Complaints Policy

Safeguarding Statement

West Heath Primary will continuously strive to ensure that everyone in our school is treated with respect and dignity. Each person in our school will be given fair and equal opportunity to develop their full potential with positive regard to gender, ethnicity, cultural and religious background, sexuality or disability. West Heath Primary School is committed to safeguarding and promoting the welfare of children and young people, and expects all staff to share this commitment. Please also refer to the

No Platform, Visiting Speaker Policy.

Owner	Full Governing Body
Date of review	September 2020
Date of next review	September 2023

West Heath Primary School Complaints Procedure

Approved by the Governing Board (GB) 6th April 2017

1. Introduction

All Schools are legally required to have a procedure in place to deal with complaints relating to the school. The Governing Board of West Heath Primary School has approved the following procedure which explains what you should do if you have concerns or wish to make a complaint and how your complaint will be dealt with. The School intends for all concerns or complaints to be dealt with:

- fairly;
- openly; and
- promptly;

This procedure applies to all concerns or complaints, except for those which relate to:

- School Admissions;
- Statutory Assessments of Special Educational Needs(SEN);
- Child Protection and Safeguarding procedures;
- Pupil exclusions;
- Staff grievances, capability or disciplinary procedures;
- Complaints about services provided from the School's premises by other organisations;
- Whistleblowing; or
- Subject Access Requests and Freedom of Information Requests.

You can access policies relating to the above matters on the School's website or ask for a copy from the School, or by contacting the other organisation which operates a service on the School premises.

2. Resolving Concerns Informally

It is in everyone's interest that concerns are resolved at the earliest possible stage, before they become formal complaints. Many issues can be resolved informally, without the need to invoke formal procedures.

The School encourages anyone with a concern to address it informally by contacting the School office or by raising it with their child's class teacher, or their manager, in the first instance. We hope that they will either be able to address the concern on the spot, or they will be able to arrange to discuss it further at a mutually convenient time. The Head Teacher and Chair of the Governing Board will not routinely be involved in resolving informal concerns but, in exceptional circumstances, appointments can be made with them by contacting the School. It will be for the Head Teacher and/or Chair of the Governing Board, to determine if the circumstances are exceptional and if it is therefore appropriate for them to become involved at the informal stage.

3. Observing Confidentiality

Where possible complaints will be dealt with confidentially and, where the Governing Board is involved, we will avoid sharing details of the complaint with the whole Governing Board except

in very general terms. We would also ask you to observe confidentiality and not discuss complaints publically, or via social media.
The School maintains a centrally held record of formal complaint forms (see 6 A) and documentation referred to as part of the complaints process. You have a right to request copies in accordance with the School's policy on dealing with Data Protection Act and Freedom of Information Act requests.

4. Safeguarding

Wherever a complaint indicates that a child's wellbeing or safety is at risk, the School is under a duty to report this immediately in accordance with the School's Safeguarding Policy which is available on the School's website.

5. Timescales

The School will endeavour to abide by timescales stated under each stage of the process below. Sometimes, due to the nature or complexity of the complaint, the School may need to set different timescales in which case you will be notified of the date that the School will respond and you will be kept informed of progress throughout.

The School will not investigate complaints that have been made more than three months after the event that led to the complaint, except in exceptional circumstances. If a complaint is received outside that time frame the Head Teacher or the Chair of the Governing Board will decide whether the circumstances warrant the complaint being investigated.

6. The Complaints Process

6 A. Submitting the Complaint

If you want to make **a formal complaint** you should complete and submit a formal complaints form **(Appendix A).** If you would like to raise your complaint via another method, i.e. verbally or in person, please contact the School office.

All sections of the complaint form should be completed before it is returned to the School office. Receipt of the submitted complaint form will be acknowledged in writing within 10 School days (i.e. days which are not weekends, bank holidays or do not fall in the school holidays), and, will confirm the name of the person who will investigate your complaint.

If the complaint is about the Head Teacher it will be referred to the Chair of the Governing Board. If your complaint is regarding a member of the Governing Board then it will be referred to the Clerk to the Governing Board. In such cases the Clerk will seek advice before referring the complaint to an appropriate member of the Governing Board.

6 B. Investigating the complaint

As part of their investigation, the person investigating your complaint may contact you, and any other person that they consider necessary, in order to consider the issues raised in the complaint.

The person investigating your complaint will also review any documentation provided in support of your complaint, and will review any other documentation that they consider relevant. It may be necessary for the person investigating to request further information or documents from you, or from others, before the investigation can continue.

After considering the available evidence, the person who investigated your complaint will decide that either:

1) The complaint is upheld, in which case they will decide upon the action that the School is willing to take to resolve the matter;

2) That the complaint is not upheld; or

3) That the complaint is partially upheld in which case they will decide upon the action that the School is willing to take resolve the upheld part of the complaint.

