



# St. Luke's Primary School

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**Learning and growing through the love of Christ.**

## Advice to parents/carers who have concerns about their child's education and welfare

St Luke's is an open and welcoming School. Parents/carers are encouraged to discuss with teachers any concerns they have regarding their child's work and progress. The Headteacher is willing to become involved in these discussions at any stage.

We believe in a system based on partnership between home and School, thus developing a greater understanding and a sharing of responsibility. Pupils/children receive a powerful message when they see home and School pulling in the same direction.

If you have concerns, please tell us. We welcome suggestions for improving our work in the School. We understand that a common fear is that our relationship with you and your child will be affected if you express dissatisfaction but this should not put you off raising matters of concern which we will endeavour to deal with promptly and fairly.

### 1. What to do first

Most concerns and complaints can be sorted out quickly by speaking to your child's teachers. The teacher/s will try to resolve issues informally. They will try to make sure they understand what you feel went wrong, and they will explain their own actions to you. They will also ask what you would like the School to do to put things right. The teachers will do their very best to understand your point of view as it will help both you and the School to be fully aware of all sides of the question. It may also help to prevent a similar issue arising again.

### 2. What to do next

Unfortunately, it is not always possible to resolve an issue. If remain dissatisfied with the teacher's response you can still raise your concerns with the Headteacher. It is helpful if you can put your concerns in writing to the Headteacher or you can make an appointment to discuss the issue. You may find it helpful at this stage to have a copy of the full Concerns and Complaints Policy as this explains in detail the procedures that are followed. This is available from the School Office. The Headteacher will ask to meet you to discuss the issue. You may take someone else with you if you wish. The Headteacher will fully investigate the complaint and may interview any members of staff or students involved. You will then receive a written response to your complaint which you may wish to discuss with the Headteacher.

### 3. If you are still unhappy

If you are still not satisfied, you can contact the Chair of Governors to ask for referral of your complaint to the Governing Body's Complaints Committee. It will then be heard by a group of three governors who have had no prior direct involvement with the issue and so will be able to give it fresh assessment. You will be invited to attend and speak to the Committee. The Concerns and Complaints Policy explains how these meetings operate.

### 4. Further Action

Concerns and complaints about the running of the School can usually be settled within the School but in exceptional cases it may be possible to refer the issue to an outside body. Again, this is explained within the Concerns and Complaints Policy.



# St Luke's CE Primary School

## CONCERNS AND COMPLAINTS POLICY

### Introduction

The Governing Body has established a complaints procedure for parents/carers to make complaints about all matters related to the School that are not covered under other statutory procedures. In addition, there may be circumstances in which parents/carers may complain or appeal if they consider that their rights have been ignored, a wrong decision taken or if their child is not being properly taught. Complaints can often arise from the consequences or perceived consequences of resource allocations, operational difficulties, working practices or individual actions.

### Underlying Principles

Complainants will be treated seriously and courteously and given time to be heard. It is important to the School that complainants have confidence in the procedures and know that their concerns will be impartially investigated.

Complainants will be advised at the earliest possible stage of:

- ❑ The scope, if any, for pursuing their complaint and the extent of the procedure for dealing with it;
- ❑ The way in which the complaint is likely to be handled.

Where there are established statutory or other procedures for dealing with a complaint, these will be followed. The Concerns and Complaints Policy does not cover those matters already provided for, such as:

- ❑ Admissions
- ❑ Curriculum
- ❑ Exclusions
- ❑ Special Educational Provision

Action under the Concerns and Complaints Policy may lead to action being initiated under other procedures. In such cases, the investigations under the Concerns and Complaints Policy will be suspended until action under other procedures (including appeals) has been concluded. The complainant will be advised that alternative action is being taken but will have to remain confidential until that procedure has been completed. They will also be told the likely delay in the final resolution of their complaint which will result.

### Definition of a Complaint

A complaint within the terms of the procedures described here is an expression of dissatisfaction verbally or in writing by parents/carers of students who attend the School. All complaints from parents/carers of students who attend the School will be investigated as such. After initial investigation of the complaint, a decision might be made to use the discipline, capability or other appropriate procedure against a member of staff.

Anonymous complaints are not normally considered under this procedure. They are usually disregarded unless the person making the complaint is prepared to substantiate it.

This policy outlines the informal and formal stages by which a complaint may be made against the School. At all stages the aim of the policy is to reach a mutual understanding of the issues so that improvements can be made where necessary. Where agreement cannot be reached, the aim of the procedure is to ensure that all parties are treated fairly.

The purpose of the policy is to resolve issues between the School and parents/carers and a range of approaches could be used to facilitate this. Every effort will be made at all stages to reach an agreed solution to the issue, for example by the use of mediation or conciliation between the School and parents/carers which may be considered at any time. The aim is to progress the matter for the good of the student, their parents/carers and the School. Prolonging a complaint longer than is necessary may be harmful to any or all parties involved.

## **1. Stage 1: Dealing with concerns and complaints informally**

### **1.1 Guidelines**

The vast majority of concerns and complaints can be resolved informally. There are many occasions where concerns are resolved straightaway through teachers, the School secretary or Headteacher, depending on whom the parents/carers first approach. Parents/carers must feel able to raise concerns with members of staff without formality, either in person, by telephone or in writing. On occasion it may be appropriate for someone to act on behalf of a parent/carer. At first it may be unclear whether a parent/carer is asking a question or expressing an opinion rather than making a complaint. A parent/carer may want a preliminary discussion about an issue to help decide whether they wish to take it further.

### **1.2 Procedures**

1.2.1 Parents/carers have an opportunity to discuss their concern with the appropriate member of staff who clarifies with the parent/carer the nature of the concern and reassures them that the School wants to hear about it. The member of staff may explain to the parent/carer how the situation arose. The member of staff will try to identify at this point what sort of outcome the parent/carer is looking for.

1.2.2 If the member of staff first contacted cannot deal immediately with the matter, they will make a clear note of the date, the name, and contact address or phone number of the complainant and give details to the Headteacher.

1.2.3 Where the concern relates to the Headteacher, the parent/carer should be advised to contact the Chair of Governors.

1.2.4 The member of staff dealing with the concern or complaint will ensure that the parent/carer is clear what action (if any) or monitoring of the situation has been agreed, putting this in writing only if this seems the best way of making things clear.

1.2.5 Where no satisfactory solution has been found within 10 working days, parents/carers are asked if they wish their concern to be considered further. If so, they are given clear information, both orally and in writing, about how to proceed and about any independent advice available to them.

## **2. Stage 2: Referral to the Headteacher for investigation**

### **2.1 Guidelines**

2.1.1 By now it will have become clear that the concern is a definite complaint. In some cases, the Headteacher will already have been involved in looking at the matter; in others it will be the Headteacher's first involvement. In either case, the Headteacher will use these guidelines to ensure consistency among cases, and to make sure that nothing happens at this stage that could make it difficult for later stages to proceed smoothly.

2.1.2 The Headteacher has the responsibility for the day-to-day running of the School, including responsibility for the implementation of a complaints system, including the decisions about their own involvement at the various stages. One of the reasons for having the various 'stages' in a complaints procedure is to reassure complainants that more than one person is hearing their complaint.

2.1.3 The Headteacher will make arrangements to ensure that their involvement will not predominate at every stage of a particular complaint. For example, arrangements may be made for other staff to deal with the concerns of parents/carers at Stage 1, while the Headteacher deals with contacts with parents/carers at Stage 2. Even at that

stage the Headteacher may designate another member of staff to collect some of the information from the various people involved.

## **2.2 Procedures**

- 2.2.1 Complaints should normally be in a written format. In exceptional cases the School will consider progressing an oral complaint where there are sufficient grounds to do so. The Headteacher will acknowledge the complaint orally or in writing within 3 working days of receiving the written complaint.
- 2.2.2 Schools should be sensitive to the needs of the parent/carer who may have literacy difficulties or for whom English is not their first language.
- 2.2.3 The acknowledgement will give a brief explanation of the School's complaints procedure and a target date for providing a response to the complaint. This will normally be within 10 working days. If this proves impossible, a letter will be sent explaining the reason for the delay and giving a revised target date.
- 2.2.5 The Headteacher will provide an opportunity for the complainant to meet him or her to supplement any information provided previously. It will be made clear to the complainant that if they wish, they may be accompanied to any meeting by someone who can speak on their behalf, and that interpreting facilities are available if needed.
- 2.2.6 If necessary, the Headteacher will interview witnesses and take statements from those involved. If the complaint centres on a student, the student should also be interviewed. In some circumstances, another member of staff with whom the student feels comfortable will be asked to attend. In some circumstances and taking into account the nature of the complaint, it may be appropriate to invite a parent/carer to be present when the Headteacher interviews a student. The Headteacher will keep written records of meetings, telephone conversations and other documentation.
- 2.2.7 Once all the relevant facts have been established, the Headteacher will then produce a written response to the complainant, and/or may wish to meet the complainant to discuss/resolve the matter directly. A written response will include a full explanation of the decision and the reasons for it. Where appropriate, this will include what action the School will take to resolve the complaint. If any action is to be taken against a member of staff, to protect the rights of the staff concerned, the phrase "appropriate action has or will be taken" should be used.
- 2.2.8 The complainant will be advised that should they wish to take the complaint further they should notify the Clerk to the Governors within 10 working days of receiving the outcome letter.
- 2.2.9 If a complaint is against the action of the Headteacher, or if the Headteacher has been very closely involved at Stage 1, the Chair of Governors should carry out the Stage 2 procedures.

## **3. Stage 3: Review by the Governing Body**

### **3.1 Guidelines**

- 3.1.1 Complaints should only rarely reach this formal level. The School should seek advice from the Local Authority as this can provide a useful outside view on the issues. It is important that this appeal should not only be independent and impartial on behalf of the Governing Body, but that it is seen to be so. As such, the appeal should be dealt with by governors who have had no prior direct involvement with the issue.
- 3.1.2 Complaint appeals should normally be in written format. In exceptional cases the School will consider progressing an oral complaint appeal where there are sufficient grounds to do so. This complaint should state clearly why the complainant feels their case has not been dealt with and should be based on evidence or supported by witness statements.
- 3.1.3 All complaints which reach this stage will have done so because the complainant has not been satisfied by the Headteacher's response at the earlier stage of the procedure or the original investigation by the Chair of Governors if the complaint had been about the Headteacher.

3.1.4 In the unlikely event of students needing to be interviewed, a single governor should interview the student, after gaining permission from the parent/carer. The parent/carer should be invited to attend but if they are unable, parents/carers may nominate a member of staff to accompany the student.

## Procedures

3.2.1 Upon receipt of a written request by the complainant for the complaint to proceed to Stage 3, the procedures outlined below will be followed:

1. The Clerk to the Governors will write to the complainant to acknowledge receipt of the written request.
2. The acknowledgement will inform the complainant that the complaint will be investigated by the Chair of Governors or three members of the School's Governing Body's Complaints Committee, as appropriate, within 20 working days of receiving the request.
3. The letter will ask the complainant to say why they remain dissatisfied with the School's response and how they would like to see the matter resolved.
4. The letter will also explain that the complainant has the right to submit any further documents relevant to the complaint, which must be received in time for them to be sent to the three members.

3.2.2 The Chair of Governors will convene a Complaints Committee from members of the Governing Body. The Committee members will be governors who have had no prior direct involvement with the issue. They will be sensitive to issues of race, gender and religious affiliation. Generally, it is not appropriate for the Headteacher or staff to have a place on the Complaints Committee. The make-up of the Complaints Committee should, if possible, reflect the three categories of Local Authority governors, parent governors and foundation governors.

3.2.3 The Chair will ensure that the Committee hears the complaint within 20 School working days of receiving the request. All relevant correspondence regarding the complaint will be given to each Committee member as soon as the composition of the Committee is confirmed.

3.2.4 The Clerk to the Governors will write and inform the complainant, the Headteacher, any relevant witnesses and members of the Committee at least 10 School working days in advance, of the date, time and place of the meeting. The details of the complaint available at that time will also be sent in writing to the Headteacher.

3.2.5 The notification to the complainant should also inform them of the right to be accompanied to the meeting by someone else. The letter will also explain how the meeting will be conducted and the complainant's right to submit further written evidence to the Committee at least 5 School working days in advance of the meeting. The Chair of Governors will invite the Headteacher to attend the Committee meeting and prepare a written report for the Committee in response to the complaint.

3.2.6 The Headteacher may also invite members of staff directly involved in matters raised by the complainant to respond in writing or at the discretion of the Chair to attend the meeting. All concerned, including the complainant, will receive any relevant documents including the Headteacher's report, at least 5 School working days in advance of the meeting.

3.2.7 The Chair of the Committee should ensure that arrangements are made for the meeting to be properly minuted. Any minutes of the meeting remain confidential to the Governing Body.

3.2.8 The aim of the Committee meeting will be to resolve the complaint and achieve reconciliation between the School and the complainant. However, it has to be recognised that sometimes it may only be possible to establish facts and make recommendations, which will satisfy the complainant that their complaint has at least been taken seriously.

3.2.9 The Committee should remember that some parents/carers are unused to dealing with groups of people in formal situations and may feel inhibited when speaking to the Committee. The Chair of the Committee will therefore ensure that the proceedings are as informal as the situation allows.

3.2.10 If anyone wishes to introduce previously undisclosed evidence or witnesses, it may be in the interests of natural justice to adjourn the meeting so that other people involved have time to consider and respond to the new evidence.

- 3.2.11 At Stage 3 the complainant and the Headteacher and any other staff should be interviewed separately, so that the Committee can form a clear and unbiased view of the complaint. The interviews should allow:
- ❑ the complainant to explain their complaint;
  - ❑ the Headteacher to explain the School's response;
  - ❑ the Complaints Committee members to have an opportunity to question both the complainant and the Headteacher;
  - ❑ all involved to have the right to call witnesses (subject to the approval of the Chair), and the Committee to have the right to question all the witnesses;
  - ❑ both parents/carers and the Headteacher and staff to have the right of representation at the interview if they so wish.
- 3.2.12 The Chair of the Committee will explain to the complainant and the Headteacher that the Committee will consider its decision, and a written response will be sent to both parties within 15 working days.
- 3.2.13 The Committee will then consider the complaint and all the evidence presented and
- a) reach a unanimous, or at least a majority decision on the complaint;
  - b) decide upon the appropriate action to be taken to resolve the complaint;
  - c) where appropriate, suggest recommended changes to the School's systems or procedures to ensure that issues of a similar nature do not happen again.
- 3.2.14 The decision is likely to fall into one of three categories:
- to uphold the complaint in full (where the Committee decides that the parent/carer's complaint is justified);
  - to uphold the complaint in part (where the Committee decides that the parent/carer's complaint is in part justified);
  - to dismiss the complaint in full (where the Committee decides that the parent/carer's complaint is not justified).
- 3.2.15 Recommendations will be reported to the Governing Body at an appropriate time.
- 3.2.16 A written statement outlining the decision of the Committee and the reasons for reaching that decision will be sent by the Clerk to the Governors to the complainant and copied to the Headteacher. If any action is to be taken against a member of staff, to protect the rights of the staff concerned, only the phrase "appropriate action has or will be taken" should be used. The letter to the complainant will explain whether a further appeal can be made, and if so, to whom.
- 3.2.17 The Clerk to the Governors will keep a copy of all correspondence and notes on file. These records will be kept separately from the student's personal records.

#### **4. Stage 4: Beyond the School**

##### **4.1 Westminster Local Authority**

If the complainant is still unhappy after having followed the procedures identified in Stages 1-3 they can contact the Local Authority who will look into the matter to ensure that the complaint has been dealt with according to this Concerns and Complaints Policy.

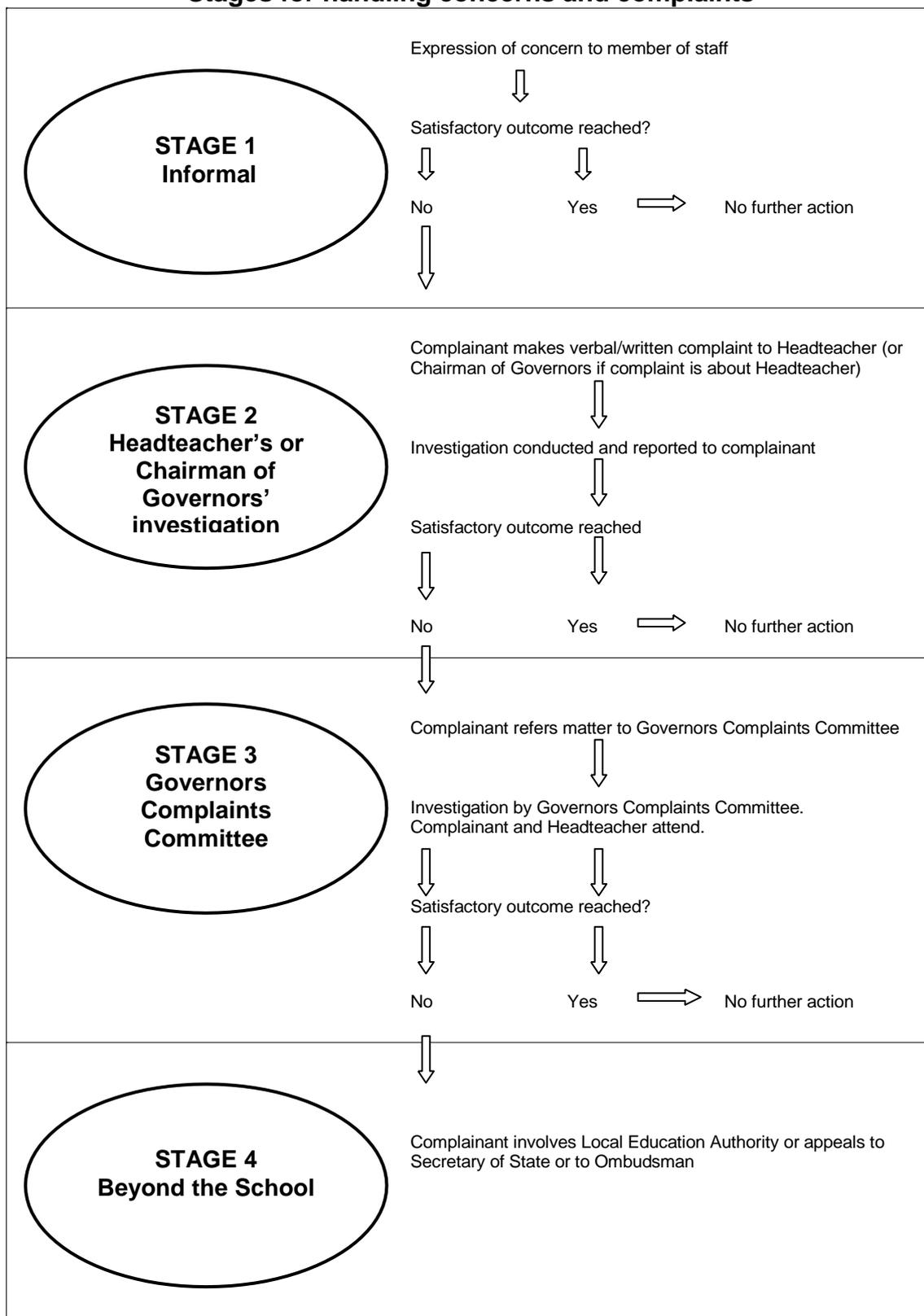
##### **4.1 The Secretary of State**

Complaints can be made to the Secretary of State for Education and Employment under Section 496 of the Education Act 1996, on the grounds that the Governing Body or the Local Authority is acting or proposing to act unreasonably, or under Section 497 of the same Act, on the grounds that either the Governing Body or the Local Authority has failed to discharge its duties under the Act. The Secretary of State may contact the Governing Body or the Local Authority for more information in order to consider the complaint.

#### 4.2 The Local Government Ombudsman

Complaints about the maladministration of Local Authority services including the way it operates any general complaint procedure may be made to the Ombudsman. **However, the Ombudsman does not look at internal School management matters** and usually expects that thorough attention has been given to a complaint locally before investigation by the Ombudsman.

## Stages for handling concerns and complaints



### 5. Vexatious complaints

We will do all we can to help to resolve a complaint against the school but sometimes it is simply not possible to meet all of the complainant's wishes. Sometimes it is simply a case of "agreeing to disagree". If a complainant persists in making representations to the school – to the headteacher, designated governor, chair of governors or anyone else – this can be extremely time-consuming and can detract from our responsibility to look after the interests of all the children in our care.

For this reason, we are entitled to close correspondence (including personal approaches, as well as letters and telephone calls) on persistent complainants where we feel that we have taken all reasonable action to resolve the complaint, or where we feel that there is harassment.

### **5.1. Who is a persistent complainant?**

A persistent complainant is a parent/carer or member of the public who complains about issues, either formally or informally, or frequently raises issues that the complainant considers to be within the remit of the School and whose behaviour is unreasonable. Such behaviour may be characterised by:

- actions which are obsessive, persistent, harassing, prolific, repetitious and/or
- prolific correspondence or excessive e-mail or telephone contact about a concern or complaint
- an insistence upon pursuing unmeritorious complaints and/or unreasonable outcomes
- an insistence upon pursuing meritorious complaints in an unreasonable manner

### **5.2. Harassment**

The chair of governors will also close correspondence where there is the unreasonable pursuit of such actions that:

- appear to be targeted over a significant period of time on one or more members of school staff
- cause ongoing distress to individual member(s) of school staff SP Policy - Complaints 2015 - 2017 5 of 7 06/10/2015
- have a significant adverse effect on the whole/parts of the school community

Last reviewed: Spring 2017

Date of next review: Spring 2019