerns with you informally before applying an 'unreasonable' marking.

If the behaviour continues, we will write to you explaining that your behaviour is unreasonable and ask you to change it. For complainants who excessively contact Old Oak Primary School, causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will be reviewed after six months.

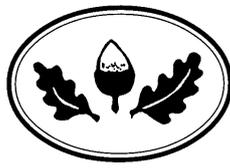
In response to any serious incident of aggression or violence, we will immediately inform the police and communicate our actions in writing. This may include barring an individual from the School site.

## **APPENDIX A**

### **Common Principles for a Child Friendly Complaints Process**

These principles have been developed based on the views, experiences and voices of children and young people, as well as discussions with professionals who have a responsibility for complaints.

1. All organisations working with children and young people should value and respect them, and develop positive and trusting relationships
2. All complaints from children and young people should be seen as positive, valuable service user feedback and considered from a safeguarding perspective
3. Children and young people should be involved in the development and implementation of the complaints process they may wish to use.
4. All children and young people should have access to information about complaints processes. This should be provided in a variety of formats, including online, and should be age appropriate and take account of any additional needs that a young person may have.
5. All children and young people should be able to make complaints in a variety of ways.
6. Written responses to complaints should be timely and where possible discussed with the young person. The young person should always be given an opportunity to provide feedback.
7. Staff should be well trained and have access to training in listening to, and dealing with, complaints from children and young people.
8. Children who need support to make a complaint should have access to an independent advocate.



### 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

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What action would you like to be taken to resolve the problem?

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

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Signed:	
Dated:	

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