You will receive either an update or notification of the decision and an explanation of the reasons for it in writing within 20 School days of the date of the letter which acknowledged receipt of your complaint form. Updates will explain why the investigation is still on-going (e.g. because further documents have been requested) and estimate when the investigation is expected to conclude. The written notification will also explain how you can request a review of the decision you if you are dissatisfied with the response.

6 C. Reviewing the Decision

If you are dissatisfied with the decision made at stage 6B then you can ask for a Governing Board panel (the Panel) to review it by completing the review form at **Appendix B** and submitting it to "The C*lerk's - c/o the School address"* within 20 school days of the date of the decision letter. If you would like to ask for a review via another method, i.e. verbally or in person please contact the school office.

If you believe that the panel is likely to be biased during the review then you have the right to request that the panel members are independent of the Governing Board. Your request and the reasons for it will be considered, but the Governing Board does not have to agree to your request

An acknowledgment of your review request will be sent within 5 School days informing you of the date and time that the Panel intends to review the complaint. The meeting will be held within 20 school days from the date of the acknowledgment letter.
The following parties will be invited to attend the review meeting:

- You, i.e. the complainant;
- the person/people who made the decision at stage 6B; and
- any other relevant parties identified by the Panel e.g. witnesses.

You are entitled to bring a friend or colleague to the review meeting. If the subject of the complaint is a member of staff then they will be invited to attend and can bring a friend or colleague. You should notify the Panel if you intend to bring someone to speak on your behalf.

The Panel does not usually consider it necessary for legal representatives to be present at the meeting. If you intend to bring a legal representative to any review meeting, you should notify the Panel at least 5 school days in advance of the meeting date, as well as provide a clear explanation for why you believe a legal representative should attend. The Panel will consider and respond to your request, but has absolute discretion to refuse attendance by legal representatives if it considers this appropriate.

The Panel determines the procedure followed at the review meeting. In doing so it shall refer to the description of role and responsibilities of the Complainant, Clerk to the Panel, Chair of the Panel and Panel members as it is set out in the Department for Education (DfE) best practice advice for School Complaints Procedures.

The Panel will consider the relevant information and representations made before deciding whether the decision made at stage B:

1) Is upheld, in which case they will decide upon the action that the School should take to resolve the matter;

2) Is not upheld; or

3) Is partially upheld in which case they will decide upon the action that the School should to take resolve the upheld part of the complaint.

The Clerk to the Panel will write to you and the School's Senior Management Team explaining the Panel's decision within 10 School days of the meeting.

This is the final stage in the School's internal complaints procedure. If the same issues are raised with the School following the Panel review, the School will only re-consider these points in exceptional circumstances, for example where new evidence has come to light.

The School follows the advice published by the DfE on dealing with serial and persistent complainants.

7. Escalating the complaint beyond the School

If, having completed the complaints process, you remain dissatisfied with the School's response you may wish to refer your complaint to:

- The Local Authority. Note that the Local Authority will only consider the process followed by the School in line with this published complaints procedure, and not the substance of the complaint or the reasonableness of the decision made by the School, unless it finds compelling reason to do so.

- Ofsted, who can consider complaints about the School as a whole, but not complaints about individual pupils.

8. Queries that relate to this Complaints Procedure

If you have any questions about this complaints procedure, please contact the School.

9. Relevant legislation and guidance

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

- *Best Practice advice for school complaints procedures* *https://www.gov.uk/government/publications/school-complaints-procedures*

- *Section 29 of the Education Act 2002* *http://www.legislation.gov.uk/ukpga/2002/32/contents >*

Signed

Chair of the Governing Board

Date: **Review Date**: April 2019

West Heath Primary School Formal Complaint Form **Appendix A**

If you wish to make a formal complaint please complete this form and return it to the school.

Your Name	
Your address	
Contact telephone day/mobile number	
Contact email address	
Name of pupil, year group and your relationship to them (where applicable)	
Details of the complaint (You need to provide an overview of the complaint so far, who has been involved, why the complaint remains unresolved).	
Action taken so far (including staff member who has dealt with it.) or solutions offered	
The reason that this was not a satisfactory resolution for you	

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

Signed: Date:

Please return this form to: Head Teacher West Heath Primary School

Official use
Date received:

West Heath Primary School Complaint Review Request Form **Appendix B**

If you wish to request a review of the decision made in respect of your complaint please complete this form and return it to the school

Your Name	
Your address	
Contact telephone number/mobile number	
Contact email address	
When did you submit your formal complaint?	
Why are you dissatisfied by the decision made in respect of your complaint? *You may continue on a separate piece of paper or attach additional documents.*	
Continued overleaf)	
What actions would you like to be taken to resolve your complaint at this stage?	

Signed: Date:

Please return this form to: Headteacher West Heath Primary School

Official use

Date received: